

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2213

Introduced by

Senators Dever, Marcellais

Representatives Bellew, Heinert

1 A BILL for an Act to amend and reenact section 57-02-08.8 of the North Dakota Century Code,
2 relating to the property tax credit for disabled veterans; and to provide an effective date.

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

4 **SECTION 1. AMENDMENT.** Section 57-02-08.8 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **57-02-08.8. Property tax credit for disabled veterans - Certification - Distribution.**

- 7 1. A disabled veteran of the United States armed forces with an armed forces
8 service-connected disability of fifty percent or greater or a disabled veteran who has
9 an extra-schedular rating to include individual unemployability that brings the veteran's
10 total disability rating to one hundred percent as determined by the department of
11 veterans' affairs, who was discharged under honorable conditions or who has been
12 retired from the armed forces of the United States, or the unremarried surviving
13 spouse if the disabled veteran is deceased, is eligible for a credit applied against the
14 first ~~six thousand seven hundred fifty~~nine thousand dollars of taxable valuation of the
15 homestead owned and occupied by the disabled veteran or unremarried surviving
16 spouse equal to the percentage of the disabled veteran's disability compensation
17 rating for service-connected disabilities as certified by the department of veterans'
18 affairs for the purpose of applying for a property tax credit. An unremarried surviving
19 spouse who is receiving department of veterans' affairs dependency and indemnity
20 compensation receives a one hundred percent credit as described in this subsection.
21 2. If two disabled veterans are married to each other and living together, their combined
22 credits may not exceed one hundred percent of ~~six thousand seven hundred fifty~~nine
23 thousand dollars of taxable valuation of the homestead. If a disabled veteran co-owns
24 the homestead property with someone other than the disabled veteran's spouse, the

1 credit is limited to that disabled veteran's interest in the homestead, to a maximum
2 amount calculated by multiplying ~~six thousand seven hundred fifty~~nine thousand
3 dollars of taxable valuation by the disabled veteran's percentage of interest in the
4 homestead property and multiplying the result by the applicant's certified disability
5 percentage.

6 3. A disabled veteran or unremarried surviving spouse claiming a credit under this
7 section for the first time shall file with the county auditor an affidavit showing the facts
8 herein required under this section, a description of the property, and a certificate from
9 the United States department of veterans' affairs, or its successor, certifying to the
10 amount of the disability. The affidavit and certificate must be open for public
11 inspection. A person shall thereafter furnish to the assessor or other assessment
12 officials, when requested to do so, any information which ~~is believed will~~
13 ~~support~~supports the claim for credit for any subsequent year.

14 4. For purposes of this section, and except as otherwise provided in this section,
15 "homestead" has the meaning provided in section 47-18-01 except that it also applies
16 to a person who otherwise qualifies under the provisions of this section whether the
17 person is the head of the family.

18 5. This section does not reduce the liability of a person for special assessments levied
19 upon property.

20 6. A credit under this section terminates at the end of the taxable year of the death of the
21 applicant.

22 7. The board of county commissioners may cancel the portion of unpaid taxes that
23 represents the credit calculated in accordance with this section for any year in which
24 the qualifying owner has held title to the homestead property. Cancellation of taxes for
25 any year before enactment of this section must be based on the law that was in effect
26 for that tax year.

27 8. Before the first of March of each year, the county auditor of each county shall certify to
28 the tax commissioner on forms prescribed by the tax commissioner the name and
29 address of each person for whom the property tax credit for homesteads of disabled
30 veterans was allowed for the preceding year, the amount of credit allowed, the total of
31 the tax mill rates of all taxing districts, exclusive of any state mill rates, that was

1 applied to other real estate in the taxing districts for the preceding year, and such other
2 information as may be prescribed by the tax commissioner.

3 9. On or before the first of June of each year, the tax commissioner shall audit the
4 certifications, make the required corrections, and certify to the state treasurer for
5 payment to each county the sum of the amounts computed by multiplying the credit
6 allowed for each homestead of a disabled veteran in the county by the total of the tax
7 mill rates, exclusive of any state mill rates that were applied to other real estate in the
8 taxing districts for the preceding year.

9 10. The county treasurer upon receipt of the payment from the state treasurer shall
10 apportion and distribute the payment without delay to the county and to the local
11 taxing districts of the county on the basis on which the general real estate tax for the
12 preceding year is apportioned and distributed.

13 11. On or before the first day of June of each year, the tax commissioner shall certify to
14 the state treasurer the amount computed by multiplying the property tax credit allowed
15 under this section for homesteads of disabled veterans in the state for the preceding
16 year by one mill for deposit in the state medical center fund.

17 12. Supplemental certifications by the county auditor and by the tax commissioner and
18 supplemental payments by the state treasurer may be made after the dates prescribed
19 in this section to make such corrections as may be necessary because of errors or
20 because of approval of an application for abatement filed by a person because the
21 credit provided for the homestead of a disabled veteran was not allowed in whole or in
22 part.

23 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
24 December 31, 2020.