

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 138

(SENATE AUTHORS: HOWE)

DATE
01/11/2023

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Introduction and first reading
Referred to Taxes

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to taxation; property; modifying the spousal benefit for the disabled
1.3 veterans' homestead market value exclusion; amending Minnesota Statutes 2022,
1.4 section 273.13, subdivision 34.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 273.13, subdivision 34, is amended to read:

1.7 Subd. 34. **Homestead of veteran with a disability or family caregiver.** (a) All or a
1.8 portion of the market value of property owned by a veteran and serving as the veteran's
1.9 homestead under this section is excluded in determining the property's taxable market value
1.10 if the veteran has a service-connected disability of 70 percent or more as certified by the
1.11 United States Department of Veterans Affairs. To qualify for exclusion under this subdivision,
1.12 the veteran must have been honorably discharged from the United States armed forces, as
1.13 indicated by United States Government Form DD214 or other official military discharge
1.14 papers.

1.15 (b)(1) For a disability rating of 70 percent or more, \$150,000 of market value is excluded,
1.16 except as provided in clause (2); and

1.17 (2) for a total (100 percent) and permanent disability, \$300,000 of market value is
1.18 excluded.

1.19 (c) If a veteran with a disability qualifying for a valuation exclusion under paragraph
1.20 (b), clause (2), predeceases the veteran's spouse, and if upon the death of the veteran the
1.21 spouse holds the legal or beneficial title to the homestead and permanently resides there,
1.22 the exclusion shall carry over to the benefit of the veteran's spouse until such time as the
1.23 spouse remarries, or sells, transfers, or otherwise disposes of the property, except as otherwise

2.1 provided in paragraph (n). Qualification under this paragraph requires an application under
2.2 paragraph (h), and a spouse must notify the assessor if there is a change in the spouse's
2.3 marital status, ownership of the property, or use of the property as a permanent residence.

2.4 (d) If the spouse of a member of any branch or unit of the United States armed forces
2.5 who dies due to a service-connected cause while serving honorably in active service, as
2.6 indicated on United States Government Form DD1300 or DD2064, holds the legal or
2.7 beneficial title to a homestead and permanently resides there, the spouse is entitled to the
2.8 benefit described in paragraph (b), clause (2), until such time as the spouse remarries or
2.9 sells, transfers, or otherwise disposes of the property, except as otherwise provided in
2.10 paragraph (n).

2.11 (e) If a veteran meets the disability criteria of paragraph (a) but does not own property
2.12 classified as homestead in the state of Minnesota, then the homestead of the veteran's primary
2.13 family caregiver, if any, is eligible for the exclusion that the veteran would otherwise qualify
2.14 for under paragraph (b).

2.15 (f) In the case of an agricultural homestead, only the portion of the property consisting
2.16 of the house and garage and immediately surrounding one acre of land qualifies for the
2.17 valuation exclusion under this subdivision.

2.18 (g) A property qualifying for a valuation exclusion under this subdivision is not eligible
2.19 for the market value exclusion under subdivision 35, or classification under subdivision 22,
2.20 paragraph (b).

2.21 (h) To qualify for a valuation exclusion under this subdivision a property owner must
2.22 apply to the assessor by December 31 of the first assessment year for which the exclusion
2.23 is sought. Except as provided in paragraph (c), the owner of a property that has been accepted
2.24 for a valuation exclusion must notify the assessor if there is a change in ownership of the
2.25 property or in the use of the property as a homestead.

2.26 (i) A first-time application by a qualifying spouse for the market value exclusion under
2.27 paragraph (d) must be made any time within two years of the death of the service member.

2.28 (j) For purposes of this subdivision:

2.29 (1) "active service" has the meaning given in section 190.05;

2.30 (2) "own" means that the person's name is present as an owner on the property deed;

2.31 (3) "primary family caregiver" means a person who is approved by the secretary of the
2.32 United States Department of Veterans Affairs for assistance as the primary provider of

3.1 personal care services for an eligible veteran under the Program of Comprehensive Assistance
3.2 for Family Caregivers, codified as United States Code, title 38, section 1720G; and

3.3 (4) "veteran" has the meaning given the term in section 197.447.

3.4 (k) If a veteran dying after December 31, 2011, did not apply for or receive the exclusion
3.5 under paragraph (b), clause (2), before dying, the veteran's spouse is entitled to the benefit
3.6 under paragraph (b), clause (2), until the spouse remarries or sells, transfers, or otherwise
3.7 disposes of the property, except as otherwise provided in paragraph (n), if:

3.8 (1) the spouse files a first-time application within two years of the death of the service
3.9 member or by June 1, 2019, whichever is later;

3.10 (2) upon the death of the veteran, the spouse holds the legal or beneficial title to the
3.11 homestead and permanently resides there;

3.12 (3) the veteran met the honorable discharge requirements of paragraph (a); and

3.13 (4) the United States Department of Veterans Affairs certifies that:

3.14 (i) the veteran met the total (100 percent) and permanent disability requirement under
3.15 paragraph (b), clause (2); or

3.16 (ii) the spouse has been awarded dependency and indemnity compensation.

3.17 (l) The purpose of this provision of law providing a level of homestead property tax
3.18 relief for veterans with a disability, their primary family caregivers, and their surviving
3.19 spouses is to help ease the burdens of war for those among our state's citizens who bear
3.20 those burdens most heavily.

3.21 (m) By July 1, the county veterans service officer must certify the disability rating and
3.22 permanent address of each veteran receiving the benefit under paragraph (b) to the assessor.

3.23 (n) A spouse who received the benefit in paragraph (c), (d), or (k) but no longer holds
3.24 the legal or beneficial title to the property may continue to receive the exclusion for a
3.25 property other than the property for which the exclusion was initially granted until the spouse
3.26 remarries or sells, transfers, or otherwise disposes of the property, provided that:

3.27 (1) the spouse applies under paragraph (h) for the continuation of the exclusion allowed
3.28 under this paragraph;

3.29 (2) the spouse holds the legal or beneficial title to the property for which the continuation
3.30 of the exclusion is sought under this paragraph, and permanently resides there;

4.1 (3) the estimated market value of the property for which the exclusion is sought under
4.2 this paragraph is less than or equal to the estimated market value of the property that first
4.3 received the exclusion, based on the value of each property on the date of the sale of the
4.4 property that first received the exclusion; and

4.5 (4) the spouse has not previously received the benefit under this paragraph for a property
4.6 other than the property for which the exclusion is sought.

4.7 (o) If a spouse had previously qualified under paragraph (c) or (d) and the exclusion
4.8 expired prior to taxes payable in 2020, the spouse may reapply under paragraph (h) for the
4.9 exclusion under paragraph (c) or (d).

4.10 **EFFECTIVE DATE.** This section is effective retroactively from assessment year 2019.

4.11 **Sec. 2. REFUND OF PROPERTY TAXES PAYABLE IN 2020 THROUGH 2023**
4.12 **FOR ELIGIBLE PROPERTIES.**

4.13 Subdivision 1. **Refund.** The commissioner of revenue must refund the overpayment of
4.14 property taxes payable in 2020 through 2023 on property eligible for the exclusion under
4.15 Minnesota Statutes, section 273.13, subdivision 34, paragraph (o). For property eligible for
4.16 the refund the following provisions apply:

4.17 (1) taxpayers may apply to the county for a refund of any tax paid on property entitled
4.18 to the exclusion under this section;

4.19 (2) the county may prescribe the form and manner of the application; and

4.20 (3) the county auditor must certify to the commissioner of revenue the amount needed
4.21 for the refunds of property taxes under this section, which the commissioner must pay to
4.22 the county.

4.23 Subd. 2. **Appropriation.** An amount necessary for refunds under this section is
4.24 appropriated in fiscal year 2024 from the general fund to the commissioner of revenue for
4.25 allocation to county auditors for refund amounts certified under this section.

4.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.