

Introduced by

Senators Bekkedahl, Beard

Representatives Dyk, Rios

1 A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota
2 Century Code, relating to a property tax credit for qualified parents of school-aged children who
3 attend a nonpublic school or home education program; and to provide an effective date.

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

5 **SECTION 1.** A new section to chapter 57-02 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Nonpublic school and home education program property tax credit.**

- 8 1. A qualified parent is eligible to receive a credit against the property tax levied against
9 the true and full valuation of the primary residence owned by the qualified parent as
10 provided in this section.
- 11 2. The credit is equal to an amount not to exceed the amount of the property taxes levied
12 by a school district in the preceding taxable year against the true and full valuation of
13 the qualified parent's primary residence, reduced by the amount of irrepealable tax to
14 pay bonded indebtedness levied by the school district in the preceding taxable year
15 pursuant to section 10 of article X of the Constitution of North Dakota which is
16 attributable to the primary residence.
- 17 3. To claim a credit under this section, a claimant must sign and file with the county
18 auditor, by July first of the taxable year for which a credit is claimed, a claim form
19 containing a verified statement of facts establishing the claimant's eligibility as of the
20 date of the claim.
- 21 4. The county auditor shall:
- 22 a. Review credits claimed under subsection 3 and make any required corrections;
23 and

- 1 b. Apply each allowable credit toward the tax levied by the school district against
2 the true and full valuation of the primary residence for the current taxable year.
3 The credit may not exceed the tax levied by the school district against the true
4 and full valuation of the primary residence for the current taxable year.
- 5 5. Upon request of the county auditor, the governing body of a school district shall assist
6 the county auditor to verify a claimant's eligibility for the credit under this section.
- 7 6. The tax commissioner shall prescribe, design, and make available all forms necessary
8 to effectuate this section. The county director of tax equalization shall make these
9 forms available upon request.
- 10 7. For purposes of this section:
- 11 a. "Owned" means the qualified parent holds a present ownership interest, including
12 ownership in fee simple, holds a present life estate or other terminable present
13 ownership interest, or is a purchaser under a contract for deed. The term does
14 not include a mere right of occupancy or a tenancy under a lease.
- 15 b. "Primary residence" means a dwelling in this state owned and occupied by the
16 qualified parent as that qualified parent's primary residence as of the assessment
17 date of the taxable year and which is not exempt from property taxes as a farm
18 residence.
- 19 c. "Qualified parent" means a parent or legal guardian of a qualified school-aged
20 child who resided in the qualified parent's primary residence for the entire school
21 year that began in the year preceding the current taxable year. If the parent has
22 multiple school-aged children, each school-aged child must meet the definition of
23 qualified school-age child.
- 24 d. "Qualified school-aged child" means a child who attended a nonpublic school,
25 including a private or parochial school, or home education program under chapter
26 15.1-23 in any grade from kindergarten through grade twelve for the entire school
27 year that began in the year preceding the current taxable year.

28 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
29 December 31, 2022.