

HOUSE BILL NO. 1132

Introduced by

Representatives Nathe, Headland, Owens, Porter

Senators Cook, Miller

1 A BILL ~~for an Act to create and enact section 57-15-02.2 of the North Dakota Century Code,~~
2 ~~relating to e-mail notice to taxpayers regarding political subdivision budget or levy deliberations;~~
3 ~~to amend and reenact sections 57-15-02.1, 57-20-07.1, and 57-55-04 of the North Dakota~~
4 ~~Century Code, relating to property tax increase notices and property tax statements; and to~~
5 ~~provide an effective date for an Act to provide for a legislative management study of the~~
6 feasibility and desirability of making political subdivision budget information accessible on the
7 state budget database website and finding better ways to inform taxpayers regarding political
8 subdivision budget or levy deliberations and regarding legislative property tax relief.

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

10 ~~— **SECTION 1. AMENDMENT.** Section 57-15-02.1 of the North Dakota Century Code is~~
11 ~~amended and reenacted as follows:~~
12 ~~— **57-15-02.1. Property tax levy increase notice and public hearing.**~~
13 ~~— Notwithstanding any other provision of law, a taxing district may not impose a property tax~~
14 ~~levy in a greater number of mills than the zero increase number of mills, unless the taxing-~~
15 ~~district is in substantial compliance with this section.~~
16 ~~— 1.— The governing body shall cause publication of notice in its official newspaper at least~~
17 ~~seven days before a public hearing on its property tax levy. A public hearing under this~~
18 ~~section may not be scheduled to begin earlier than six p.m. The notice must have at~~
19 ~~least one-half inch [1.27 centimeters] white space margin on all four sides and must be~~
20 ~~at least two columns wide by five inches [12.7 centimeters] high. The heading must be~~
21 ~~capitalized in boldface type of at least eighteen point stating "IMPORTANT NOTICE-~~
22 ~~TO (name of taxing district) TAXPAYERS". The proposed percentage increase must~~
23 ~~be printed in a boldface type size no less than two points less than the heading, while~~

1 the remaining portion of the advertisement must be printed in a type face size no less
2 than four points less than the heading. The text of the notice must contain:

3 ~~a. The date, time, and place of the public hearing.~~

4 ~~b. A statement that the public hearing will be held to consider increasing the~~
5 ~~property tax levy by a stated percentage, expressed as a percentage increase~~
6 ~~exceeding the zero increase number of mills.~~

7 ~~c. A statement that there will be an opportunity for citizens to present oral or written~~
8 ~~comments regarding the property tax levy.~~

9 ~~d. Any other information the taxing district wishes to provide to inform taxpayers.~~

10 ~~2. If required to cause publication of the newspaper notice under subsection 1, the~~
11 ~~governing body of a county, city of five hundred or more population, or school district~~
12 ~~shall cause posting on its website, if it maintains a website, of the text of the notice~~
13 ~~under subsection 1 under a capitalized, boldfaced heading stating "IMPORTANT~~
14 ~~NOTICE TO (name of taxing district) TAXPAYERS".~~

15 ~~3. If the governing body of the taxing district does not make a final decision on imposing~~
16 ~~a property tax levy exceeding the zero increase number of mills at the public hearing~~
17 ~~required by this section, the governing body shall announce at that public hearing the~~
18 ~~scheduled time and place of the next public meeting at which the governing body will~~
19 ~~consider final adoption of a property tax levy exceeding the tax district's zero increase~~
20 ~~number of mills.~~

21 ~~4. If the governing body of the taxing district adopts a property tax levy exceeding the~~
22 ~~zero increase number of mills, the certification of levy for the taxing district under~~
23 ~~section 57-15-32 must be accompanied by a supplement showing the number of mills~~
24 ~~and percentage increase that was approved and the number of mills and percentage~~
25 ~~by which the adopted property tax levy exceeded the zero increase number of mills~~
26 ~~and the vote of each member of the governing body on the motion that resulted in~~
27 ~~adoption. The supplement may include a statement of any explanatory information~~
28 ~~adopted by a majority vote of the governing body, relating to reasons for adoption of a~~
29 ~~property tax levy exceeding the zero increase number of mills.~~

30 ~~3.5. For purposes of this section:~~

1 ~~_____ a. "New growth" means the taxable valuation of any property that was not taxable in~~
2 ~~the prior year.~~

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

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

9 ~~_____ d. "Zero increase number of mills" means the number of mills against the taxing~~
10 ~~district's current year taxable valuation, excluding consideration of new growth,~~
11 ~~which will provide the same amount of property tax revenue as the property tax~~
12 ~~levy in the prior year.~~

13 ~~_____ **SECTION 2.** Section 57-15-02.2 of the North Dakota Century Code is created and enacted~~
14 ~~as follows:~~

15 ~~_____ **57-15-02.2. County, city, and school district website and taxing district resident e-mail**~~
16 ~~**notice delivery.**~~

17 ~~_____ The governing body of a county, city of five hundred or more population, or school district~~
18 ~~shall cause posting on its website, if it maintains a website, of information on how a resident of~~
19 ~~the taxing district may register an e-mail address at which the taxing district will provide e-mail~~
20 ~~notice to the resident at least ten days before any meeting of the governing body at which the~~
21 ~~budget or property tax levy to be adopted will be considered. The notice must include a~~
22 ~~description of what aspects of the budget or levy will be considered and may include any other~~
23 ~~information the taxing district wishes to provide to inform residents about budget or levy issues.~~

24 ~~_____ **SECTION 3. AMENDMENT.** Section 57-20-07.1 of the North Dakota Century Code is~~
25 ~~amended and reenacted as follows:~~

26 ~~_____ **57-20-07.1. County treasurer to mail real estate tax statement.**~~

27 ~~_____ On or before December twenty-sixth of each year, the county treasurer shall mail a real~~
28 ~~estate tax statement to the owner of each parcel of real property at the owner's last known~~
29 ~~address. The statement must be provided in a manner that allows the taxpayer to retain a~~
30 ~~printed record of the obligation for payment of taxes and special assessments as provided in~~
31 ~~the statement. If a parcel of real property is owned by more than one individual, the county~~

1 treasurer shall send only one statement to one of the owners of that property. Additional copies
2 of the tax statement will be sent to the other owners upon their request and the furnishing of
3 their names and addresses to the county treasurer.

4 ~~1. The tax statement must include a dollar valuation of the or be accompanied by a~~
5 ~~separate sheet that includes:~~

6 ~~a. The true and full value as defined by law and taxable value of the property and~~
7 ~~the total mill levy applicable. The tax statement must include, or be accompanied~~
8 ~~by a separate sheet, with three number of mills levied by each taxing district in~~
9 ~~which the subject property is located and the total number of mills levied by all~~
10 ~~taxing districts against the subject property;~~

11 ~~b. Three columns showing, for the taxable year to which the tax statement applies~~
12 ~~and the two immediately preceding taxable years, the property tax levy in dollars~~
13 ~~against the parcel by the county and school district and any city or township that~~
14 ~~levied taxes against the parcel;~~

15 ~~c. A copy of any supplement required to be filed under section 57-15-02.1 by a~~
16 ~~taxing district in which the property is located, showing the percentage increase~~
17 ~~exceeding the zero increase number of mills of the adopted property tax levy, any~~
18 ~~accompanying statement of any explanatory information adopted by a majority~~
19 ~~vote of the governing body, and the vote of each member of the governing body~~
20 ~~on the motion for adoption of the property tax levy; and~~

21 ~~d. A statement of the amount of property tax in dollars which is created by a levy of~~
22 ~~one mill against the taxable valuation of the subject property.~~

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

25 ~~**SECTION 4. AMENDMENT.** Section 57-55-04 of the North Dakota Century Code is~~
26 ~~amended and reenacted as follows:~~

27 ~~**57-55-04. Taxes – How determined – Disbursement.**~~

28 ~~The director of tax equalization shall determine the tax for each mobile home by placing an~~
29 ~~evaluation on the mobile home based upon its assessed value and by adjusting the valuation of~~
30 ~~the mobile home by the percentage provided in section 57-02-27 to determine its taxable~~
31 ~~valuation under standards and guides determined by the state tax commissioner and applying~~

1 that evaluation to the preceding year's total mill levies applying to property within the taxing
2 district in which the mobile home is located. The county treasurer shall provide a tax statement
3 for each mobile home subject to taxation under this chapter, including threewhich includes, or is
4 accompanied by a separate sheet that includes:

- 5 ~~1. The true and full value and taxable value of the mobile home and the number of mills~~
6 ~~levied by each taxing district in which the mobile home is located and the total number~~
7 ~~of mills levied by all taxing districts against the mobile home;~~
- 8 ~~2. Three columns showing, for the taxable year to which the tax statement applies and~~
9 ~~the two immediately preceding taxable years, the property tax levy in dollars against~~
10 ~~the mobile home by the county and school district and any city or township that levied~~
11 ~~taxes against the mobile home. ;~~
- 12 ~~3. A copy of any supplement filed by a taxing district in which the mobile home is located,~~
13 ~~which is required to be filed under section 57-15-02.1, showing the percentage~~
14 ~~increase exceeding the zero increase number of mills of the adopted property tax levy,~~
15 ~~any accompanying statement of any explanatory information adopted by a majority~~
16 ~~vote of the governing body, and the vote of each member of the governing body on the~~
17 ~~motion for adoption of the property tax levy; and~~
- 18 ~~4. A statement of the amount of property tax in dollars which is created by a levy of one~~
19 ~~mill against the taxable valuation of the mobile home.~~

20 If a mobile home is acquired or moved into this state during the calendar year and a tax permit
21 has not been previously issued for such mobile home in this state for such year, the tax is
22 determined by computing the remaining number of months of the current year to the nearest full
23 month and multiplying that number by one-twelfth of the amount which would be due for the full
24 year. The taxes collected under this chapter must be disbursed in the same year they are
25 collected and in the same manner as real estate taxes for the preceding year are disbursed.

26 ~~— **SECTION 5. EFFECTIVE DATE.** This Act is effective for taxable years beginning after~~
27 ~~December 31, 2012.~~

28 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - BUDGET AND PROPERTY TAX**
29 **RELIEF INFORMATION.** During the 2013-14 interim, the legislative management shall assign
30 to the advisory commission on intergovernmental relations a study of the feasibility and
31 desirability of making political subdivision budget information accessible on the state budget

Sixty-third
Legislative Assembly

- 1 database website and finding better ways to inform taxpayers regarding political subdivision
- 2 budget or levy deliberations and regarding legislative property tax relief. The legislative
- 3 management shall report its findings and recommendations, together with any legislation
- 4 required to implement the recommendations, to the sixty-fourth legislative assembly.