

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1056

Introduced by

Legislative Management

(Taxation Committee)

1 A BILL for an Act to amend and reenact section 18-10-07 of the North Dakota Century Code,
2 relating to rural fire protection district increased levy approval; to repeal section 57-15-26.3 of
3 the North Dakota Century Code, relating to the levy limit for rural fire protection districts; and to
4 provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Section 18-10-07 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **18-10-07. Fire protection policy to be determined - Tax levy.**

9 The board of directors shall determine a general fire protection policy for the district and
10 shall annually estimate the probable expense for carrying out the contemplated program. The
11 annual estimate of probable expense may include an amount determined by the board of
12 directors to be necessary to be carried over to a future year for purchase of firefighting
13 equipment, ambulances, or other emergency vehicles. The estimate must be certified by the
14 president and secretary to the proper county auditor or county auditors, on or before June
15 thirtieth of each year, who shall levy a tax upon the taxable property within the district for the
16 maintenance of the fire protection district for the fiscal year as provided by law.

17 The tax may not exceed ~~the limitation in section 57-15-26.3a~~ tax rate of five mills per dollar
18 of the taxable valuation of property in the district except upon resolution adopted by the board of
19 directors after receipt of a petition and approval by a majority of the qualified electors residing
20 within the district voting on the question at an annual or special meeting of electors called by the
21 board of directors, the levy may be made in an amount not exceeding thirteen mills. If an
22 election to approve or reauthorize an excess levy will be held at an annual or special meeting of
23 electors of the district called by the board of directors, notice of the meeting and the proposed
24 excess levy election must be provided by at least one publication in the official newspaper of

1 each county in which the district is located at least seven days, but not more than fourteen
2 days, before the date of the public meeting. The published notice must include the amount of
3 the proposed tax rate increase in mills and the duration for which elector approval of the
4 increase is sought and must include the location where, and hours during which, ballots may be
5 cast.

6 Votes to approve or disapprove the levy increase must be cast on the date of the meeting.
7 The polling place must remain open for at least six hours on the date of the meeting. The
8 secretary-treasurer of the district shall prepare and distribute to qualified electors paper ballots
9 to conduct the election on the question of increased levy authority. Three election judges to
10 receive and count the ballots must be selected by approval of a majority of qualified electors in
11 attendance. A marked ballot must be delivered to one of the judges, folded to conceal its
12 contents, and the judge shall deposit it in the ballot box and another judge shall enter the name
13 of the elector who cast the ballot in the poll book. When the election is closed, the judges shall
14 count the ballots and announce the result. Results of the election must be certified to the county
15 auditor within ten days after the election. The certificate must include a statement of the
16 question as it appeared on the ballot, together with the total number of votes cast in favor, and
17 the number of votes cast against, authorizing the excess levy.

18 After July 31, 2015, approval or reauthorization by ~~petition of~~ electors of increased levy
19 authority under this section may not be effective for more than ~~eighteen~~ taxable years. ~~No~~
20 ~~signature on the petition may be considered valid if made more than ninety days prior to receipt~~
21 ~~of the petition.~~ Additional levy authority authorized by the board of directors after petition of
22 electors before August 1, 2015, remains in effect under the provisions of law at the time the levy
23 was authorized for the time period authorized by the electors but not exceeding five taxable
24 years. The tax must be:

- 25 1. Collected as other taxes are collected in the county.
- 26 2. Turned over to the secretary-treasurer of the rural fire protection district, who shall
27 have a surety bond in the amount of at least five thousand dollars.
- 28 3. Placed to the credit of the rural fire protection district so authorizing the same by its
29 secretary-treasurer in a state or national bank, except amounts to be carried over to a
30 future year for purchase of firefighting equipment, ambulances, or other emergency
31 vehicles may be invested to earn the maximum return available.

1 4. Paid out upon warrants drawn upon the fund by authority of the board of directors of
2 the district, bearing the signature of the secretary-treasurer and the countersignature
3 of the president of the rural fire protection district.

4 The amount of tax levy may not exceed the amount of funds required to defray the expenses of
5 the district for a period of one year as embraced in the annual estimate of expense, including
6 the amount of principal and interest upon the indebtedness of the district for the ensuing year
7 and including any amount determined by the board of directors to be necessary to be carried
8 over to a future year for purchase of firefighting equipment, ambulances, or other emergency
9 vehicles.

10 **SECTION 2. REPEAL.** Section 57-15-26.3 of the North Dakota Century Code is repealed.

11 **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
12 December 31, 2014.