

Sixty-fourth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2054

Introduced by

Legislative Management

(Taxation Committee and Advisory Commission on Intergovernmental Relations)

1 A BILL for an Act to create and enact section 57-02-01.1 of the North Dakota Century Code,
2 relating to training and certification of assessors; to amend and reenact sections 11-10.1-01,
3 11-10.1-05, 57-01-05, and 57-02-33 of the North Dakota Century Code, relating to the county
4 director of tax equalization, state supervisor of assessments, and appointment of certified
5 assessors; and to provide for transition.

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

7 **SECTION 1. AMENDMENT.** Section 11-10.1-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **11-10.1-01. County director of tax equalization.**

- 10 1. The board of county commissioners of each county ~~in this state~~ shall appoint a county
11 director of tax equalization who must be ~~qualified and experienced in property~~
12 ~~appraisals, familiar with assessment and equalization procedures and techniques; and~~
13 ~~who is the holder of~~ holds a current certificate certification as an assessor issued by the
14 state supervisor of assessments. ~~The state supervisor of assessments shall confer~~
15 ~~with representatives of the county commissioners, city governing bodies, state~~
16 ~~township officers association, and personnel at North Dakota state university to~~
17 ~~establish or revise the minimum requirements for attaining the certificate. Any person~~
18 ~~who is denied such certificate may appeal to the state tax commissioner for a hearing~~
19 ~~under the provisions of chapter 28-32.~~
- 20 2. The board of county commissioners may, ~~in its discretion,~~ appoint a ~~person~~ county
21 director of tax equalization on a probationary basis who does not hold a current
22 ~~certificate as provided for in subsection 1~~ certification as an assessor, if the board
23 deems ~~such person~~ the individual qualified to act as county director of tax equalization
24 by virtue of education, training, and experience, and willingness to obtain certification.

1 ~~as an assessor.~~ The probationary appointment must be for a term of not more than
2 ~~threetwo~~ years. Any person receiving a probationary appointment who does not obtain
3 ~~a certificate~~certification as an assessor within ~~threetwo~~ years from the appointment is
4 not eligible for reappointment.

- 5 3. The county director of tax equalization shall serve at the pleasure of the board of
6 county commissioners and may be employed on a full-time or part-time basis.
7 Vacancies in the office of county director of tax equalization must be filled in the same
8 manner as the original appointment.

9 **SECTION 2. AMENDMENT.** Section 11-10.1-05 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **11-10.1-05. Powers and duties of county director of tax equalization - Qualifications**
12 **of assessors.**

- 13 1. The county director of tax equalization ~~shall have~~has the power, duty, and
14 responsibility to call upon and confer with ~~township and city~~ assessors in the county
15 and to instruct them in the preparation and proper use of land maps and property
16 record cards, ~~the~~ preparation of assessment books, ~~the~~ changes in assessment laws
17 and ~~regulations~~rules, the determination of proper standards of value, the use of proper
18 classifications of property, determination of what property qualifies as exempt from
19 property taxes, and the authority to require attendance at meetings, ~~to the end that~~
20 apromote uniform assessment of all ~~real~~ property in the county ~~will prevail~~.
21 2. ~~On January 1, 1981, the~~The county director of tax equalization shall ~~succeed to all the~~
22 ~~powers and duties of assessors of townships, cities with a population of under five~~
23 ~~thousand, and unorganized districts~~supervise all individuals performing assessor
24 services in the county and arrange for the assessment of property within the county,
25 ~~except that any city with a population of under five thousand or township may, at its~~
26 ~~option by resolution of its governing body, employ an assessor who shall retain the~~
27 ~~powers, duties, and responsibilities of the office. The resolution~~within the jurisdiction of
28 a city or township in which the governing body to employ anemploys a certified
29 ~~assessor continues in force until rescinded by the governing body. Notwithstanding~~
30 ~~any other provision of law to the contrary, the state supervisor of assessments shall~~
31 ~~confer with representatives of the county commissioners, city governing bodies, state~~

township officers association, and personnel at North Dakota state university to establish minimum requirements for all city and township assessors. The standards shall reflect their limited jurisdiction and need not be equal to those minimum requirements set for county directors of tax equalization. Any courses of instruction included in those minimum requirements for assessors of townships or cities with a population under five thousand must be conducted by the county director of tax equalization who may cooperate with other county directors of tax equalization in holding joint classes. The county director of tax equalization may call upon the state supervisor of assessments for any necessary materials and assistance. No person may serve as an assessor of a township or a city with a population under five thousand for longer than twelve months before being certified by the state supervisor of assessments as having met the minimum requirements. No person may serve as an assessor of a city with a population of five thousand or more for longer than three years before being certified by the state supervisor of assessments as having met the minimum requirements. The expenses and salaries of city and township assessors must be paid by the city or township exercising this option.

3. Any city or township ~~which~~that does not employ its own certified assessor shall reimburse the county for the expenses incurred in assessing the property of that city or township.

4. Any assessment made by an assessor who is not currently certified ~~as qualified for that assessment jurisdiction~~ must be reviewed and approved by a certified county director of tax equalization, or a certified city assessor of a city with a population of five thousand or more assessor, prior to the township or city board of equalization annual meeting. The cost of the assessment review must be paid by the township or city having jurisdiction over the assessment at the same rate as paid to a special assessor in section 57-14-08.

SECTION 3. AMENDMENT. Section 57-01-05 of the North Dakota Century Code is amended and reenacted as follows:

57-01-05. State supervisor of assessments.

The state tax commissioner shall appoint a state supervisor of assessments who must be a person trained and experienced in property appraisals and familiar with assessment and

1 equalization procedures and techniques. The state supervisor of assessments serves at the
2 pleasure of the state tax commissioner and office space must be furnished to the state
3 supervisor of assessments by the commissioner.

4 The state supervisor of assessments shall perform the following duties under the direction
5 of the tax commissioner:

- 6 1. The state supervisor of assessments shall advise and give ~~the various assessors in-~~
7 ~~the state~~ the necessary instructions and directions as to their duties under the laws of
8 this state, to the end that ~~a promote~~ uniform assessment of all real and personal
9 property in this state ~~will be attained~~.
- 10 2. The state supervisor of assessments shall assist and instruct ~~the various assessors in~~
11 ~~this state in the~~ use of soil reconnaissance surveys, land classification methods, ~~in the~~
12 preparation and proper use of land maps and record cards, ~~in the~~ proper classification
13 of real and personal property, and ~~in the~~ determination of proper standards of value.
- 14 3. The state supervisor of assessments may require the attendance of groups of
15 assessors at meetings called by the state supervisor of assessments for the purpose
16 of giving them further assistance and instruction as to their duties.
- 17 4. The state supervisor of assessments may make sales, market, and productivity
18 studies and other studies of property assessments in the ~~various~~ counties and cities of
19 this state ~~for the purpose of to properly advising~~ advise the various assessors and
20 directors of tax equalization in the state and ~~for the purpose of recommending to~~
21 recommend to the tax commissioner changes to be made by the state board of
22 equalization in the performance of ~~the its~~ equalization powers and duties ~~prescribed for~~
23 ~~it by section 57-13-04~~. In any sales, market, and productivity study made according to
24 section 57-01-06, the county directors of tax equalization or city assessors, ~~as the~~
25 ~~case may be, are responsible for compiling~~ shall compile a record of sales of property
26 made in the county or city, and in conjunction with the board of county commissioners
27 shall analyze the sales for the purpose of advising the state supervisor of
28 assessments as to the value of using the sales in any such study. The compilations
29 must be forwarded to the state supervisor of assessments with the findings of the
30 county director of tax equalization, city assessors, and the board of county
31 commissioners. In any county or city or any part thereof where the number of sales of

properties is insufficient for making a sales, market, and productivity study, the county director of tax equalization or city assessor, as the case may be, in cooperation with the state supervisor of assessments or that person's assistants shall make appraisals of properties in order to determine the market value.

5. The state supervisor of assessments shall cooperate with North Dakota state university in the development of a soil mapping program, a land classification system, valuation studies, and other matters relating to the assessment of property and shall provide for the use of such information and procedure at the earliest possible date by the assessors of this state.
6. The state supervisor of assessments has general supervision of assessors and county directors of tax equalization pertaining to methods and procedures of assessment of all property and has authority to require all county directors of tax equalization to do any act necessary to obtain uniform methods and procedures of assessment.
7. Whenever an investigation by the state supervisor of assessments shows there is probable cause to believe the holder of a certificate issued by the state supervisor of assessments under ~~chapter 11-10.1~~ section 57-02-01.1 has failed to comply with any of the provisions of ~~this title law~~ pertaining to assessments, or any rules ~~prescribed~~ adopted by the tax commissioner, the state supervisor of assessments may petition the tax commissioner for a hearing to show cause why the certificate should be suspended or revoked.
 - a. The state supervisor of assessments must provide the certificate holder at least ten days' notice of the time and place of the hearing.
 - b. If cause to suspend or revoke the certificate is shown, the tax commissioner may suspend or revoke the certificate.
 - c. The tax commissioner may restore a certificate after suspension or revocation.
 - d. An individual whose certificate has been suspended or revoked in the manner provided in this section may appeal that determination to the district court as provided in section 28-32-42.
8. If a certificate holder's certificate is suspended or revoked under this section, the governing body of the county in which the certificate holder performs duties shall ensure the continued administration of assessments within that county by a person

authorized under section 11-10.1-05 and be responsible for any expenses associated with the fulfillment of this responsibility. Expenses incurred by a county to fulfill the duties of a township or city assessment official whose certificate has been suspended or revoked must be charged to the political subdivision in which the certificate holder is employed and must either be paid directly to the county by the political subdivision or deducted by the county treasurer from funds coming into the treasurer's control which are apportionable to the subdivision.

9. The state supervisor of assessments shall perform such other duties relating to assessment and taxation of property as the tax commissioner directs.

10. The tax commissioner may ~~prescribe~~adopt rules under chapter 28-32 necessary for the ~~detailed and efficient~~ administration of this section.

SECTION 4. Section 57-02-01.1 of the North Dakota Century Code is created and enacted as follows:

57-02-01.1. Certification of assessors.

The state supervisor of assessments shall certify assessors as provided in this section.

1. To be certified as an assessor, an individual must:

a. Have a high school diploma or its equivalent.

b. Successfully complete one hundred eighty hours of assessment and appraisal instruction approved by the state supervisor of assessments. The number of hours of instruction determined necessary by the state supervisor of assessments for each of the following topics is required:

(1) Tax administration.

(2) Principles and theory of value.

(3) Residential property appraisal.

(4) Commercial property appraisal.

(5) Agricultural property valuation.

2. The state supervisor of assessments may allow credit against required instruction in any topic under subdivision b of subsection 1 upon receipt of documented training in this state or another state in the topic.

3. An individual appointed as an assessor must hold an assessor certificate at the time of appointment or obtain that certificate within two years after initial appointment or by

July 31, 2017, whichever is later. An assessor who does not obtain an assessor certificate within two years after initial appointment or by July 31, 2017, whichever is later, or who does not maintain that certificate in good standing is not eligible for reappointment.

4. An assessor certificate is valid for a term of two years from the first day of the calendar year for which it becomes effective.

5. An assessor certificate may be renewed if the holder has completed twenty hours of approved classroom instruction or seminars during the term of the certificate. For purposes of this subsection, an assessor certificate holder is entitled to one and one-half hours of credit for each hour spent as an instructor of approved classroom instruction or seminars during the term of the certificate.

6. The state supervisor of assessments shall notify the holder of an assessor certificate of the time for application for renewal of the individual's certificate. The state supervisor of assessments shall notify the governing body of the taxing district employing an assessor whose certificate is not renewed or whose certificate is suspended or revoked.

7. Any person who is denied a certificate under this section may appeal to the tax commissioner for a hearing under chapter 28-32.

8. The tax commissioner may adopt rules under chapter 28-32 for the administration of this section.

SECTION 5. AMENDMENT. Section 57-02-33 of the North Dakota Century Code is amended and reenacted as follows:

57-02-33. Assessor districts~~services~~ **for unorganized territory.**

~~All counties or parts of counties in this state not organized into civil townships~~Any area not within an organized township or a city must be divided into assessor districts, which must be designated by the board of county commissioners~~assessed by a certified assessor under the supervision and direction of the county director of tax equalization.~~ The board of county commissioners shall appoint the district assessors to a four-year term of office, the first term commencing on January 1, 1974. In case of vacancy in the office of district assessor in any of such districts, such vacancies must be filled by the board of county commissioners for the balance of the term. In making the appointment of a district assessor, the~~The~~ county director of

1 tax equalization for such county is eligible for appointment to a district assessor position may
2 serve as an assessor of property under this section. Every individual performing assessor of
3 territory not organized into civil townships shall receive asservices under this section is entitled
4 to compensation for services a sum and mileage and travel expenses determined by the board
5 of county commissioners for the time actually and necessarily employed in ~~making and~~
6 ~~completing the assessment of the district property.~~ The compensation and expenses must be
7 paid from the treasury of the county in which ~~such district~~ the assessed property is located only
8 upon submission of an itemized statement setting forth the actual time spent in the work of the
9 assessor and mileage traveled, approved by the board of county commissioners. ~~In addition,~~
10 ~~the district assessor must be paid such mileage as is required to perform the duties of the office.~~
11 ~~The board of county commissioners has the authority to appoint a deputy assessor if needed, to~~
12 ~~be compensated in the same manner as the district assessor.~~

13 **SECTION 6. TRANSITION.** The state supervisor of assessments shall recertify assessors
14 at the end of the term of any certification that expires after July 31, 2017, upon application and
15 submission by the certificate holder of evidence of completion of required educational sessions
16 under North Dakota Administrative Code section 81-02.1-02-10 or under section 57-02-01.1 or
17 rules adopted to administer that section, subject to the following additional requirements:

- 18 1. The holder of a township assessor or class II city assessor certification may be
19 recertified as a certified assessor upon completion of the instruction required for
20 assessor certification, with credit allowed by the state supervisor of assessments for
21 any instruction previously received by the applicant for certification as a township
22 assessor or class II city assessor.
- 23 2. The holder of a class I city assessor certification may be recertified as a certified
24 assessor upon submission of evidence of completion of required educational sessions
25 during the term of the class I city assessor certification.
- 26 3. The holder of a county director of tax equalization certification may be recertified as a
27 certified assessor upon submission of evidence of completion of required educational
28 sessions during the term of the county director of tax equalization certification.