

Sixty-third  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1290

Introduced by

Representatives Kasper, Brabandt, Grande, Headland, Heller, Rohr, Ruby, Streyle, Thoreson  
Senators Miller, Sitte

1 A BILL for an Act to create and enact section 57-15-01.2 of the North Dakota Century Code,  
2 relating to property tax levy dollar increase limitations; to amend and reenact section 57-20-07.1  
3 of the North Dakota Century Code, relating to contents of property tax statements; and to  
4 provide an effective date.

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

6 **SECTION 1.** Section 57-15-01.2 of the North Dakota Century Code is created and enacted  
7 as follows:

8 **57-15-01.2. Limitation on levies by taxing districts.**

9 1. Notwithstanding that a taxing district may have unused or excess levy authority under  
10 any other provision of law, this section limits that authority. This section may not be  
11 interpreted as authority to increase any levy limitation otherwise provided by law and  
12 may be applied only to limit any unused or excess levy authority that a taxing district  
13 may otherwise be entitled to use. Property taxes levied in dollars by a taxing district  
14 may not exceed the amount the taxing district levied in dollars in the preceding taxable  
15 year by more than three percent, except:

16 a. When a taxable improvement to property has been made or property has been  
17 added to the taxing district which was not taxable in the previous taxable year,  
18 the amount levied in dollars in the previous taxable year by the taxing district  
19 must be adjusted to reflect the taxes that would have been imposed against the  
20 additional taxable valuation attributable to the improvements or additional  
21 property.

22 b. When a property tax exemption existed in the previous taxable year which has  
23 been reduced or no longer exists, the amount levied in dollars in the previous  
24 taxable year by the taxing district must be adjusted to reflect the taxes that would

- 1           have been imposed against the portion of the taxable valuation of the property  
2           which is no longer exempt.
- 3           c. When temporary mill levy increases authorized by the electors of the taxing  
4           district or mill levies authorized by state law existed in the previous taxable year  
5           but are no longer applicable or have been reduced, the amount levied in dollars  
6           in the previous taxable year by the taxing district must be adjusted to reflect the  
7           expired temporary mill levy increases and the reduced or eliminated mill levies  
8           authorized by state law before the percentage increase allowable under this  
9           subsection is applied.
- 10          2. The limitation on the total amount levied by a taxing district under subsection 1 does  
11          not apply to:
- 12          a. New or increased mill levies authorized by state law or the electors of the taxing  
13          district which did not exist in the previous taxable year.
- 14          b. Any irrevocable tax to pay bonded indebtedness levied under section 16 of  
15          article X of the Constitution of North Dakota.
- 16          c. Levies for a building fund or capital improvements.
- 17          d. Levies for fire protection, law enforcement, or emergency services.
- 18          e. Budget expenditures for substantial equipment purchases for infrastructure  
19          maintenance, repair, or construction such as road equipment, mowers,  
20          equipment for collection of solid waste, and similar equipment but not including  
21          office or computer equipment.
- 22          3. The mill rate applied to property or improvements to property that was not taxed in the  
23          previous taxable year may not exceed the mill rate determined by law for the current  
24          taxable year for property that was taxed in the previous taxable year.
- 25          4. Application of the percentage increase limitation under this section may be suspended  
26          upon approval of the dollar amount and percentage of the tax levy increase by sixty  
27          percent or more of the qualified electors of the taxing district voting on the question at  
28          a regular or special election of the taxing district. Suspension of the percentage  
29          increase limitation under this subsection may be approved by electors for not more  
30          than one taxable year at a time.

1       **SECTION 2. AMENDMENT.** Section 57-20-07.1 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **57-20-07.1. County treasurer to mail real estate tax statement.**

4       1. On or before December twenty-sixth of each year, the county treasurer shall mail a  
5 real estate tax statement to the owner of each parcel of real property at the owner's  
6 last-known address. The statement must be provided in a manner that allows the  
7 taxpayer to retain a printed record of the obligation for payment of taxes and special  
8 assessments as provided in the statement. If a parcel of real property is owned by  
9 more than one individual, the county treasurer shall send only one statement to one of  
10 the owners of that property. Additional copies of the tax statement will be sent to the  
11 other owners upon their request and the furnishing of their names and addresses to  
12 the county treasurer. The tax statement must include:

- 13       a. Include a dollar valuation of the true and full value as defined by law of the  
14       property and the total mill levy applicable. ~~The tax statement must include~~  
15       b. Include, or be accompanied by a separate sheet, with three columns showing, for  
16       the taxable year to which the tax statement applies and the two immediately  
17       preceding taxable years, the property tax levy in dollars against the parcel by the  
18       county and school district and any city or township that levied taxes against the  
19       parcel.  
20       c. Include, for the taxable year to which the statement applies and the two  
21       immediately preceding taxable years, an item identified as "legislative property  
22       tax relief" showing the dollar amount of the property taxes against the parcel paid  
23       through legislative appropriation pursuant to section 57-20-07.2 and chapter  
24       57-64 against the property taxes levied against the property.

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

27       **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after  
28 December 31, 2012.