

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1290

Introduced by

Representatives Kasper, Brabandt, Grande, Headland, Heller, Rohr, Ruby, Streyle, Thoreson
Senators Miller, Sitte

1 A BILL for an Act to create and enact section 57-15-01.2 of the North Dakota Century Code,
2 relating to property tax levy dollar increase limitations; to amend and reenact section 57-20-07.1
3 of the North Dakota Century Code, relating to contents of property tax statements; and to
4 provide an effective date.

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

6 **SECTION 1.** Section 57-15-01.2 of the North Dakota Century Code is created and enacted
7 as follows:

8 **57-15-01.2. Limitation on levies by taxing districts.**

- 9 1. Notwithstanding that a taxing district may have unused or excess levy authority under
10 any other provision of law, this section limits that authority. This section may not be
11 interpreted as authority to increase any levy limitation otherwise provided by law and
12 may be applied only to limit any unused or excess levy authority that a taxing district
13 may otherwise be entitled to use. Property taxes levied in dollars by a taxing district
14 may not exceed the amount the taxing district levied in dollars in the preceding taxable
15 year by more than three percent, except:
- 16 a. When a taxable improvement to property has been made or property has been
17 added to the taxing district which was not taxable in the previous taxable year,
18 the amount levied in dollars in the previous taxable year by the taxing district
19 must be adjusted to reflect the taxes that would have been imposed against the
20 additional taxable valuation attributable to the improvements or additional
21 property.
- 22 b. When a property tax exemption existed in the previous taxable year which has
23 been reduced or no longer exists, the amount levied in dollars in the previous
24 taxable year by the taxing district must be adjusted to reflect the taxes that would

1 have been imposed against the portion of the taxable valuation of the property
2 which is no longer exempt.

3 c. When temporary mill levy increases authorized by the electors of the taxing
4 district or mill levies authorized by state law existed in the previous taxable year
5 but are no longer applicable or have been reduced, the amount levied in dollars
6 in the previous taxable year by the taxing district must be adjusted to reflect the
7 expired temporary mill levy increases and the reduced or eliminated mill levies
8 authorized by state law before the percentage increase allowable under this
9 subsection is applied.

10 2. The limitation on the total amount levied by a taxing district under subsection 1 does
11 not apply to:

12 a. New or increased mill levies authorized by state law or the electors of the taxing
13 district which did not exist in the previous taxable year.

14 b. Any irrepealable tax to pay bonded indebtedness levied under section 16 of
15 article X of the Constitution of North Dakota.

16 ~~c. Levies for a building fund or capital improvements.~~

17 ~~d. Levies for fire protection, law enforcement, or emergency services.~~

18 ~~e. Budget expenditures for substantial equipment purchases for infrastructure~~
19 ~~maintenance, repair, or construction such as road equipment, mowers,~~
20 ~~equipment for collection of solid waste, and similar equipment but not including~~
21 ~~office or computer equipment.~~

22 3. The mill rate applied to property or improvements to property that was not taxed in the
23 previous taxable year may not exceed the mill rate determined by law for the current
24 taxable year for property that was taxed in the previous taxable year.

25 4. Application of the percentage increase limitation under this section may be suspended
26 upon approval of the dollar amount and percentage of the tax levy increase by sixty
27 percent or more of the qualified electors of the taxing district voting on the question at
28 a regular or special election of the taxing district. This section may not be superseded
29 under city or county home rule authority. Suspension of the percentage increase
30 limitation under this subsection may be approved by electors for not more than one
31 taxable year at a time.

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

3 **57-20-07.1. County treasurer to mail real estate tax statement.**

4 1. On or before December twenty-sixth of each year, the county treasurer shall mail a
5 real estate tax statement to the owner of each parcel of real property at the owner's
6 last-known address. The statement must be provided in a manner that allows the
7 taxpayer to retain a printed record of the obligation for payment of taxes and special
8 assessments as provided in the statement. If a parcel of real property is owned by
9 more than one individual, the county treasurer shall send only one statement to one of
10 the owners of that property. Additional copies of the tax statement will be sent to the
11 other owners upon their request and the furnishing of their names and addresses to
12 the county treasurer. The tax statement must include:

- 13 a. Include a dollar valuation of the true and full value as defined by law of the
14 property and the total mill levy applicable. ~~The tax statement must include~~
15 b. Include, or be accompanied by a separate sheet, with three columns showing, for
16 the taxable year to which the tax statement applies and the two immediately
17 preceding taxable years, the property tax levy in dollars against the parcel by the
18 county and school district and any city or township that levied taxes against the
19 parcel.
20 c. Include, for the taxable year to which the statement applies and the two
21 immediately preceding taxable years, an item identified as "legislative property
22 tax relief" showing the dollar amount of the property taxes against the parcel paid
23 through legislative appropriation pursuant to section 57-20-07.2 and chapter
24 57-64 against the property taxes levied against the property.

25 2. Failure of an owner to receive a statement will not relieve that owner of liability, nor
26 extend the discount privilege past the February fifteenth deadline.

27 **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
28 December 31, 2012.