

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

SENATE BILL NO. 2246
(Senators Andrist, Flakoll)
(Representatives Devlin, Kerzman, Wentz)

AN ACT to amend and reenact sections 40-24-16, 57-20-07.1, 57-20-08, and subsection 2 of section 57-22-21 of the North Dakota Century Code, relating to property tax receipts; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 40-24-16 of the North Dakota Century Code is amended and reenacted as follows:

40-24-16. County treasurer to certify and receipt for amount of special assessments collected - Contents of certificate - Procedure for abatement. Special assessments of any kind certified to the county auditor by the city auditor shall be paid to the county treasurer and included in the statement required by section 57-02-07.1 and the receipt required by section 57-20-08. ~~In the event that~~ If the county treasurer receives less than the full amount of taxes and special assessments due at any time on any lot or tract of real estate, ~~he~~ the county treasurer shall allocate the amount ~~of such payment received~~ between taxes and special assessments in proportion to the respective amounts of taxes and special assessments ~~which are then~~ due. When prorating any tax payment received prior to October fifteenth, the term "due", as it pertains to real estate taxes, shall include only the first installment of real estate taxes. Special assessments shall not be subject to abatement or refund by proceedings under chapter 57-23, but shall be reviewed and corrected only in the manner and upon the conditions provided in chapter 40-26. The county treasurer, at the time set by law for the payment to the city auditor of all the taxes and special assessments collected ~~by him~~ during the preceding month, shall certify the amounts of special assessments collected. The certificate shall state specifically the lot or known subdivision thereof as it appears on the tax books of the county treasurer, and the block, addition, amount collected, and the amount credited to each lot or known subdivision thereof, and the year for which the sum was collected. The certificate shall be furnished to the city auditor.

SECTION 2. AMENDMENT. Section 57-20-07.1 of the North Dakota Century Code is amended and reenacted as follows:

57-20-07.1. County treasurer to mail real estate tax statement. On or before December twenty-sixth of each year, the county treasurer shall mail a real estate tax statement to the owner of each parcel of real property at ~~his last known~~ the owner's last-known address. The statement must be provided in a manner that allows the taxpayer to retain a printed record of the obligation for payment of taxes and special assessments as provided in the statement. If a parcel of real property is owned by more than one individual, the county treasurer shall send only one statement to one of the owners of that property. Additional copies of the tax statement will be sent to the other owners upon their request, and the furnishing of their names and addresses to the county treasurer. Such tax statements must include a dollar valuation of the true and full value as defined by law of the property and the total mill levy applicable. Failure of an owner to receive a statement will not relieve that owner of liability, nor extend the discount privilege past the February fifteenth deadline.

SECTION 3. AMENDMENT. Section 57-20-08 of the North Dakota Century Code is amended and reenacted as follows:

57-20-08. Tax receipts ~~What to specify~~ ~~Numbered consecutively~~ ~~Duplicate copies filed with county auditor~~ ~~Triple copies~~ Copies retained and filed numerically by county treasurer. Upon the payment of any tax, ~~if directed by the board of county commissioners~~ the county treasurer shall give to the ~~person paying the same~~ county auditor a receipt therefor showing the name

and post-office address of ~~such~~ the person who paid the tax, the amount and date of payment, the land, lot, or other property upon which the tax is levied, according to the description on the tax list, or in some other sufficient manner, and the year or years for which the tax was levied. If for current taxes on real estate, the receipt must have written or stamped across its face "taxes for" (giving the year in figures) or "first installment taxes" (giving the year in figures) or "second installment taxes" (giving the year in figures), as the case may be. Each year's tax must be on a separate receipt. If land has been sold for taxes, either to a purchaser or to the county, and the time for redemption from such sale has not expired, the receipt for such taxes must have written or stamped across the face "sold for taxes", with a statement of the years for which any of the real estate described therein has been sold for taxes and not redeemed. ~~The If directed by the board of county commissioners, the treasurer shall make triplicates of all receipts and shall return a duplicate copy~~ provide receipts at the end of each day to the county auditor, who shall file and preserve them in ~~his~~ the auditor's office charging the treasurer with the amount thereof. ~~The triplicate copy~~ A copy of each receipt must be preserved in the office of the county treasurer and filed in numerical order.

SECTION 4. AMENDMENT. Subsection 2 of section 57-22-21 of the North Dakota Century Code is amended and reenacted as follows:

2. The county auditor shall extend to and enter upon the tax list of real estate then in the hands of the county treasurer, for the year immediately preceding, opposite the descriptions of real estate designated by the board of county commissioners which belong to the personal property tax debtor, the year for which the personal property taxes are uncollected and the amount thereof. Such entry must be made without regard to any prior payment of real estate taxes on said descriptions, and the treasurer is without authority thereafter to issue ~~to the personal property tax debtor~~ any receipt in full for said real estate taxes without making collection at the same time of the personal property taxes so extended; a taxpayer holding a specific superior lien on said descriptions ahead of personal property taxes charged thereon is entitled to tax receipts without regard to nonpayment of such inferior personal taxes.

SECTION 5. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1998.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2246.

Senate Vote: Yeas 45 Nays 1 Absent 3

House Vote: Yeas 97 Nays 0 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at _____ o'clock _____ M.

Secretary of State