FIRST ENGROSSMENT
with House Amendments

ENGROSSED SENATE BILL NO. 2173

Introduced by

Senators Trenbeath, Grindberg, Krebsbach

Representatives F. Klein, Monson, Tieman

1   A BILL for an Act to amend and reenact sections 11-11.1-03 and 11-11.1-04 and subsection 29

2   of section 57-15-06.7 of the North Dakota Century Code, relating to property tax levy authority

3   for tourism promotion by a job development authority or industrial development organization;

4   and to provide an effective date.

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

6   **SECTION 1. AMENDMENT.** Section 11-11.1-03 of the North Dakota Century Code is

7   amended and reenacted as follows:

8   **11-11.1-03. Powers and duties of job development authorities.** The job

9   development authority or joint job development authority shall use its financial and other

10   resources to encourage and assist in the development of employment and promotion of tourism

11   within the county or counties. In fulfilling this objective, the authority may exercise the following

12   powers:

13   1.   To sue and be sued.

14   2.   To make and execute contracts and other instruments necessary or convenient to

15   the exercise of the powers of the authority.

16   3.   To hire professional personnel skilled in seeking and promoting new or expanded

17   opportunities within the county or counties.

18   4.   To make, amend, and repeal resolutions consistent with the provisions of this

19   chapter as necessary to carry into effect the powers and purposes of the authority.

20   5.   To acquire by gift, trade, or purchase, and to hold, improve, and dispose of

21   property.

22   6.   To certify a tax levy as provided in section 11-11.1-04 and to expend moneys

23   raised by the tax for the purposes provided in this chapter. A job development

24   authority may accept and expend moneys from any other source.

1   7.   To insure or provide for insurance of any property in which the authority has an

2   insurable interest.

3   8.   To invest any funds held by the authority.

4   9.   To cooperate with political subdivisions in exercising any of the powers granted by

5   this section, including enabling agreements permitted under chapter 54-40.

6   10.   To loan, grant, or convey any funds or other property held by the authority for any

7   purpose necessary or convenient to carry into effect the objective of the authority

8   established by this chapter.

9   11.   To use existing uncommitted funds held by the authority to guarantee loans or

10   make other financial commitments to enhance economic development.

11   12.   To exercise any other powers necessary to carry out the purposes and provisions

12   of this chapter.

13   **SECTION 2. AMENDMENT.** Section 11-11.1-04 of the North Dakota Century Code is

14 amended and reenacted as follows:

15   **11-11.1-04. Tax levy for job development authorities.** The board of county

16 commissioners of a county which has a job development authority or joint job development

17 authority shall establish a job development authority fund and levy a tax not exceeding the

18 ~~limitation~~ limitations in subsection 29 of section 57-15-06.7. The county treasurer shall keep

19 the job development authority fund separate from other money of the county ~~and~~. If directed by

20 the board of county commissioners, the county treasurer shall keep a separate fund for the job

21 development authority for the proceeds of any designated portion of the levy for promotion of

22 tourism by the job development authority. The county treasurer shall transmit all funds

23 received pursuant to this section within thirty days to the board of directors of the authority.

24 The funds when paid to the authority must be deposited in a special account, or special

25 accounts if the authority chooses to maintain a separate account for promotion of tourism, in

26 which other revenues of the authority are deposited. Moneys received by the job development

27 authority from any other source must also be deposited in the special ~~account~~ accounts. The

28 moneys in the special ~~account~~ accounts may be expended by the authority as provided in

29 sections 11-11.1-02 and 11-11.1-03.

30   **SECTION 3. AMENDMENT.** Subsection 29 of section 57-15-06.7 of the North Dakota

31 Century Code is amended and reenacted as follows:

1   29.   A county levying a tax for a job development authority as provided in section

2   11-11.1-04 or for the support of an industrial development organization as provided

3   in section 11-11.1-06 may levy a tax not exceeding four mills on the taxable

4   valuation of property within the county. <u>Upon approval by a majority of electors</u>

5   <u>voting on the question at a regular or special county election, a county levying a</u>

6   <u>tax for a job development authority as provided in section 11-11.1-04 or for the</u>

7   <u>support of an industrial development organization as provided in section</u>

8   <u>11-11.1-06 may levy a separate and additional tax for promotion of tourism in an</u>

9   <u>amount not exceeding one mill on the taxable valuation of property within the</u>

10   <u>county.</u> However, if any city within the county is levying a tax for support of a job

11   development authority or for support of an industrial development organization and

12   the total of the county and city levies exceeds ~~four~~ <u>five</u> mills, the county tax levy

13   within the city levying under subsection 28 of section 57-15-10 must be reduced so

14   the total levy in the city does not exceed ~~four~~ <u>five</u> mills.

15   **SECTION 4. EFFECTIVE DATE.** This Act is effective for taxable events beginning

16 after December 31, 2002.