

SENATE BILL NO. 2113

Introduced by

Finance and Taxation Committee

(At the request of the Tax Commissioner)

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 dollars of taxable valuation ~~of the fixtures,~~
15 ~~buildings, and improvements~~ of the homestead owned and occupied by the disabled
16 veteran or unremarried surviving spouse equal to the percentage of the disabled
17 veteran's disability compensation rating for service-connected disabilities as certified
18 by the department of veterans' affairs for the purpose of applying for a property tax
19 ~~exemption~~credit. An unremarried surviving spouse who is receiving department of
20 veterans' affairs dependency and indemnity compensation receives a one hundred
21 percent ~~exemption~~credit as described in this subsection.

22 2. If two disabled veterans are married to each other and living together, their combined
23 credits may not exceed one hundred percent of six thousand seven hundred fifty
24 dollars of taxable valuation ~~of the fixtures, buildings, and improvements~~ of the

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

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

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

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

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

23 7. 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 7-8. 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 ~~8-9.~~ 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 ~~9-10.~~ 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 ~~10-11.~~ 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 ~~11-12.~~ 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, 2014.