

SENATE BILL NO. 2152

Introduced by

Senators Mathern, Nelson

Representative Zaiser

1 A BILL for an Act to amend and reenact subsection 1 of section 57-02-08.1 of the North Dakota
2 Century Code, relating to property tax credits for persons sixty-five years of age or older or
3 persons who are permanently and totally disabled; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 57-02-08.1 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 1. Any person sixty-five years of age or older in the year in which the tax was levied,
8 or any person who is permanently and totally disabled in the year in which the tax
9 was levied, as certified by a licensed physician approved by the local governing
10 body, with an income of fourteen thousand dollars or less per annum from all
11 sources, including the income of any dependent person, including any county,
12 state, or federal public assistance benefits, social security, or other retirement
13 benefits, is entitled to receive a reduction in the assessment on the taxable
14 valuation on the homestead as defined in section 47-18-01, except that this
15 exemption applies to any person who otherwise qualifies under this subsection
16 regardless of whether the person is the head of a family. The exemption under this
17 subsection continues to apply if the person does not reside in the homestead and
18 the person's absence is due to confinement in a nursing home, hospital, or other
19 care facility, for as long as the portion of the homestead previously occupied by the
20 person is not rented to another person. The exemption to which any person may
21 be entitled must be determined according to the following schedule:

22 a. If the person's income is not in excess of eight thousand dollars, a reduction
23 of one hundred percent of the taxable valuation of the person's homestead up

- 1 to a maximum reduction of ~~two~~ four thousand five hundred dollars of taxable
2 valuation.
- 3 b. If the person's income is in excess of eight thousand dollars and not in excess
4 of nine thousand five hundred dollars, a reduction of eighty percent of the
5 taxable valuation of the person's homestead up to a maximum reduction of
6 ~~one~~ three thousand six hundred dollars of taxable valuation.
- 7 c. If the person's income is in excess of nine thousand five hundred dollars and
8 not in excess of eleven thousand dollars, a reduction of sixty percent of the
9 taxable valuation of the person's homestead up to a maximum reduction of
10 ~~one~~ two thousand ~~two~~ seven hundred dollars of taxable valuation.
- 11 d. If the person's income is in excess of eleven thousand dollars and not in
12 excess of twelve thousand five hundred dollars, a reduction of forty percent of
13 the taxable valuation of the person's homestead up to a maximum reduction
14 of one thousand eight hundred dollars of taxable valuation.
- 15 e. If the person's income is in excess of twelve thousand five hundred dollars
16 and not in excess of fourteen thousand dollars, a reduction of twenty percent
17 of the taxable valuation of the person's homestead up to a maximum
18 reduction of ~~four~~ nine hundred dollars of taxable valuation.
- 19 In no case may a husband and wife who are living together both be entitled to the
20 credit as provided for in this subsection upon their homestead. The provisions of
21 this subsection may not reduce the liability of any person for special assessments
22 levied upon any property. Any person eligible for the exemption herein provided
23 shall sign a statement that the person is sixty-five years of age or older or is
24 permanently and totally disabled, that the person's income, including that of any
25 dependent, as determined in this chapter does not exceed fourteen thousand
26 dollars per annum and that the value of the person's assets, excluding the value of
27 the person's "homestead" as defined in section 47-18-01, does not exceed fifty
28 thousand dollars including the value of any assets divested within the last three
29 years. The term "dependent" includes the spouse, if any, of the person claiming
30 the exemption. The assessor shall attach the statement to the assessment sheet

1 and shall show the reduction on the assessment sheet. All benefits available in
2 this section terminate at the end of the taxable year of the death of the applicant.

3 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
4 December 31, 2004.