

Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1289

Introduced by

Representatives Simons, Becker, Ertelt, Hoverson, McWilliams, Paulson, Vetter

1 A BILL for an Act to amend and reenact subsection 1 of section 28-34-01, section 57-12-01.1,
2 and subsection 2 of section 57-23-06, of the North Dakota Century Code, relating to notice
3 filings and property valuation spot checks; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 28-34-01 of the North Dakota Century
6 Code is amended and reenacted as follows:

7 1. The notice of appeal must be filed with the clerk of the court within ~~thirty~~forty-five days
8 after the decision of the local governing body. A copy of the notice of appeal must be
9 served on the local governing body within forty-five days after the decision of the local
10 governing body in the manner provided by rule 4 of the North Dakota Rules of Civil
11 Procedure.

12 **SECTION 2. AMENDMENT.** Section 57-12-01.1 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **57-12-01.1. Spot checks of real property.**

15 Prior to the annual meeting of the county board of equalization, the board of county
16 commissioners of each county within this state shall provide for random spot checks ~~upon~~
17 ~~property~~of no less than ten percent of the properties within each county for which an application
18 for correction of assessment has been made with the city board of equalization pursuant to
19 section 57-11-04 to properly verify the accuracy of the real property listings and valuations. No
20 fewer than two properties in each residential and commercial classification must be reviewed
21 unless fewer than two applications for correction of assessment were submitted for a property
22 classification. The board of county commissioners shall select a licensed appraiser as defined in
23 section 43-23.3-01 to conduct spot checks under this section, and any other persons or
24 agencies as may be necessary to carry out the provisions of this section, and provide for their

1 compensation. The licensed appraiser shall determine the market value of each property
2 selected for review. The spot checks must be reviewed by the county boards of equalization at
3 their annual meeting in June and ~~such~~the boards shall make the necessary corrections in the
4 property assessment listings and valuations. ~~Such~~ to ensure the true and full value of each
5 property reviewed does not exceed the market value determined by the appraiser. The changes
6 in the assessments must be made in accordance with the provisions of this chapter.

7 In case any person whose duty it is to list property with the assessor refuses to list such
8 property or intentionally omits a portion of such property in the person's listing as indicated by
9 the spot check, the county boards of equalization, as a penalty for such refusal or omission,
10 may make an added assessment on such property of twenty-five percent in excess of its true
11 valuation.

12 ~~The board of county commissioners may select such persons or agencies as may be~~
13 ~~necessary to carry out the provisions of this section and provide for their compensation.~~After
14 November first of each year, the board of county commissioners of each county within this state
15 shall provide for random spot checks of no less than ten percent of the properties within each
16 county for which an application for abatement was received pursuant to section 57-23-05. No
17 fewer than two properties in each residential and commercial classification must be reviewed
18 unless fewer than two applications for abatement were submitted for a property classification.
19 The spot checks must be reviewed by each board of county commissioners and each board
20 shall make the necessary corrections to ensure the true and full value of each property
21 reviewed does not exceed the market value determined by the appraiser. The corrections to the
22 assessments must be made in accordance with chapter 57-23.

23 This section does not limit the board of county commissioners from using spot checks to
24 review properties for which the valuation has not been contested.

25 **SECTION 3. AMENDMENT.** Subsection 2 of section 57-23-06 of the North Dakota Century
26 Code is amended and reenacted as follows:

- 27 2. At the next regular meeting of the board of county commissioners following the filing of
28 an application for abatement or, if forthcoming, at the next regular meeting of the
29 board of county commissioners following transmittal of the recommendations of the
30 governing body of the municipality, the applicant may appear, in person or by a
31 representative or attorney, and may present such evidence as may bear on the

1 application. The applicant shall furnish any additional information or evidence
2 requested by the board of county commissioners. The recommendations of the
3 governing body of the municipality in which such assessed property is located must be
4 endorsed upon or attached to every application for an abatement or refund, and the
5 board of county commissioners shall give consideration to such recommendations.
6 The board of county commissioners, by a majority vote, either shall approve or reject
7 the application, in whole or in part. If rejected, in whole or in part, a written explanation
8 of the rationale for the decision, signed by the chairman of the board, must be
9 attached to the application, and a copy thereof must be ~~mailed~~served on the applicant
10 ~~by the county auditor to the applicant at the post-office address specified in the~~
11 ~~application~~within fifteen days after the application is rejected in the manner provided
12 by rule 4 of the North Dakota Rules of Civil Procedure.

13 **SECTION 4. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
14 December 31, 2018.