

**HOUSE BILL NO. 1180**

Introduced by

Representatives Pyle, Dockter, Frelich, Tveit, Vollmer

Senators Dever, Roers

1 A BILL for an Act to amend and reenact subsection 1 of section 15-10-18.2, subsection 2 of  
2 section 37-19.1-03, subdivision j of subsection 2 of section 39-04-18, subsection 1 of section  
3 57-02-08.8, and subsection 1 of section 57-40.3-04 of the North Dakota Century Code, relating  
4 to eligibility for certain veteran earned benefits; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 15-10-18.2 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 1. "Dependent" for purposes of section 15-10-18.3 means:

- 9 a. A child, stepchild, spouse, widow, or widower of a resident veteran, as "veteran"  
10 is defined in section 37-01-40, who was killed in action or died from wounds or  
11 other service-connected causes, has a one hundred percent service-connected  
12 disability as determined by the department of veterans' affairs, has an  
13 extra-schedular rating to include individual unemployability that brings which  
14 results in the veteran's total disability rating to veteran being paid at the one  
15 hundred percent rate as determined by the department of veterans' affairs, died  
16 from service-connected disabilities, was a prisoner of war, or was declared  
17 missing in action;
- 18 b. A child, stepchild, spouse, widow, or widower of a veteran, as defined in section  
19 37-01-40, who was killed in action or died from wounds or other service-  
20 connected causes, has a one hundred percent service-connected disability as  
21 determined by the department of veterans' affairs, has an extra-schedular rating  
22 to include individual unemployability that brings which results in the veteran's total  
23 disability rating to veteran being paid at the one hundred percent rate as  
24 determined by the department of veterans' affairs, died from service-connected

1 disabilities, was a prisoner of war, or was declared missing in action, provided the  
2 spouse, widow, or widower, or the child's or stepchild's other parent, has been a  
3 resident of this state and was a resident of this state at the time of death or  
4 determination of total disability of the veteran;

5 c. A child, stepchild, spouse, widow, or widower of a veteran, as defined in section  
6 37-01-40, who was killed in action or died from wounds or other service-  
7 connected causes, has a one hundred percent service-connected disability as  
8 determined by the department of veterans' affairs, has an extra-schedular rating  
9 to include individual unemployability ~~that brings~~ which results in the veteran's total  
10 ~~disability rating to~~ veteran being paid at the one hundred percent rate as  
11 determined by the department of veterans' affairs, died from service-connected  
12 disabilities, was a prisoner of war, or was declared missing in action, provided the  
13 spouse, widow, or widower, or the child's or stepchild's other parent, establishes  
14 residency in this state and maintains that residency for a period of five years  
15 immediately preceding the spouse's, widow's, widower's, child's, or stepchild's  
16 enrollment at an institution under the control of the state board of higher  
17 education; or

18 d. A widow or widower of a veteran, as defined in section 37-01-40, who is receiving  
19 United States department of veterans affairs dependency and indemnity  
20 compensation and satisfies the residency requirement in subdivision a, b, or c.  
21 For purposes of this subdivision, sufficient proof of receipt of United States  
22 department of veterans affairs dependency and indemnity compensation includes  
23 correspondence directed to a qualifying veteran's widow or widower by the  
24 United States department of veterans affairs which indicates the widow or  
25 widower is a survivor of the qualifying veteran and is in receipt of United States  
26 department of veterans affairs dependency and indemnity compensation.

27 For purposes of this subsection, if the determination of disability or service-connected  
28 death occurs subsequent to the qualifying veteran's death through application of a law  
29 that renders a surviving spouse of a qualifying veteran eligible for United States  
30 department of veterans' affairs disability and indemnity compensation, the

1 determination for purposes of qualification as a dependent under this subsection is  
2 presumed to precede the veteran's death.

3 **SECTION 2. AMENDMENT.** Subsection 2 of section 37-19.1-03 of the North Dakota  
4 Century Code is amended and reenacted as follows:

5 2. The spouse of a disabled veteran, who has a one hundred percent service-connected  
6 disability as determined by the department of veterans' affairs, or who has an  
7 extra-schedular rating to include individual unemployability ~~that brings~~which results in  
8 ~~the veteran's total disability rating to veteran being paid at the one hundred percent~~  
9 rate as determined by the department of veterans' affairs, is, if the disabled veteran is  
10 unable to exercise the veteran's right to a veteran's employment preference due to the  
11 veteran's disability, entitled, if the person is otherwise qualified, to the employment  
12 preference given to a veteran under section 37-19.1-02 in the manner provided  
13 therein.

14 **SECTION 3. AMENDMENT.** Subdivision j of subsection 2 of section 39-04-18 of the North  
15 Dakota Century Code is amended and reenacted as follows:

16 j. Motor vehicles not exceeding twenty-six thousand pounds [11793.40 kilograms]  
17 registered gross weight owned and operated by a disabled veteran under the  
18 provisions of Public Law 79-663 [38 U.S.C. 3901], a disabled veteran who has a  
19 one hundred percent service-connected disability as determined by the  
20 department of veterans' affairs, or a disabled veteran who has an extra-schedular  
21 rating to include individual unemployability ~~that brings~~which results in the  
22 ~~veteran's total disability rating to veteran being paid at the one hundred percent~~  
23 rate as determined by the department of veterans' affairs is entitled to display  
24 either a distinctive license plate or a standard plate that does not identify the  
25 veteran as a veteran or disabled veteran which is issued by the department at no  
26 cost to the qualifying veteran or surviving spouse or any other distinctive or vanity  
27 plate purchased from the department by the qualifying veteran or surviving  
28 spouse. This exemption applies to no more than two such motor vehicles owned  
29 by a disabled veteran at any one time. A surviving spouse of a disabled veteran  
30 who is receiving United States department of veterans affairs dependency and  
31 indemnity compensation is eligible for the exemption under this subdivision for

1           one vehicle. If the determination of disability or service-connected death occurs  
2           subsequent to the qualifying veteran's death through application of a law that  
3           renders a surviving spouse of a qualifying veteran eligible for United States  
4           department of veterans affairs disability and indemnity compensation, the  
5           determination for purposes of the exemption under this subdivision is presumed  
6           to precede the veteran's death. Sufficient proof of receipt of United States  
7           department of veterans affairs dependency and indemnity compensation includes  
8           correspondence directed to a surviving spouse of a qualifying veteran by the  
9           United States department of veterans affairs which indicates the surviving spouse  
10          is a survivor of the qualifying veteran and is in receipt of United States  
11          department of veterans affairs dependency and indemnity compensation.

12          **SECTION 4. AMENDMENT.** Subsection 1 of section 57-02-08.8 of the North Dakota  
13 Century Code is amended and reenacted as follows:

- 14          1. A disabled veteran of the United States armed forces with an armed forces  
15          service-connected disability of fifty percent or greater or a disabled veteran who has  
16          an extra-schedular rating to include individual unemployability ~~that brings~~ which results  
17          in the veteran's total disability rating to veteran being paid at the one hundred percent  
18          rate as determined by the department of veterans' affairs, who was discharged under  
19          honorable conditions or who has been retired from the armed forces of the United  
20          States, or the surviving spouse if the disabled veteran is deceased, is eligible for a  
21          credit applied against the first eight thousand one hundred dollars of taxable valuation  
22          of the homestead owned and occupied by the disabled veteran or surviving spouse  
23          equal to the percentage of the disabled veteran's disability compensation rating for  
24          service-connected disabilities as certified by the department of veterans' affairs for the  
25          purpose of applying for a property tax credit. A surviving spouse who is receiving  
26          United States department of veterans affairs dependency and indemnity compensation  
27          receives a one hundred percent credit as described in this subsection. If the  
28          determination of disability or service-connected death occurs subsequent to the  
29          qualifying veteran's death through application of a law that renders a surviving spouse  
30          of a qualifying veteran eligible for United States department of veterans affairs  
31          disability and indemnity compensation, the determination for purposes of the credit

1 under this subsection is presumed to precede the veteran's death. Sufficient proof of  
2 receipt of United States department of veterans affairs dependency and indemnity  
3 compensation includes correspondence directed to a surviving spouse of a qualifying  
4 veteran by the United States department of veterans affairs which indicates the  
5 surviving spouse is a survivor of the qualifying veteran and is in receipt of United  
6 States department of veterans affairs dependency and indemnity compensation.

7 **SECTION 5. AMENDMENT.** Subsection 1 of section 57-40.3-04 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9 1. Any motor vehicle acquired by, or leased and in the possession of, a resident disabled  
10 veteran under the provisions of Pub. L. 79-663 [38 U.S.C. 3901], a resident disabled  
11 veteran who has a one hundred percent service-connected disability as determined by  
12 the department of veterans' affairs, or a resident disabled veteran who has an  
13 extra-schedular rating to include individual unemployability ~~that brings~~ which results in  
14 ~~the veteran's total disability rating to~~ veteran being paid at the one hundred percent  
15 rate as determined by the department of veterans' affairs who registers, or is eligible to  
16 register, the vehicle with a distinctive license plate issued by the department of  
17 transportation under subdivision j of subsection 2 of section 39-04-18. A surviving  
18 spouse who is receiving United States department of veterans affairs dependency and  
19 indemnity compensation is eligible for the exemption in this subsection. If the  
20 determination of disability or service-connected death occurs subsequent to the  
21 qualifying veteran's death through application of a law that renders a surviving spouse  
22 of a qualifying veteran eligible for United States department of veterans affairs  
23 disability and indemnity compensation, the determination for purposes of the  
24 exemption under this subsection is presumed to precede the veteran's death.  
25 Sufficient proof of receipt of United States department of veterans affairs dependency  
26 and indemnity compensation includes correspondence directed to a surviving spouse  
27 of a qualifying veteran by the United States department of veterans affairs which  
28 indicates the surviving spouse is a survivor of the qualifying veteran and is in receipt of  
29 United States department of veterans affairs dependency and indemnity  
30 compensation.

1       **SECTION 6. EFFECTIVE DATE.** Section 4 of this Act is effective for taxable years  
2 beginning after December 31, 2024. Section 5 of this Act is effective for taxable events  
3 occurring after June 30, 2025.