

**SECOND ENGROSSMENT
with Senate Amendments
REENGROSSED HOUSE BILL NO. 1306**

Introduced by

Representatives Thoreson, Brandenburg, Dockter, Karls, Guggisberg

Senator Carlisle

1 A BILL for an Act to amend and reenact section 57-02-08.8 of the North Dakota Century Code,
2 relating to disabled veteran's eligibility for a homestead tax credit and a renter credit; and to
3 provide an effective date.

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

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

7 **57-02-08.8. Property tax credit for disabled veterans - Certification - Distribution.**

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

1 fifty dollars of taxable valuation of the fixtures, buildings, and improvements of the
2 homestead. If a disabled veteran co-owns the homestead property with someone
3 other than the disabled veteran's spouse, the credit is limited to that disabled veteran's
4 interest in the fixtures, buildings, and improvements of the homestead, to a maximum
5 amount calculated by multiplying ~~fivesix~~ thousand ~~fourseven~~ hundred fifty dollars of
6 taxable valuation by the disabled veteran's percentage of interest in the homestead
7 property and multiplying the result by the applicant's certified disability percentage.

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

16 4. For purposes of this section, and except as otherwise provided in this section,
17 "homestead" has the meaning provided in section 47-18-01 except that it also applies
18 to a person who otherwise qualifies under the provisions of this section whether the
19 person is the head of the family and "income" has the meaning provided in section
20 57-02-08.1.

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

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

28 7. Before the first of March of each year, the county auditor of each county shall certify to
29 the tax commissioner on forms prescribed by the tax commissioner the name and
30 address of each person for whom the property tax credit for homesteads of disabled
31 veterans was allowed for the preceding year, the amount of credit allowed, the total of

1 the tax mill rates of all taxing districts, exclusive of any state mill rates, that was
2 applied to other real estate in the taxing districts for the preceding year, and such other
3 information as may be prescribed by the tax commissioner.

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

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

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

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

24 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
25 December 31, 2012, for ad valorem property taxes and for taxable years beginning after
26 December 31, 2013, for mobile home taxes.