Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017

SENATE BILL NO. 2200
(Senators Cook, Bekkedahl, Laffen)
(Representatives Owens, Rohr, Schreiber-Beck)

AN ACT to amend and reenact section 57-15-06.6, subsection 8 of section 57-15-10, and section 57-15-38 of the North Dakota Century Code, relating to capital project levies; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-15-06.6 of the North Dakota Century Code is amended and reenacted as follows:

57-15-06.6. County capital projects levy.

The board of county commissioners of each county may levy an annual tax not exceeding ten mills plus any voter-approved additional levy as provided in subsection 8 of section 57-15-06.7 for the purpose of the following capital projects:

1. Constructing and equipping and maintaining structural and mechanical components of regional or county corrections centers or for the purpose of contracting for corrections center space capacity from another public or private entity.

2. Acquiring real estate as a site for public parks and construction and equipping and maintaining structural and mechanical components of recreational facilities under section 11-28-06.

3. Acquiring real estate as a site for county buildings and operations and constructing and equipping and maintaining structural and mechanical components of county buildings and property.

4. Acquiring real estate as a site for county fair buildings and operations and constructing and equipping and maintaining structural and mechanical components of county fair buildings and property as provided in section 4-02-26.

5. Acquiring and developing real estate, capital improvements, buildings, pavement, equipment, and debt service associated with financing for county supported airports or airport authorities.

6. Expenditures for the cost of leasing as an alternative means of financing for any of the purposes for which expenditures are authorized under subsections 1 through ~~4~~5.

Any voter-approved levy for the purposes specified in this section approved by the electors before January 1, 2015, remains effective through 2024 or the period of time for which it was approved by the electors, whichever is less, under the provisions of law in effect at the time it was approved. After January 1, 2015, approval or re-authorization by electors of increased levy authority under this section may not be effective for more than ten taxable years.

SECTION 2. AMENDMENT. Subsection 8 of section 57-15-10 of the North Dakota Century Code is amended and reenacted as follows:

8. Taxes levied for a capital improvements fund approved by a majority of the electors of the city in accordance with section 57-15-38 for specified purposes may be levied in ~~an~~a specified amount not exceeding ten mills. Taxes levied for a capital improvements fund approved by sixty percent or more of the electors of the city in accordance with section 57-15-38 for general purposes may be levied in an amount not exceeding ten mills. Taxes levied for a

capital improvements fund approved by sixty percent or more of the electors of the city in accordance with section 57-15-38 for specified purposes may be levied in ~~an~~a specified amount not exceeding an additional ten mills.

SECTION 3. AMENDMENT. Section 57-15-38 of the North Dakota Century Code is amended and reenacted as follows:

57-15-38. City capital improvements fund levy.

1. The governing body of any city may levy a tax for a capital improvements fund not exceeding ten mills under section 57-15-10, to be used for one of the purposes specified under subsection 5, when authorized to do so by a majority of the electors voting upon the question at a primary or general election.

   ~~When authorized by sixty percent or more of the qualified electors voting upon the question at a regular or special election in the city, the governing body of the city may levy and collect an additional tax of ten mills for capital improvements fund purposes under section 57-15-10.~~ A ballot submitted to the electors under this subsection may contain multiple questions and each question must specify:

   a. The singular purpose, selected from the purposes specified under subsection 5, for which the levy authority is being sought;

   b. The number of mills requested for the purpose specified in subdivision a; and

   c. The duration of the requested levy authority.

2. The governing body of any city may levy a tax for a capital improvements fund not exceeding ten mills under section 57-15-10, to be used for any of the purposes specified under subsection 5, when authorized to do so by sixty percent or more of the qualified electors voting upon the question at a primary or general election.

3. The governing body of any city may levy an additional tax for a capital improvements fund exceeding ten mills but not exceeding twenty mills under subsection 57-15-10, to be used for one of the purposes specified under subsection 5, when authorized to do so by sixty percent or more of the electors voting upon the question at a primary or general election. A ballot submitted to the electors under this subsection may contain multiple questions and each question must specify:

   a. The singular purpose, selected from the purposes specified under subsection 5, for which the levy authority is being sought;

   b. The number of mills requested for the purpose specified in subdivision a; and

   c. The duration of the requested levy authority.

4. Any excess levy for capital improvements under this section approved by the electors of a city before July 1, 2015, remains effective for ten taxable years or the period of time for which it was approved by the electors, whichever is less, after it was approved, under the provisions of law in effect at the time it was approved. After June 30, 2015, approval or reauthorization by electors of increased levy authority under this section may not be effective for more than ten taxable years.

5. The capital improvements fund ~~must~~may be used for ~~paying:~~

   a. Paying all or part of the construction of waterworks systems, sewage systems, public buildings, or any other public improvements; ~~acquiring~~

b. Acquiring real estate as a site for public buildings, maintaining structural and mechanical components of public buildings, and furnishing of public buildings; ~~a~~

c. A city's participating share in urban renewal programs; ~~capital~~

d. Capital improvements and equipment acquisition and maintaining structural and mechanical components for fire department stations; ~~and capital~~

e. Capital improvements and equipment acquisition and maintaining structural and mechanical components for stations for police protection services and correctional facilities; and

f. Acquiring and developing real estate, capital improvements, buildings, pavement, equipment, and supporting debt service associated with financing for city-supported airports or airport authorities. ~~The governing body of any city, when submitting to the electors of the city the question of authorizing the tax levy, shall specify the purposes for which the capital improvements fund is to be used.~~

6. The governing body of the city may create the capital improvements fund which may be accumulated in an amount not in excess of twenty percent of the current annual appropriation for all other purposes combined, exclusive of the appropriations to pay interest and principal of the bonded debt, and not in excess of the limitations prescribed by law.

SECTION 4. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 2016.

President of the Senate	Speaker of the House
Secretary of the Senate	Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2200.

Senate Vote:	Yeas 31	Nays 15	Absent 1
House Vote:	Yeas 87	Nays 0	Absent 7

Secretary of the Senate

Received by the Governor at _____M. on _____, 2017.

Approved at _____M. on _____, 2017.

Governor

Filed in this office this _____day of _____, 2017,

at _____ o'clock _____M.

Secretary of State