

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1194

Introduced by

Representatives Porter, Belter, R. Kelsch

Senators Cook, Fischer, Hogue

1 A BILL ~~for an Act to create and enact chapter 57-15.1 of the North Dakota Century Code,~~
2 ~~relating to truth in property taxation and determination and application of a certified tax rate for~~
3 ~~cities, counties, school districts, and city park districts; and to provide an effective date for an~~
4 Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code,
5 relating to public hearings relating to property tax increases.

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 ~~— **SECTION 1.** Chapter 57-15.1 of the North Dakota Century Code is created and enacted as~~
8 ~~follows:~~

9 ~~— **57-15.1-01. Definitions.**~~

10 ~~— For purposes of this chapter:~~

11 ~~— 1. "Base year" means the taxing district's taxable year immediately preceding the budget~~
12 ~~year.~~

13 ~~— 2. "Budget year" means the taxing district's year for which the property tax levy of the~~
14 ~~taxing district is being determined.~~

15 ~~— 3. "Certified tax rate" means the property tax levy, expressed in mills, that will provide the~~
16 ~~same amount of property tax revenue as the property tax levy in the base year,~~
17 ~~excluding consideration of new growth and levies excluded under subsection 5.~~

18 ~~— 4. "New growth" means the final budget year taxable valuation of any taxable property~~
19 ~~that was not taxable in the taxing district for the base year minus the base year taxable~~
20 ~~valuation of any property that was taxable in the base year but is not taxable in the~~
21 ~~budget year.~~

22 ~~— 5. "Property tax levy" means the tax rate, expressed in mills, for all property taxes levied~~
23 ~~by the taxing district:~~

24 ~~— a. Minus any irrepealable tax to pay bonded indebtedness.~~

- 1 ~~_____ b. Minus the levy for the state medical center.~~
- 2 ~~_____ c. Plus the amount of the increase in new or increased mill levy authority authorized~~
- 3 ~~by the legislative assembly or the electors of the taxing district for the budget~~
- 4 ~~year which were not authorized in the base year.~~
- 5 ~~_____ d. Minus the amount of any expired mill levy authority authorized by the legislative~~
- 6 ~~assembly or electors of the taxing district for the base year which is not~~
- 7 ~~authorized for the budget year.~~
- 8 ~~_____ e. Minus combined levies for county road and bridge, farm-to-market and federal~~
- 9 ~~aid road, and county road purposes in the amount required to qualify for county~~
- 10 ~~allocations under section 57-51-15.~~
- 11 ~~_____ f. Minus unlimited levies as authorized by law.~~
- 12 ~~_____ 6. "Taxing district" means a city, county, school district, or city park district but does not~~
- 13 ~~include any such taxing district that levied a property tax levy of less than twenty~~
- 14 ~~thousand dollars for the base year and sets a budget for the budget year calling for a~~
- 15 ~~property tax levy of less than twenty thousand dollars.~~
- 16 ~~_____ **57-15.1-02. Certified tax rate.**~~
- 17 ~~_____ The county auditor shall determine and provide to the governing body of each taxing district~~
- 18 ~~the estimated certified tax rate for the taxing district for the budget year. The auditor shall~~
- 19 ~~estimate the taxable valuation for the taxing district for the budget year by using the best~~
- 20 ~~available information or by applying the rate of increase of taxable valuation of existing property~~
- 21 ~~which occurred in the base year.~~
- 22 ~~_____ **57-15.1-03. Property tax increase requirements.**~~
- 23 ~~_____ Notwithstanding any other provision of law, a taxing district may not levy property taxes for~~
- 24 ~~the budget year in an amount exceeding the amount that would be generated by the certified~~
- 25 ~~tax rate unless the taxing district complies with the requirements of this chapter.~~
- 26 ~~_____ **57-15.1-04. Notice and hearing.**~~
- 27 ~~_____ 1. At least ten days before the date of the public hearing under subsection 3, a taxing~~
- 28 ~~district intending to levy property taxes at a rate exceeding the certified tax rate shall~~
- 29 ~~mail a postcard providing notice to all owners of taxable property in the taxing district.~~
- 30 ~~The notice must contain:~~
- 31 ~~_____ a. The date, time, and place of the required public hearing for the taxing district.~~

- ~~b. The amount the taxing district intends to levy, expressed as a percentage increase exceeding the certified tax rate.~~
- ~~2. As an alternative to the mailed notice under subsection 1, the governing body of a taxing district that intends to levy property taxes at a rate exceeding the certified tax rate shall cause publication of notice in the official county newspaper once each week for two consecutive weeks, with the second publication of the notice completed not fewer than three days before the public hearing required under subsection 3. The advertisement may not be placed in the portion of the newspaper where legal notices and classified advertisements appear. The advertisement must contain the information required to be contained in the mailed notice under subsection 1.~~
- ~~3. A public hearing required by this chapter:~~
- ~~a. Is a public meeting.~~
- ~~b. May not be scheduled at the same time as the public hearing of another taxing district in the same county which contains taxable property also included in the taxing district holding the public hearing. Taxing districts may consolidate public hearings. The board of county commissioners shall resolve any conflicts in public hearing dates and times after consultation with each affected taxing district.~~
- ~~c. May not begin earlier than six p.m.~~
- ~~4. The governing body of a taxing district conducting a public hearing under this section shall provide an interested party desiring to be heard an opportunity to present oral testimony within reasonable time limits and shall provide an interested party desiring to submit written comments an opportunity to file written comments with the governing body.~~
- ~~5. A taxing district that intends to exceed its certified tax levy may not adopt its final budget until the public hearing under this section has been held. A public hearing under this section may be held to coincide with a hearing on the proposed budget of the taxing district.~~
- ~~6. If the governing body of the taxing district does not make a final decision on imposing a levy exceeding the certified tax rate at the public hearing described in this section, the governing body shall announce at that public hearing the scheduled time and place of the next public meeting at which the governing body will consider final~~

~~adoption of a budget that would result in a tax rate exceeding the tax district's certified tax rate.~~

~~**57-15.1-05. Resolution adopting an excess levy.**~~

~~A taxing district may not impose a tax rate that exceeds the taxing district's certified tax rate unless the governing body adopts a resolution stating that the requirements of this chapter have been met, a public hearing has been conducted, and the governing body has considered all oral and written testimony regarding the issue. The resolution must state the tax rate and percentage increase, as compared to the certified tax rate, the taxing district will levy. Notwithstanding any other provision of law, the final budget adopted by the taxing district may not provide for a property tax levy exceeding the tax rate and percentage increase stated in the resolution or the tax rate and percentage increase stated in the notice to taxpayers under subsection 1 or 2 of section 57-15.1-04, whichever is less.~~

~~**SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after December 31, 2011.~~

SECTION 1. A new section to chapter 57-15 of the North Dakota Century Code is created and enacted as follows:

Property tax levy increase notice and public hearing.

Notwithstanding any other provision of law, a taxing district may not impose a property tax levy in a greater number of mills than the zero increase number of mills, unless the taxing district is in substantial compliance with this section.

1. The governing body shall cause publication of notice in its official newspaper at least seven days before a public hearing on its property tax levy. A public hearing under this section may not be scheduled to begin earlier than six p.m. The notice must have at least one-half inch white space margin on all four sides and must be at least two columns wide by five inches high. The heading must be capitalized in boldface type of at least eighteen point stating "IMPORTANT NOTICE TO (name of taxing district) TAXPAYERS". The proposed percentage increase must be printed in a boldface type size no less than two points less than the heading, while the remaining portion of the advertisement must be printed in a type face size no less than four points less than the heading. The text of the notice must contain:

a. The date, time, and place of the public hearing.

1 b. A statement that the public hearing will be held to consider increasing the
2 property tax levy by a stated percentage, expressed as a percentage increase
3 exceeding the zero increase number of mills.

4 c. A statement that there will be an opportunity for citizens to present oral or written
5 comments regarding the property tax levy.

6 d. Any other information the taxing district wishes to provide to inform taxpayers.

7 2. If the governing body of the taxing district does not make a final decision on imposing
8 a property tax levy exceeding the zero increase number of mills at the public hearing
9 required by this section, the governing body shall announce at that public hearing the
10 scheduled time and place of the next public meeting at which the governing body will
11 consider final adoption of a property tax levy exceeding the tax district's zero increase
12 number of mills.

13 3. For purposes of this section:

14 a. "New growth" means the taxable valuation of any property that was not taxable in
15 the prior year.

16 b. "Property tax levy" means the tax rate, expressed in mills, for all property taxes
17 levied by the taxing district.

18 c. "Taxing district" means a city, county, school district, or city park district but does
19 not include any such taxing district that levied a property tax levy of less than one
20 hundred thousand dollars for the prior year and sets a budget for the current year
21 calling for a property tax levy of less than one hundred thousand dollars.

22 d. "Zero increase number of mills" means the number of mills against the taxing
23 district's current year taxable valuation, excluding consideration of new growth,
24 which will provide the same amount of property tax revenue as the property tax
25 levy in the prior year.