

TESTIMONY IN SUPPORT

HB 1212 Benefits for Veterans Spouses:
Government and Veterans Affairs Committee
January 26, 2023, 2:45PM
Pioneer Room

Chair Schauer, Vice-Chair Satrom and members of the Committee on Government and Veterans Affairs:

I am Mary Vetter, and I currently serve on the Executive/Legislative Committee with the North Dakota Association of County and Tribal Veterans Service Officers. 52 of the 53 counties and the 4 Tribal Nations belong to the Association.

The Association is looking for assistance with Legislative changes related to veterans' benefits. There are new public laws called the **Blue Water Navy Vietnam Veterans Act of 2019** and **The Pact Act**, signed into law August of 2022, that also includes the **Camp Lejeune Justice Act**. These laws have expanded VA healthcare and benefits for generations of veterans and their survivors.

I would be happy to go into detail about the new law, but what we really want to share are the changes, and how it affects the surviving spouse in Richland County and the state of North Dakota. In my office they have all been females.

Determined by Veterans Administration, Dependency, and Indemnity Compensation (DIC) is a tax-free benefit paid to eligible survivors of military Servicemembers who died in the line of duty and eligible survivors of Veterans, whose death resulted from a service-related injury or disease. Survivors of this benefit receive a summary benefit letter on a yearly basis from the VA. (Attached A)

In North Dakota, many rules currently apply that do not allow the survivors to obtain benefits. The current percentage of survivors, by a considerable amount, are woman. I have attached examples of some of the Departments included. The State Tax Commissioner, (attached B) and The Department of Transportation (attached C).

The reasons the Survivors, vastly women, are being denied is due to the language. With the new public laws, the Veterans Administration is adjudicating claims for veterans who may have never been service connected and are now deceased, resulting from a disease caused by their military service. It is impossible to allow the survivors to access North Dakota benefits mentioned above, due to the current language.

As a member of the Executive/Legislative Committee with the North Dakota Association of County and Tribal Veterans Service Officers, we are asking for the process to be simplified this Legislative session. If the survivor has a summary of benefits letter, (attached A) the VA has determined they have met the regulations to qualify for benefits.

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The Association's goal is to simplify the process by changing the language in all North Dakota Departments by making it uniform as below.

- Providing the VA Summary of Benefits Letter would allow the surviving spouses to access the North Dakota Veterans benefits.

We want to thank you for your continued advocacy for veterans and their families.

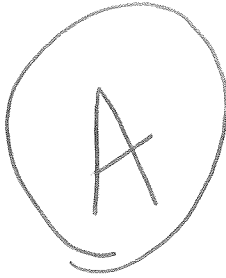
Please feel free to contact me with any questions.

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Richland Veterans Service Office
413 3rd Ave North
Wahpeton, ND 58075
Phone 701-642-7807
Fax 701-642-7808
maryvetter@co.richland.nd.us



**Department of
Veterans Affairs**

PO BOX 5365
JANESVILLE WI 53547-5365



December 15, 2020

Veteran's Name:

WAHPETON ND 58075

This letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to survivors of Veterans to use in applying for benefits such as housing entitlements, free or reduced state park annual memberships, state or local property or vehicle tax relief, civil service preference, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter replaces VA Form 20-5455, and is considered an official record of your VA entitlement.

--America is Grateful to You for Your Sacrifice--

Our records contain the following information:

Personal Claim Information:

The claim number shown on our records is:

You are a survivor of the Veteran

Military Information:

The character(s) of discharge and service date(s) of the Veteran include:

Army, Honorable, 29-Apr-1968 - 28-Apr-1971

(There may be additional periods of service not listed above)

VA Benefits Information:

You are in receipt of: DEPENDENCY AND INDEMNITY COMPENSATION

The effective date of the last change to your current award was: 01-DEC-2019

Your current monthly award amount is:

The Veteran died as a result of a service-connected disability: Yes

You should contact your state or local office of Veterans' affairs for information on any tax, license, or fee-related benefits for which you may be eligible. State offices of Veterans' affairs are available at <http://www.va.gov/statedva.htm>.

Need Additional Information or Verification?

If you have any questions about this letter or need additional verification of VA benefits, please call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the federal relay number is 711. Send electronic inquiries through the Internet at <https://iris.custhelp.va.gov/>.

Sincerely yours,

Regional Office Director

Enclosure(s): What Things Affect Your Rights To Payment

NE201221



APPLICATION FOR DISABLED VETERANS PROPERTY TAX CREDIT
 OFFICE OF STATE TAX COMMISSIONER
 SFN 24770 (6-2021)

Disabled Veteran of United States Armed Forces with Service Connected Disability of 50 Percent or More or Extra - Schedular Rating that Brings the Total Disability Rating to 100 Percent

This application must be filed with the county auditor by February 1 of the first year for which the credit is claimed. A person shall furnish to the assessor or other assessment officials when requested to do so, any information which is believed will support the claim for credit for any subsequent year. A qualifying disabled veteran who acquires the homestead during the year may apply for credit for the portion of the year during which the veteran owns the homestead.

Property Number:
 Property Owner:
 Property Address:

(B)

Legal Description

Is this property the applicant's homestead? Yes No Taxable valuation of the homestead: \$ _____

Enter the percentage of the veteran's disability compensation rating or unemployability rating for service-connected disabilities as certified by the Department of Veterans Affairs for the purpose of applying for a property tax credit. _____%

The applicant is a: Disabled veteran Unremarried surviving spouse of a disabled veteran
 Unremarried spouse receiving DVA dependency and indemnity compensation
 (100 percent credit)

Marital status: Married Single

Which of the following would best describe the type of ownership of the homestead property (check only one):			
A. Is recorded in your (and spouse's) name as owner	<input type="checkbox"/>	D. Is held under a life estate in property	<input type="checkbox"/>
B. Is being purchased by you under a contract for deed	<input type="checkbox"/>	E. Is held in a revokable trust	<input type="checkbox"/>
C. Is held in joint tenancy with one other than spouse	<input type="checkbox"/>		

Credit Claimed Pursuant to North Dakota Century Code Section 57-02-08.8
Instructions

Provide a copy of the DD Form 214 showing veteran's honorable discharge from active military service if claiming credit for first time. (This document is confidential.)

Provide a certificate from the Department of Veterans Affairs certifying to the percentage of service-connected disability or unemployability rating when claiming credit for the first time, or if the veteran receives a change in the percentage of certified rated service-connected disability. (This document is confidential.)

I make application for real property tax credit for the year _____ on the property described above and, in compliance with North Dakota Century Code § 57-02-14.1, certify the information is accurate to the best of my knowledge and belief.

Note: N.D.C.C. § 12.1-11-02 provides that making a false statement in a governmental matter is punishable as a Class A misdemeanor.

Application is: Approved Disapproved

Percentage approved _____ %

x Eligible Taxable value \$ _____

Taxable value of credit \$ _____

 Applicant Date

 Assessor or Director of Tax Equalization Date

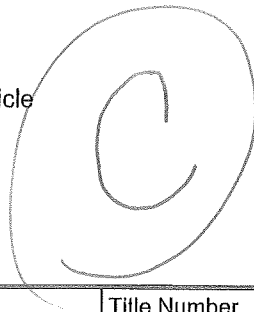
B

57-02-08.8. Property tax credit for disabled veterans

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 the veteran's total disability rating to one hundred percent 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 unremarried 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 person's homestead owned and occupied by the disabled veteran or unremarried surviving spouse equal to the percentage of the disabled veteran's disability compensation rating or unemployability rating for service-connected disabilities as certified by the department of veterans' affairs for the purpose of applying for a property tax credit. An unremarried surviving spouse who is receiving department of veterans' affairs dependency and indemnity compensation receives a one hundred percent credit as described in this subsection.
2. If two disabled veterans are married to each other and living together, their combined credits may not exceed one hundred percent of eight thousand one hundred dollars of taxable valuation of the homestead. If a disabled veteran co-owns the homestead property with someone other than the disabled veteran's spouse, the credit is limited to that disabled veteran's interest in the homestead, to a maximum amount calculated by multiplying eight thousand one hundred dollars of taxable valuation by the disabled veteran's percentage of interest in the homestead property and multiplying the result by the applicant's certified disability percentage or unemployability rating.
3. A disabled veteran or unremarried surviving spouse claiming a credit under this section for the first time shall file with the county auditor an affidavit showing the facts herein required, a description of the property, and a certificate from the United States department of veterans affairs, or its successor, certifying to the amount of the disability. The affidavit and certificate must be open for public inspection. (Note: These documents are confidential under N.D.C.C. § 37-18-11 and may not be disclosed to the public.) A person shall thereafter furnish to the assessor or other assessment officials, when requested to do so, any information which is believed will support the claim for credit for any subsequent year.
4. For purposes of this section, and except as otherwise provided in this section, "homestead" has the meaning provided in section 47-18-01 except that it also applies to a person who otherwise qualifies under the provisions of this section whether the person is the head of the family.
5. This section does not reduce the liability of a person for special assessments levied upon property.
6. A credit under this section terminates at the end of the taxable year of the death of the applicant.
7. The board of county commissioners may cancel the portion of unpaid taxes that represents the credit calculated in accordance with this section for any year in which the qualifying owner has held title to the homestead property. Cancellation of taxes for any year before enactment of this section must be based on the law that was in effect for that tax year.

**APPLICATION AND CLAIM FOR
MOTOR VEHICLE TAX REFUND**

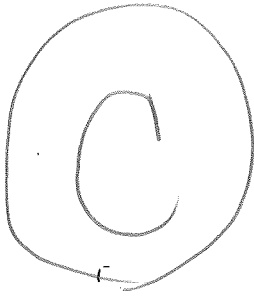
North Dakota Department of Transportation, Motor Vehicle
SFN 2883 (3-2016)



MOTOR VEHICLE DIVISION
ND DEPT OF TRANSPORTATION
608 E BOULEVARD AVE
BISMARCK ND 58505-0780
Telephone (701) 328-2725
Website: <https://dot.nd.gov>

TO BE COMPLETED BY APPLICANT

Applicant's Legal Name			Title Number
Mailing Address			Vehicle Identification Number
City	State	Zip Code	Amount of Tax Remitted
Was the motor vehicle purchased in North Dakota? <input type="checkbox"/> Yes <input type="checkbox"/> No			Corrected Tax Liability
Date Tax Paid			Amount of Refund
<p>Reason for Refund: <u>I was not aware of the VA DIC benefit. I have attached my Tax abatement award letter from the Department of Veterans Affairs showing I am in receipt of Dependency and Indemnity Compensation. I am eligible for the ND sales tax benefit. Thank you.</u></p>			
<p>I (We) certify that the enclosed bill, claim, account, or demand is just and true (including any accompanying schedules and statements); that the money claimed to be paid was actually paid and that no part of such bill, claim, account, or demand has been previously refunded.</p>			
Must be signed by all title owners			Date
Name of Applicant (type or print)			Signature of Applicant
Name of Applicant (type or print)			Signature of Applicant
Name of Applicant (type or print)			Signature of Applicant
<p>Approval (DOT Use Only)</p>			
Motor Vehicle Director Signature as Agent for the Tax Commissioner of the State of North Dakota			Date



WAHPETON ND 58075-3402

15-Oct-2021

Letter Id: j

The Motor Vehicle Division received your Application and Claim for Motor Vehicle Tax Refund. The application and supporting documentation have been reviewed and, at this time, unless additional supporting documentation is available, the Motor Vehicle Division is unable to approve the refund due to the following:

As the surviving spouse you are able to retain the DAV excise tax exemption and registration exemption for one vehicle. We will need documentation from the Department of Veterans Affairs that verifies was eligible with a 100 percent service-connected disability or having an extra-schedular rating to include unemployability. Please return the additional information along with the Application and Claim for Motor Vehicle Tax Refund and letter from the Department of Veteran's Affairs dated December 15, 2020.

If available, additional supporting documentation may be submitted for review in conjunction with this letter and all original documentation submitted.

If you have any questions please call 701-328-2725.



DAV Plates

To be eligible the US Department of Veteran Affairs office must sign a certification letter stating the applicant is 100 percent service related disabled or attesting eligibility under Public Law 663 of the 79th Congress.

The SFN 2872 Application for Certificate of Title form must be completed, signed, and returned with the certification letter. There is no annual license fee.

- Qualified veterans are eligible for two excise (sales) tax exempt vehicles licensed with the DAV license plate at a time.
- Plates may not be displayed on a vehicle with a gross weight equal to or exceeding 26,000 lbs.
- An un-remarried surviving spouse MAY retain one DAV plate for their own use.
- Vehicles displaying the distinctive DAV license plate may park in designated handicap parking spots in North Dakota. NDCC 39-01-15 No additional placards required.
- Disabled American Veteran Mobility Impaired Plates may be requested: To be eligible an applicant must qualify under both the DAV and Mobility Impaired qualifications.

Exempt from registration fees

NDCC 39-04-18 (2) (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 the veteran's total disability rating to one hundred percent 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. 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 has not remarried and who is receiving department of veterans' affairs dependency and indemnity compensation retains the exemption of the deceased veteran who qualified under this subdivision for one vehicle.

Visit the ND Department of Transportation FAQ for more information on Disabled American Veteran (DAV) Plates

Exempt from Vehicle Excise (Sales) Tax

NDCC 39-04-19 (3)

Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding twenty-six thousand pounds [11793.40 kilograms] registered gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.

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