

Sixty-ninth
Legislative Assembly
of North Dakota

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

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

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

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

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

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

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

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

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