

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2172

Introduced by

Senators G. Lee, Tollefson, Triplett

Representatives Belter, Froelich, Klemin

1 A BILL for an Act to amend and reenact subsection 20 of section 57-02-08 of the North Dakota
2 Century Code, relating to the homestead property tax exemption for disabled veterans; to
3 provide an effective date; and to provide an expiration date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 20 of section 57-02-08 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 20. Fixtures, buildings, and improvements up to the amount of valuation specified,
8 when owned and occupied as a homestead, as hereinafter defined, by any of the
9 following persons:

10 a. A paraplegic disabled veteran of the United States armed forces or any
11 veteran who has been awarded specially adapted housing by the veterans'
12 administration, or the unremarried surviving spouse if such veteran is
13 deceased.

14 b. A disabled veteran of the United States armed forces who was discharged
15 under honorable conditions or who has been retired from the armed forces of
16 the United States with an armed forces service-connected disability of fifty
17 percent or greater, or the unremarried surviving spouse if the veteran is
18 deceased, ~~if the income of the veteran and the spouse, or if the veteran is~~
19 ~~deceased the income of the unremarried surviving spouse, in the calendar~~
20 ~~year prior to the year for which the exemption is claimed did not exceed the~~
21 ~~maximum amount of income provided in section 57-02-08.1 for receiving a~~
22 ~~homestead credit under that section exclusive of any compensation or~~
23 ~~pension for service-connected disability from the United States government.~~

1 c. Any permanently and totally disabled person who is permanently confined to
2 use of a wheelchair, or, if deceased, the unremarried surviving spouse of a
3 permanently and totally disabled person. If the spouse of a permanently and
4 totally disabled person owns the homestead or if it is jointly owned by them,
5 the same reduction in assessed valuation applies as long as both reside
6 thereon. The provisions of this subdivision do not reduce the liability for
7 special assessments levied upon the homestead. The phrase "permanently
8 confined to use of a wheelchair" means that the person cannot walk with the
9 assistance of crutches or any other device and will never be able to do so and
10 that a physician selected by the local governing board has so certified.

11 Any person claiming an exemption under this subsection for the first time
12 shall file with the county auditor an affidavit showing the facts herein required and
13 a description of the property and, in addition, a disabled veteran claiming
14 exemption under subdivision b shall also file with the affidavit a certificate from the
15 United States veterans' administration, or its successors, certifying to the amount
16 of the disability;~~the.~~ The affidavit and certificate must be open for public
17 inspection. Any person shall thereafter furnish to the assessor or other
18 assessment officials when requested to do so any information which is believed
19 will support the claim for exemption for any subsequent year.

20 For purposes of this subsection, "homestead" has the meaning provided in
21 section 47-18-01 except that it also applies to any person who otherwise qualifies
22 under the provisions of this subsection whether or not the person is the head of a
23 family. The board of county commissioners is hereby authorized to cancel the
24 unpaid taxes for any year in which the veteran has held title to the exempt
25 property.

26 **SECTION 2. EFFECTIVE DATE - EXPIRATION DATE.** This Act is effective for the
27 first two taxable years beginning after December 31, 2006, and is thereafter ineffective.