

Introduced by

1 A BILL for an Act to amend and reenact section 57-15-02.1 of the North Dakota Century Code,  
2 relating to notices by political subdivisions of a proposed property tax levy increase and the time  
3 and place of a public hearing on the increase; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 57-15-02.1 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **57-15-02.1. Property tax levy increase notice and public hearing.**

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

11 1. The governing body of a taxing district proposing to impose a property tax levy at a  
12 greater tax rate than the zero increase tax rate shall cause publication of written notice  
13 in its official newspaper as required by this section to be delivered to the owner of  
14 record of each taxable parcel of property in the taxing district by personal delivery, mail  
15 to the property owner's last-known address, or electronic mail directed with verification  
16 of receipt to an electronic mail address at which the property owner has consented to  
17 receive the notice. For an individual or entity that owns more than one parcel of  
18 taxable property in the taxing district, notices required under this section may be  
19 consolidated into a single notice covering all parcels.

20 2. Delivery of notice under this section must be completed at least seven days before a  
21 public hearing on ~~its~~the taxing district's property tax levy. A public hearing under this  
22 section may not be scheduled to begin earlier than six p.m.

23 3. The tax commissioner shall prescribe the form and contents of the notice ~~must have at~~  
24 ~~least one-half inch [1.27 centimeters] white space margin on all four sides and must be~~

1 ~~at least two columns wide by five inches [12.7 centimeters] high to be used under this~~  
2 ~~section.~~ The heading of the notice must be capitalized in boldface type ~~of at least~~  
3 ~~eighteen point~~ font size not smaller than prescribed by the tax commissioner stating  
4 "IMPORTANT NOTICE TO (name of taxing district) TAXPAYERS". The proposed  
5 percentage increase exceeding the zero increase tax rate must be printed in a  
6 boldface type font size no less more than two points less smaller than the heading, while  
7 the remaining portion of the ~~advertisement~~ notice must be printed in a type face font  
8 size no less more than four points less smaller than the heading. The text of the notice  
9 must contain:

- 10 a. The date, time, and place of the public hearing.
- 11 b. A statement that the public hearing will be held to consider increasing the  
12 property tax levy by a stated percentage, expressed as a percentage increase  
13 exceeding the zero increase ~~number of mill~~ tax rate.
- 14 c. A statement of the taxing district's proposed budget and ending fund balance in  
15 dollars and the previous year's final budget and ending fund balance in dollars.
- 16 d. A statement of the increased amount in dollars of property taxes which the  
17 proposed percentage increase would impose for a property, in each classification  
18 of property, which was of one hundred thousand dollars true and full valuation in  
19 the previous year with its true and full valuation increased by the average  
20 percentage increase for that classification of property in the taxing district for the  
21 current year.
- 22 e.e. A statement that there will be an opportunity for citizens to present oral or written  
23 comments regarding the proposed property tax levy.
- 24 d.f. Any other information the taxing district wishes to provide to inform taxpayers.

25 ~~2.4.~~ At least seven days before a public hearing on its property tax levy under this section,  
26 the governing body shall cause notice of the information required under subsection 1  
27 to be mailed to each property owner who received notice of an assessment increase  
28 for the taxable year under section 57-12-09. At the time of delivery of notices under  
29 subsection 1, the governing body of the taxing district shall provide for electronic mail  
30 delivery of a copy of the notice to the tax commissioner.

1     ~~3.5.~~ If the governing body of the taxing district does not make a final decision on imposing  
2     a property tax levy exceeding the zero increase ~~number of mill~~tax rate at the public  
3     hearing for which the notice is required by this section, the governing body shall  
4     announce at that public hearing the scheduled time and place of the next public  
5     meeting at which the governing body will consider final adoption of a property tax levy  
6     exceeding the ~~tax~~taxing district's zero increase ~~number of mill~~tax rate.

7     ~~4.6.~~ For purposes of this section:

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

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

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

16    d. "Zero increase ~~number of mill~~tax rate" means the ~~number of mill~~tax rate  
17    against the taxing district's current year taxable valuation, excluding  
18    consideration of new growth, which will provide the same amount of property tax  
19    revenue as the property tax levy in the prior year.

20    ~~5. For the taxable year 2013 only, for purposes of determining the zero increase number~~  
21    ~~of mills for a school district, the amount of property tax revenue from the property tax~~  
22    ~~levy in the 2012 taxable year must be recalculated by reducing the 2012 mill rate of~~  
23    ~~the school district by the lesser of:~~

24    a. Fifty mills; or

25    b. The 2012 general fund mill rate of the school district minus sixty mills.

26     **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after  
27    December 31, 2014.