

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1176

Introduced by

Representatives Nathe, Hagert, Headland, Lefor, Porter, Stemen, Swiontek, Vigesaa

Senators Bekkedahl, Hogue, Weber, Rummel

1 A BILL for an Act to create and enact two new sections to chapter 54-27, a new section to
2 chapter 57-02, and a new section to chapter 57-15 of the North Dakota Century Code, relating
3 to a legacy earnings fund, a legacy property tax relief fund, a primary residence certification,
4 and a limitation on property tax levies without voter approval; to amend and reenact section
5 6-09.4-10.1, subsection 1 of section 21-10-06, sections 40-40-06, 54-27-19.3, and 57-02-01,
6 subdivision c of subsection 1 of section 57-02-08.1, subdivision b of subsection 2 of section
7 57-02-08.1, sections 57-02-08.9, 57-02-08.10, 57-02-27, 57-02-27.1, 57-02-53, 57-09-04,
8 57-11-03, 57-12-06, 57-15-02.2, and 57-20-07.1 of the North Dakota Century Code, relating to
9 funds invested by the state investment board, property tax definitions, the homestead tax credit
10 and renters refund, the primary residence credit, property classifications, assessment and
11 budget hearing notices to property owners, and the property tax statement; to repeal sections
12 21-10-12 and 21-10-13 of the North Dakota Century Code, relating to legacy fund definitions
13 and the legacy earnings fund; to provide an appropriation; to provide a transfer; to provide an
14 effective date; to provide an expiration date; and to declare an emergency.

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

16 **SECTION 1. AMENDMENT.** Section 6-09.4-10.1 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **6-09.4-10.1. Legacy sinking and interest fund - Debt service requirements - Public**
19 **finance authority.**

20 There is created in the state treasury the legacy sinking and interest fund. The fund consists
21 of all moneys deposited in the fund under section ~~21-10-135~~ of this Act. Moneys in the fund may
22 be spent by the public finance authority pursuant to legislative appropriations to meet the debt

1 service requirements for evidences of indebtedness issued by the authority for transfer to the
2 Bank of North Dakota for allocations to infrastructure projects and programs.

3 **SECTION 2. AMENDMENT.** Subsection 1 of section 21-10-06 of the North Dakota Century
4 Code is amended and reenacted as follows:

5 1. Subject to the provisions of section 21-10-02, the board shall invest the following
6 funds:

- 7 a. State bonding fund.
- 8 b. Teachers' fund for retirement.
- 9 c. State fire and tornado fund.
- 10 d. Workforce safety and insurance fund.
- 11 e. Public employees retirement system.
- 12 f. Insurance regulatory trust fund.
- 13 g. State risk management fund.
- 14 h. Budget stabilization fund.
- 15 i. Water projects stabilization fund.
- 16 j. Health care trust fund.
- 17 k. Cultural endowment fund.
- 18 l. Petroleum tank release compensation fund.
- 19 m. Legacy fund.
- 20 n. ~~Legacy earnings fund.~~
- 21 e. Opioid settlement fund.
- 22 ~~p-o.~~ A fund under contract with the board pursuant to subsection 3.

23 **SECTION 3. AMENDMENT.** Section 40-40-06 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **40-40-06. Notice of ~~preliminary budget statement – Contents – How given public~~**
26 **budget hearing date.**

27 4. On or before August tenth of each year, after the governing body has prepared the
28 preliminary budget statement, the auditor of the municipality shall:

- 29 a. ~~Provide the county auditor with a copy of the preliminary budget statement.~~

- 1 ~~b.1.~~ Set a public budget hearing date no earlier than September seventh and no later than
2 October seventh for the purpose of adopting the final budget and making the annual
3 tax levy.
- 4 ~~e.2.~~ Provide notice of the public budget hearing date to the county auditor.
- 5 2. For municipalities ~~anticipating levying less than one hundred thousand dollars in the~~
6 ~~current year, notice must:~~
- 7 a. ~~Contain a statement of the total proposed expenditures for each fund in the~~
8 ~~preliminary budget, but need not contain any detailed statement of the proposed~~
9 ~~expenditures;~~
- 10 b. ~~Be published at least once, not less than six days prior to the budget hearing, in a~~
11 ~~newspaper published in the municipality, if there is one, and if no newspaper is~~
12 ~~published in the municipality, the notice must be published not less than six days~~
13 ~~prior to the meeting in the official city newspaper as provided by section~~
14 ~~40-01-09; and~~
- 15 c. ~~Provide that any taxpayer may appear and discuss with the governing body any~~
16 ~~item of proposed expenditures or may object to any item or amount.~~

17 **SECTION 4. AMENDMENT.** Section 54-27-19.3 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **54-27-19.3. Legacy earnings highway distribution fund.**

20 A legacy earnings highway distribution fund is created as a special fund in the state treasury
21 into which must be deposited any allocations of legacy fund earnings made under section
22 ~~24-10-135 of this Act~~. Any moneys in the legacy earnings highway distribution fund must be
23 allocated and transferred by the state treasurer, as follows:

- 24 1. Sixty percent must be transferred to the department of transportation for deposit in the
25 state highway fund;
- 26 2. Ten percent must be transferred to the legacy earnings township highway aid fund;
- 27 3. One and five-tenths percent must be transferred to the public transportation fund; and
- 28 4. Twenty-eight and five-tenths percent must be allocated to cities and counties using the
29 formula established in subsection 4 of section 54-27-19. Moneys received by counties
30 and cities must be used for roadway purposes in accordance with section 11 of
31 article X of the Constitution of North Dakota.

1 **SECTION 5.** A new section to chapter 54-27 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Legacy earnings fund - State treasurer - Legacy fund distribution - Allocations.**

4 1. There is created in the state treasury the legacy earnings fund. The fund consists of all
5 moneys distributed by the state treasurer from the legacy fund pursuant to section 26
6 of article X of the Constitution of North Dakota. The distribution from the legacy fund
7 on July first of each odd-numbered year must be equal to seven percent of the
8 five-year average value of the legacy fund balance as reported by the state investment
9 board. The average value of the legacy fund balance must be calculated using the
10 fund balance at the end of each fiscal year for the five-year period ending with the
11 most recently completed even-numbered fiscal year.

12 2. From the amount distributed to the legacy earnings fund under subsection 1, the state
13 treasurer shall allocate funding in July of each odd-numbered year in the following
14 order:

15 a. The first one hundred two million six hundred twenty-four thousand dollars or an
16 amount equal to the amount appropriated from the legacy sinking and interest
17 fund for debt service payments for a biennium, whichever is less, to the legacy
18 sinking and interest fund under section 6-09.4-10.1.

19 b. The next one hundred million dollars to the legacy earnings highway distribution
20 fund for allocations under section 54-27-19.3.

21 c. The remaining amount to the legacy property tax relief fund under section 6 of
22 this Act.

23 **SECTION 6.** A new section to chapter 54-27 of the North Dakota Century Code is created
24 and enacted as follows:

25 **Legacy property tax relief fund.**

26 There is created in the state treasury the legacy property tax relief fund. The fund consists
27 of all moneys allocated to the fund under section 5 of this Act and all moneys transferred to the
28 fund by the legislative assembly.

29 **SECTION 7. AMENDMENT.** Section 57-02-01 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **57-02-01. Definitions.**

2 As used in this title, unless the context or subject matter otherwise requires:

3 1. "Agricultural property" means platted or unplatted lands used for raising agricultural
4 crops or grazing farm animals, except lands platted and assessed as agricultural
5 property prior to March 30, 1981, shall continue to be assessed as agricultural
6 property until put to a use other than raising agricultural crops or grazing farm animals.
7 Agricultural property includes land on which a greenhouse or other building is located
8 if the land is used for a nursery or other purpose associated with the operation of the
9 greenhouse. The time limitations contained in this section may not be construed to
10 prevent property that was assessed as other than agricultural property from being
11 assessed as agricultural property if the property otherwise qualifies under this
12 subsection.

13 a. Property platted on or after March 30, 1981, is not agricultural property when any
14 four of the following conditions exist:

15 (1) The land is platted by the owner.

16 (2) Public improvements, including sewer, water, or streets, are in place.

17 (3) Topsoil is removed or topography is disturbed to the extent that the property
18 cannot be used to raise crops or graze farm animals.

19 (4) Property is zoned other than agricultural.

20 (5) Property has assumed an urban atmosphere because of adjacent
21 residential or commercial development on three or more sides.

22 (6) The parcel is less than ten acres [4.05 hectares] and not contiguous to
23 agricultural property.

24 (7) The property sells for more than four times the county average true and full
25 agricultural value.

26 b. Land that was assessed as agricultural property at the time the land was put to
27 use for extraction of oil, natural gas, or subsurface minerals as defined in section
28 38-12-01 must continue to be assessed as agricultural property if the remainder
29 of the surface owner's parcel of property on which the subsurface mineral activity
30 is occurring continues to qualify for assessment as agricultural property under
31 this subsection.

- 1 2. "Air carrier transportation property" means the operative property of each airline
2 whose property is assessed for taxation purposes pursuant to chapters 57-06 and
3 57-32.
- 4 3. "Assessed valuation" means fifty percent of the true and full value of property.
- 5 4. "Centrally assessed property" means all property which is assessed by the state board
6 of equalization under chapters 57-05, 57-06, and 57-32.
- 7 5. "Commercial property" means all property, or portions of property, not included in the
8 classes of property defined in subsections 1, 4, ~~41~~,10, 12, 13, and ~~42~~14.
- 9 6. "Credits" means and includes every claim and demand for money or other valuable
10 thing, and every annuity or sum of money receivable at stated periods, due or to
11 become due, and all claims and demands secured by deeds or mortgages, due or to
12 become due.
- 13 7. "Governing body" means a board of county commissioners, city council, board of city
14 commissioners, school board, or board of education, or the similarly constituted and
15 acting board of any other municipality.
- 16 8. "Money" or "moneys" means gold and silver coin, treasury notes, bank notes, and
17 every deposit which any person owning the same or holding in trust and residing in
18 this state is entitled to withdraw as money or on demand.
- 19 9. "Municipality" or "taxing district" means a county, city, township, school district, water
20 conservation and flood control district, Garrison Diversion Conservancy District, county
21 park district, joint county park district, irrigation district, park district, rural fire protection
22 district, or any other subdivision of the state empowered to levy taxes.
- 23 10. "Nonprimary residential property" means residential property, or portions of residential
24 property, not included in the class of property defined in subsection 12.
- 25 11. "Person" includes a firm, corporation, or limited liability company.
- 26 ~~41-12.~~ "Primary residential property" means residential property certified as a primary
27 residence under section 14 of this Act.
- 28 13. "Railroad property" means the operating property, including franchises, of each
29 railroad operated in this state, including any electric or other street or interurban
30 railway.

1 ~~42.14.~~ "Residential property" means all property, or portions of property, used by an individual
2 or group of individuals as a dwelling, including property upon which a mobile home is
3 located but not including hotel and motel accommodations required to be licensed
4 under chapter 23-09 nor structures providing living accommodations for four or more
5 separate family units nor any tract of land upon which four or more mobile homes are
6 located. The term includes nonprimary residential property and primary residential
7 property.

8 ~~43.15.~~ "Taxable valuation" signifies the valuation remaining after deducting exemptions and
9 making other reductions from the original assessed valuation, and is the valuation
10 upon which the rate of levy finally is computed and against which the taxes finally are
11 extended.

12 ~~44.16.~~ "Tract", "lot", "piece or parcel of real property", or "piece or parcel of land" means any
13 contiguous quantity of land in the possession of, owned by or recorded as the property
14 of, the same claimant, person, or company.

15 ~~45.17.~~ "True and full value" means the value determined by considering the earning or
16 productive capacity, if any, the market value, if any, and all other matters that affect the
17 actual value of the property to be assessed. This shall include, for purposes of arriving
18 at the true and full value of property used for agricultural purposes, farm rentals, soil
19 capability, soil productivity, and soils analysis.

20 ~~46.18.~~ "Unencumbered cash" means the total cash on hand in any fund, less the amount
21 belonging to the fund in closed banks and less the amount of outstanding warrants,
22 bills, accounts, and contracts which are chargeable against the fund.

23 ~~47.19.~~ There shall be a presumption that a unit of land is not a farm unless such unit contains
24 a minimum of ten acres [4.05 hectares], and the taxing authority, in determining
25 whether such presumption shall apply, shall consider such things as the present use,
26 the adaptability to use, and how similar type properties in the immediate area are
27 classified for tax purposes.

28 **SECTION 8. AMENDMENT.** Subdivision c of subsection 1 of section 57-02-08.1 of the
29 North Dakota Century Code is amended and reenacted as follows:

30 c. The exemption must be determined according to the following schedule:

1 (1) If the person's income is not in excess of ~~forty~~fifty thousand dollars, a
2 reduction of one hundred percent of the taxable valuation of the person's
3 homestead up to a maximum reduction of nine thousand dollars of taxable
4 valuation.

5 (2) If the person's income is in excess of ~~forty~~fifty thousand dollars and not in
6 excess of ~~seventy~~eighty thousand dollars, a reduction of fifty percent of the
7 taxable valuation of the person's homestead up to a maximum reduction of
8 four thousand five hundred dollars of taxable valuation.

9 **SECTION 9. AMENDMENT.** Subdivision b of subsection 2 of section 57-02-08.1 of the
10 North Dakota Century Code is amended and reenacted as follows:

11 b. For the purpose of this subsection, twenty percent of the annual rent, exclusive of
12 any federal rent subsidy and of charges for any utilities, services, furniture,
13 furnishings, or personal property appliances furnished by the landlord as part of
14 the rental agreement, whether expressly set out in the rental agreement, must be
15 considered as payment made for property tax. When any part of the twenty
16 percent of the annual rent exceeds four percent of the annual income of a
17 qualified applicant, the applicant is entitled to receive a refund from the state
18 general fund for that amount in excess of four percent of the person's annual
19 income, but the refund may not be in excess of ~~four hundred~~six hundred dollars.
20 If the calculation for the refund is less than five dollars, a minimum of five dollars
21 must be sent to the qualifying applicant.

22 **SECTION 10. AMENDMENT.** Section 57-02-08.9 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **57-02-08.9. Primary residence credit - Qualification - Application. (Effective for the**
25 **first two taxable years~~year~~ beginning after December 31, ~~2023~~2024)**

26 1. ~~An individual~~A taxpayer is entitled to a credit of ~~five hundred dollars~~ against the
27 property tax due on the ~~individual's~~taxpayer's primary residence as provided in this
28 section. The credit may:

29 a. Is limited to one thousand four hundred fifty dollars.

30 b. May not reduce the liability for special assessments levied upon any property.

- 1 c. May not exceed the amount of property tax due against the primary residence.
2 The credit must
- 3 d. Must be applied to reduce the property tax owed on the individual's taxpayer's
4 primary residence after other exemptions or credits under this chapter have been
5 applied.
- 6 2. For purposes of this section, "primary:
- 7 a. "Owned" means the individual holds a present ownership interest, including
8 ownership in fee simple, holds a present life estate or other terminable present
9 ownership interest, holds a beneficial interest in a qualifying trust, or is a
10 purchaser under a contract for deed. The term does not include a mere right of
11 occupancy or a tenancy under a lease.
- 12 b. (1) "Primary residence" means a dwelling in this state owned and occupied by
13 an individual as that individual's primary place of residence and includes
14 residences taxed under chapter 57-55, including the land, appurtenances,
15 and improvements used in the residential occupancy of the dwelling, that is:
16 (a) Owned by one or more individuals, either directly or through a
17 beneficial interest in a qualifying trust;
18 (b) Designed or adapted for human residence;
19 (c) Used as a residence; and
20 (d) Occupied as a primary place of residence by an owner, by an
21 individual who has a life estate in the property, or, for property owned
22 through a beneficial interest in a qualifying trust, by a trustor or
23 beneficiary of the trust who qualifies for the credit.
- 24 (2) For purposes of the definition of "primary residence" under this subdivision:
25 (a) An individual may not have more than one primary residence.
26 (b) A primary residence includes a primary residence taxed under
27 chapter 57-55.
- 28 c. "Qualifying trust" means a trust:
29 (1) In which the agreement, will, or court order creating the trust, an instrument
30 transferring property to the trust, or any other agreement that is binding on
31 the trustee provides that the trustor of the trust or a beneficiary of the trust

- 1 has the right to use and occupy as the trustor's or beneficiary's primary
2 residence rent free and without charge except for taxes and other costs and
3 expenses specified in the instrument or court order:
- 4 (a) For life;
5 (b) For the lesser of life or a term of years; or
6 (c) Until the date the trust is revoked or terminated by an instrument or
7 court order that describes the property with sufficient certainty to
8 identify it and is recorded in the real property records of the county in
9 which the property is located; and
- 10 (2) That acquires the property in an instrument of title or under a court order
11 that:
- 12 (a) Describes the property with sufficient certainty to identify it and the
13 interest acquired; and
14 (b) Is recorded in the real property records of the county in which the
15 property is located.
- 16 d. "Trustor" means an individual who transfers an interest in real or personal
17 property to a qualifying trust, whether during the individual's lifetime or at death,
18 or the individual's spouse.
- 19 3. An individual who does not reside in the primary residence ~~in this state~~ is eligible for
20 the credit under this section if the individual's absence is due to confinement in a
21 nursing home, hospital, or other care facility, for as long as that confinement lasts and
22 the portion of the primary residence previously occupied by the individual is not rented
23 to another ~~individual~~person.
- 24 4. Only one credit under this section may be applied against the property taxes levied
25 against any primary residence. If a credit under this section is applied against the
26 property tax due on a primary residence subject to a real estate transaction, any
27 proration of the amount of property tax owed by a buyer or seller must be based on
28 the amount of property tax owed after application of the credit under this section.
- 29 5. An individual whose primary residence is a farm structure exempt from taxation under
30 subsection 15 of section 57-02-08 is not eligible for a credit under this section.

- 1 6. The credit may not reduce the liability for special assessments levied upon any
2 property.
- 3 7. To apply for a credit under this section, an applicant shall sign and file with the tax
4 commissioner, ~~by April first of each year,~~ an application containing a verified statement
5 of facts establishing the applicant's eligibility as of the date of the ~~claim~~application on a
6 form and in the manner prescribed by the tax commissioner. The application must be
7 filed:
- 8 a. By April 1, 2025, to request a credit for taxable year 2025 for a primary residence
9 taxed as real estate under this title or as a mobile home under chapter 57-55.
- 10 b. By September 1, 2025, to request a credit for taxable year 2026 for a primary
11 residence taxed as a mobile home under chapter 57-55.
- 12 8. The tax commissioner, in consultation with the county auditors, shall prescribe, design,
13 and make available all forms necessary to effectuate this section. The tax
14 commissioner shall make these forms available upon request.

15 **SECTION 11. AMENDMENT.** Section 57-02-08.9 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **57-02-08.9. Primary residence credit - Qualification - ~~Application. (Effective for the~~**
18 **~~first taxable year beginning after December 31, 2024)~~**

- 19 1. A taxpayer is entitled to a credit against the property tax due on the taxpayer's parcel
20 of primary residence~~residential property~~ as provided in this section. The credit:
- 21 a. Is limited to one thousand four hundred fifty dollars.
- 22 b. May not reduce the liability for special assessments levied upon any property.
- 23 c. May not exceed the amount of property tax due against the parcel of primary
24 ~~residence~~residential property.
- 25 d. Must be applied to reduce the property tax owed on the taxpayer's parcel of
26 ~~primary residence~~residential property after other exemptions or credits under this
27 chapter have been applied.
- 28 2. ~~For purposes of this section:~~
- 29 a. ~~"Owned" means the individual holds a present ownership interest, including~~
30 ~~ownership in fee simple, holds a present life estate or other terminable present~~
31 ~~ownership interest, holds a beneficial interest in a qualifying trust, or is a~~

1 purchaser under a contract for deed. The term does not include a mere right of
2 occupancy or a tenancy under a lease.

3 b. (1) ~~"Primary residence" means a dwelling in this state, including the land,
4 appurtenances, and improvements used in the residential occupancy of the
5 dwelling, that is:~~

6 (a) ~~Owned by one or more individuals, either directly or through a
7 beneficial interest in a qualifying trust;~~

8 (b) ~~Designed or adapted for human residence;~~

9 (c) ~~Used as a residence; and~~

10 (d) ~~Occupied as a primary place of residence by an owner, by an
11 individual who has a life estate in the property, or, for property owned
12 through a beneficial interest in a qualifying trust, by a trustor or
13 beneficiary of the trust who qualifies for the credit.~~

14 (2) ~~For purposes of the definition of "primary residence" under this subdivision:~~

15 (a) ~~An individual may not have more than one primary residence.~~

16 (b) ~~A primary residence includes a primary residence taxed under
17 chapter 57-55.~~

18 e. ~~"Qualifying trust" means a trust:~~

19 (1) ~~In which the agreement, will, or court order creating the trust, an instrument
20 transferring property to the trust, or any other agreement that is binding on
21 the trustee provides that the trustor of the trust or a beneficiary of the trust
22 has the right to use and occupy as the trustor's or beneficiary's primary
23 residence rent free and without charge except for taxes and other costs and
24 expenses specified in the instrument or court order:~~

25 (a) ~~For life;~~

26 (b) ~~For the lesser of life or a term of years; or~~

27 (c) ~~Until the date the trust is revoked or terminated by an instrument or
28 court order that describes the property with sufficient certainty to
29 identify it and is recorded in the real property records of the county in
30 which the property is located; and~~

- 1 (2) That acquires the property in an instrument of title or under a court order
2 that:
- 3 (a) Describes the property with sufficient certainty to identify it and the
4 interest acquired; and
- 5 (b) Is recorded in the real property records of the county in which the
6 property is located.
- 7 d. "Trustor" means an individual who transfers an interest in real or personal
8 property to a qualifying trust, whether during the individual's lifetime or at death,
9 or the individual's spouse.
- 10 3. An individual who does not reside in the primary residence is eligible for the credit
11 under this section if the individual's absence is due to confinement in a nursing home,
12 hospital, or other care facility, for as long as that confinement lasts and the portion of
13 the primary residence previously occupied by the individual is not rented to another
14 person.
- 15 4. Only one credit under this section may be applied against the property taxes levied
16 against any parcel of primary residence~~residential property~~. If a credit under this
17 section is applied against the property tax due on a parcel of primary
18 ~~residence~~residential property subject to a real estate transaction, any proration of the
19 amount of property tax owed by a buyer or seller must be based on the amount of
20 property tax owed after application of the credit under this section.
- 21 5. An individual whose primary residence is a farm structure exempt from taxation under
22 subsection 15 of section 57-02-08 is not eligible for a credit under this section.
- 23 6. The credit may not reduce the liability for special assessments levied upon any
24 property.
- 25 7. To apply for a credit under this section, an applicant shall sign and file with the tax
26 commissioner an application containing a verified statement of facts establishing the
27 applicant's eligibility as of the date of the application on a form and in the manner
28 prescribed by the tax commissioner. The application must be filed:
- 29 a. By April 1, 2025, to request a credit for taxable year 2025 for a primary residence
30 taxed as real estate under this title or as a mobile home under chapter 57-55.

1 b. ~~By September 1, 2025, to request a credit for taxable year 2026 for a primary-~~
2 ~~residence taxed as a mobile home under chapter 57-55.~~

3 ~~8.3.~~ The tax commissioner, in consultation with the county auditors, shall prescribe, design,
4 and make available all forms necessary to effectuate this section. ~~The tax-~~
5 ~~commissioner shall make these forms available upon request.~~

6 **SECTION 12. AMENDMENT.** Section 57-02-08.10 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **57-02-08.10. Primary residence credit - Certification - Distribution. (Effective through**
9 **~~June 30, 2026~~May 31, 2026)**

10 1. ~~By June first of each year~~June 1, 2025, the tax commissioner shall:

11 a. Review a sampling of information certified by the county auditor regarding the
12 sum of the credits applied against real estate and mobile home taxes levied for
13 taxable year 2024 to verify the accuracy of the application of the credit and certify
14 to the state treasurer for payment to each county the aggregate dollar amount of
15 credits applied against real estate and mobile home taxes levied for taxable year
16 2024.

17 b. Review the applications received under section 57-02-08.9 for credits to be
18 applied against real estate and mobile home taxes levied for taxable year 2025
19 and determine which applicants qualify for the credit allowed under section
20 57-02-08.9 for taxable year 2025; and

21 ~~b.c.~~ Provide to each county auditor:

22 (1) A copy of each approved application under subdivision ~~a~~b which identifies a
23 primary residence located in the county; and

24 (2) The sum of the credits allowed under section 57-02-08.9 in the county for
25 ~~the current~~ taxable year 2025.

26 2. By November 1, 2025, the tax commissioner shall:

27 a. Review the applications received under section 57-02-08.9 for primary
28 residences taxed as mobile homes under chapter 57-55 for credits to be applied
29 against taxes levied for taxable year 2026 and determine which applicants qualify
30 for the credit allowed under section 57-02-08.9 for taxable year 2026; and

31 b. Provide to each county auditor:

1 (1) A copy of each approved application under subdivision a which identifies a
2 primary residence taxed under chapter 57-55 located in the county; and

3 (2) The sum of the credits allowed under section 57-02-08.9 for primary
4 residences taxed under chapter 57-55 in the county for taxable year 2026.

5 3. a. For taxable year 2025:

6 (1) The county auditor shall apply the credit under section 57-02-08.9 to each
7 primary residence taxed as real estate under this title and identified by the
8 tax commissioner as a qualifying primary residence on the corresponding
9 property tax statement.

10 (2) The county auditor shall consider an application received under section
11 57-02-08.9 for a primary residence taxed as a mobile home under chapter
12 57-55 and identified by the tax commissioner as a qualifying primary
13 residence under subdivisions b and c of subsection 1 as an application for
14 an abatement and refund of taxes in the amount of the credit allowed. The
15 county auditor shall present the application for abatement and refund of
16 taxes to the board of county commissioners at its next regular meeting. The
17 county commissioners shall approve the applications filed under this
18 paragraph as soon as practicable and refunds must be issued without delay
19 according to the procedures in section 57-23-09. The application, notice,
20 and hearing requirements and procedures under chapter 57-23 and
21 sections 57-55-04.1 and 57-55-12 do not apply to an application for
22 abatement and refund filed under this paragraph.

23 b. For taxable year 2026, the county auditor shall apply the credit under section
24 57-02-08.9 to each primary residence taxed as a mobile home under chapter
25 57-55 and identified by the tax commissioner as a qualifying primary residence
26 on the corresponding mobile home tax statement.

27 ~~3.4.~~ By January first of each year January 15, 2026, the county auditor shall certify to the
28 tax commissioner the sum of the credits approved by the tax commissioner under
29 ~~subsection 1~~ subdivisions b and c of subsection 1 and under subsection 2 which were
30 applied ~~toward~~ against property taxes owed on primary residences in the county for the
31 ~~preceding year~~ as provided in subsection 3.

1 ~~4.5.~~ By June ~~first of each year after 2024~~May 31, 2026, the tax commissioner shall review
2 a sampling of information provided by the county auditor to verify the accuracy of the
3 application of the credit and certify to the state treasurer for payment to each county
4 the aggregate dollar amount of credits ~~allowed under section 57-02-08.9 in each~~
5 ~~county for the preceding year~~applied against property taxes owed on primary
6 residences in the county as provided in subsection 3.

7 ~~5.6.~~ Within fourteen days of receiving the payment from the state treasurer, but no later
8 than June thirtieth of each year ~~after 2024~~, the county treasurer shall apportion and
9 distribute the payment to the county and to the taxing districts of the county on the
10 same basis as property taxes ~~for the preceding year~~and mobile home taxes were
11 apportioned and distributed for the taxable year in which the taxes were levied.

12 ~~6.7.~~ Supplemental certifications by the county auditor and the tax commissioner and
13 supplemental payments by the state treasurer may be made after the dates prescribed
14 in this section to make corrections necessary because of errors.

15 ~~7.8.~~ The county auditors shall provide information requested by the tax commissioner to
16 effectuate this section.

17 ~~8.9.~~ The tax commissioner shall prescribe, design, and make available all forms necessary
18 to effectuate this section.

19 **SECTION 13. AMENDMENT.** Section 57-02-08.10 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **57-02-08.10. Primary residence credit - Certification - Distribution. (Effective through-**
22 **May 31, 2026)**

- 23 1. By June 1, 2025, the tax commissioner shall:
- 24 a. ~~Review a sampling of information certified by the county auditor regarding the~~
25 ~~sum of the credits applied against real estate and mobile home taxes levied for~~
26 ~~taxable year 2024 to verify the accuracy of the application of the credit and certify~~
27 ~~to the state treasurer for payment to each county the aggregate dollar amount of~~
28 ~~credits applied against real estate and mobile home taxes levied for taxable year~~
29 ~~2024.~~
- 30 b. ~~Review the applications received under section 57-02-08.9 for credits to be~~
31 ~~applied against real estate and mobile home taxes levied for taxable year~~

- 1 2025 and determine which applicants qualify for the credit allowed under section-
- 2 57-02-08.9 for taxable year 2025; and
- 3 e. Provide to each county auditor:
- 4 (1) A copy of each approved application under subdivision b which identifies a
- 5 primary residence located in the county; and
- 6 (2) The sum of the credits allowed under section 57-02-08.9 in the county for
- 7 taxable year 2025.
- 8 2. By November 1, 2025, the tax commissioner shall:
- 9 a. Review the applications received under section 57-02-08.9 for primary
- 10 residences taxed as mobile homes under chapter 57-55 for credits to be applied
- 11 against taxes levied for taxable year 2026 and determine which applicants qualify
- 12 for the credit allowed under section 57-02-08.9 for taxable year 2026; and
- 13 b. Provide to each county auditor:
- 14 (1) A copy of each approved application under subdivision a which identifies a
- 15 primary residence taxed under chapter 57-55 located in the county; and
- 16 (2) The sum of the credits allowed under section 57-02-08.9 for primary
- 17 residences taxed under chapter 57-55 in the county for taxable year 2026.
- 18 3. a. For taxable year 2025:
- 19 (1) The county auditor shall apply the credit under section 57-02-08.9 to each
- 20 primary residence taxed as real estate under this title and identified by the
- 21 tax commissioner as a qualifying primary residence on the corresponding
- 22 property tax statement.
- 23 (2) The county auditor shall consider an application received under section
- 24 57-02-08.9 for a primary residence taxed as a mobile home under chapter
- 25 57-55 and identified by the tax commissioner as a qualifying primary
- 26 residence under subdivisions b and c of subsection 1 as an application for
- 27 an abatement and refund of taxes in the amount of the credit allowed. The
- 28 county auditor shall present the application for abatement and refund of
- 29 taxes to the board of county commissioners at its next regular meeting. The
- 30 county commissioners shall approve the applications filed under this
- 31 paragraph as soon as practicable and refunds must be issued without delay

1 according to the procedures in section 57-23-09. The application, notice,
2 and hearing requirements and procedures under chapter 57-23 and
3 sections 57-55-04.1 and 57-55-12 do not apply to an application for
4 abatement and refund filed under this paragraph.

5 b. ~~For taxable year 2026, the~~The county auditor shall apply the credit under section
6 57-02-08.9 to each primary residence taxed as a mobile home under chapter
7 57-55 and identified by the tax commissioner as a qualifying primary
8 residence~~parcel of primary residential property~~ on the corresponding property tax
9 statement or mobile home tax statement.

10 ~~4.2.~~ By January 15, ~~2026~~fifteenth of each year, the county auditor shall certify to the tax
11 commissioner the sum of the credits approved by the tax commissioner under
12 subdivisions b and c of subsection 1 and subsection 2 which~~that~~ were applied against
13 property taxes owed on primary residences in the county as provided in
14 subsection 3~~for~~:

15 a. The preceding taxable year for primary residential property taxed as real estate
16 under this title.

17 b. The current taxable year for primary residential property taxed as a mobile home
18 under chapter 57-55.

19 ~~5.3.~~ By May 31, ~~2026~~thirty-first of each year, the tax commissioner shall ~~review a sampling~~
20 ~~of information provided by the county auditor to verify the accuracy of the application~~
21 ~~of the credit and~~ certify to the state treasurer for payment to each county the
22 aggregate dollar amount of credits applied against property taxes owed on primary
23 residences in the county as provided~~certified by the counties~~ in subsection 3~~2~~.

24 ~~6.4.~~ Within fourteen days of receiving the payment from the state treasurer, ~~but no later~~
25 ~~than June thirtieth of each year~~, the county treasurer shall apportion and distribute the
26 payment to the county and to the taxing districts of the county on the same basis as
27 property taxes and mobile home taxes were apportioned and distributed for the
28 taxable year in which the taxes were levied.

29 ~~7.5.~~ Supplemental certifications by the county auditor and the tax commissioner and
30 supplemental payments by the state treasurer may be made after the dates prescribed
31 in this section to make corrections necessary because of errors.

1 ~~8-6.~~ The county auditors shall provide information requested by the tax commissioner to
2 effectuate this section.

3 ~~9-7.~~ The tax commissioner shall prescribe, design, and make available all forms necessary
4 to effectuate this section.

5 **SECTION 14.** A new section to chapter 57-02 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Primary residence certification - Eligibility for primary residential property**
8 **classification - Application.**

9 1. To be eligible for a primary residential property classification under this chapter, a
10 primary residence must be certified by the county director of tax equalization as
11 provided in this section.

12 2. A dwelling does not lose its character as a primary residence if the owner of the
13 dwelling does not reside in the primary residence because the individual is confined in
14 a nursing home, hospital, or other care facility, for as long as that confinement lasts
15 and the portion of the primary residence previously occupied by the individual is not
16 rented to another person.

17 3. To be certified as a primary residence and eligible for the primary residential property
18 classification under this chapter, an owner shall sign and file with the tax commissioner
19 an application containing a verified statement of facts establishing the owner's
20 property meets the eligibility requirements to be considered a primary residence under
21 this section as of the date of the application on a form and in the manner prescribed by
22 the tax commissioner.

23 a. An application for primary residence certification must be filed by February first of
24 each year to request a primary residence certification for:

25 (1) The taxable year during which the application is filed for a primary residence
26 taxed as real estate under this title.

27 (2) The taxable year succeeding the taxable year during which the application
28 is filed for a primary residence taxed as a mobile home under chapter
29 57-55.

30 b. As soon as practicable after receiving the applications, no later than February
31 twenty-eighth of each year, the tax commissioner shall:

- 1 (1) Review the applications received under this subsection and determine
2 which applicants qualify for the primary residence certification; and
3 (2) Provide to each county director of tax equalization a copy of each approved
4 or rejected application received under this subsection which identifies
5 property located in the county.
- 6 c. Within fifteen days of receipt of the applications from the tax commissioner under
7 paragraph 2 of subdivision b, no later than March fifteenth of each year, the
8 county director of tax equalization shall notify the applicant of the approval or
9 denial of the application and reflect the appropriate classification of the property
10 on the assessment list.
- 11 d. The tax commissioner may request additional documentation from the applicant
12 when making the determination of eligibility.
- 13 e. Determinations of eligibility under this subsection may be appealed through the
14 informal equalization process and formal abatement process.
- 15 4. A primary residence certification under this section is valid for the entire taxable year
16 for which the application for certification was approved, without regard to any change
17 of ownership of the property which occurs after the application for certification was
18 approved.
- 19 5. The tax commissioner shall prescribe, design, and make available all forms necessary
20 to effectuate this section. Application forms must include the full name and address of
21 the applicant and any other information prescribed by the tax commissioner. The
22 county director of tax equalization shall make these forms available to applicants upon
23 request.
- 24 6. For purposes of this section:
- 25 a. "Owned" means the individual holds a present ownership interest, including
26 ownership in fee simple, holds a present life estate or other terminable present
27 ownership interest, holds a beneficial interest in a qualifying trust, or is a
28 purchaser under a contract for deed. The term does not include a mere right of
29 occupancy or a tenancy under a lease.
- 30 b. (1) "Primary residence" means a dwelling in this state, including the land,
31 appurtenances, and improvements used in the residential occupancy of the

1 dwelling, which is not exempt from property taxes as a farm residence and,
2 subject to subsection 2 and paragraph 2, as of the assessment date of the
3 taxable year, is:

4 (a) Owned by one or more individuals, either directly or through a
5 beneficial interest in a qualifying trust;

6 (b) Designed or adapted for human residence;

7 (c) Used as a residence; and

8 (d) Occupied as a primary place of residence by an owner, an individual
9 who has a life estate in the property, or, for property owned through a
10 beneficial interest in a qualifying trust, by a trustor or beneficiary of the
11 trust who qualifies for the certification.

12 (2) For purposes of the term:

13 (a) An individual may not have more than one primary residence.

14 (b) A primary residence includes a primary residence taxed under
15 chapter 57-55.

16 c. "Qualifying trust" means a trust:

17 (1) In which the agreement, will, or court order creating the trust, an instrument
18 transferring property to the trust, or any other agreement that is binding on
19 the trustee provides that the trustor of the trust or a beneficiary of the trust
20 has the right to use and occupy as the trustor's or beneficiary's primary
21 residence rent free and without charge except for taxes and other costs and
22 expenses specified in the instrument or court order:

23 (a) For life;

24 (b) For the lesser of life or a term of years; or

25 (c) Until the date the trust is revoked or terminated by an instrument or
26 court order that describes the property with sufficient certainty to
27 identify it and is recorded in the real property records of the county in
28 which the property is located; and

29 (2) That acquires the property in an instrument of title or under a court order
30 that:

1 (a) Describes the property with sufficient certainty to identify it and the
2 interest acquired; and

3 (b) Is recorded in the real property records of the county in which the
4 property is located.

5 d. "Trustor" means an individual who transfers an interest in real or personal
6 property to a qualifying trust, whether during the individual's lifetime or at death,
7 or the individual's spouse.

8 **SECTION 15. AMENDMENT.** Section 57-02-27 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **57-02-27. Property to be valued at a percentage of assessed value - Classification of**
11 **property - Limitation on valuation of annexed agricultural lands.**

12 1. All property subject to taxation based on the value thereof must be valued as follows:

13 ~~1.~~ a. All primary residential property and nonprimary residential property to be valued
14 at nine percent of assessed value. If any property is used for both residential and
15 nonresidential purposes, the valuation must be prorated accordingly.

16 ~~2.~~ b. All agricultural property to be valued at ten percent of assessed value as
17 determined pursuant to section 57-02-27.2.

18 ~~3.~~ c. All commercial property to be valued at ten percent of assessed value.

19 ~~4.~~ d. All centrally assessed property to be valued at ten percent of assessed value
20 except as provided in section 57-06-14.1.

21 2. ~~The resulting amounts must be known as~~ resulting from the calculation under
22 subsection 1 are the taxable valuation.

23 3. In determining the assessed value of real and personal property, except agricultural
24 property, the assessor may not adopt a lower or different standard of value because
25 the same is to serve as a basis of taxation, nor may the assessor adopt as a criterion
26 of value the price at which said property would sell at auction, or at forced sale, or in
27 the aggregate with all the property in the town or district, but the assessor shall value
28 each article or description by itself, and at such sum or price as the assessor believes
29 the same to be fairly worth in money. In assessing any tract or lot of real property,
30 there must be determined the value of the land, exclusive of improvements, and the
31 value of all taxable improvements and structures thereon, and the aggregate value of

1 the property, including all taxable structures and other improvements, excluding the
2 value of crops growing upon cultivated lands. In valuing any real property upon which
3 there is a coal or other mine, or stone or other quarry, the same must be valued at
4 such a price as such property, including the mine or quarry, would sell for at a fair
5 voluntary sale for cash. Agricultural lands within the corporate limits of a city which are
6 not platted constitute agricultural property and must be so classified and valued for
7 ad valorem property tax purposes until such lands are put to another use. Agricultural
8 lands, whether within the corporate limits of a city or not, which were platted and
9 assessed as agricultural property prior to March 30, 1981, must be assessed as
10 agricultural property for ad valorem property tax purposes until put to another use.
11 Such valuation must be uniform with the valuation of adjoining unannexed agricultural
12 land.

13 **SECTION 16. AMENDMENT.** Section 57-02-27.1 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **57-02-27.1. Property to be valued at true and full value.**

16 1. All assessors and boards of equalization shall place the values of all items of taxable
17 property at the true and full value of the property except as otherwise specifically
18 provided by law, and the amount of taxes that may be levied on such property must be
19 limited as provided in this chapter. For the purposes of sections 57-02-27, 57-02-27.1,
20 57-02-27.2, and 57-55-04, the term "true and full value" has the same meaning as
21 provided in ~~subsection 15 of~~ section 57-02-01, except that "true and full value" of
22 agricultural lands must be as determined pursuant to section 57-02-27.2.

23 2. The governing body of the city or township may establish valuations that recognize the
24 supply of vacant lots available for sale.

25 **SECTION 17. AMENDMENT.** Section 57-02-53 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **57-02-53. Assessment increases notice to property owner.**

28 1. a. ~~When any assessor has increased the true and full valuation of any lot or tract~~
29 ~~of land and improvements to an amount that is an increase of three thousand dollars~~
30 ~~or more and ten percent or more from the amount of the previous year's assessment,~~
31 ~~the~~An assessor shall deliver written notice of the amount of increase and the amount of

1 the ~~previous~~true and full value of each parcel of taxable property for the current year's
2 assessment to the property owner at the expense of the assessment district for which
3 the assessor is employed and previous year, including improvements, which have been
4 assessed by the assessor.

5 2. Delivery of written notice to a property owner under this ~~subdivision~~section must be
6 completed at least fifteen days before the meeting of the local board of equalization.

7 ~~b.~~ If written notice by the assessor was not required under subdivision a and action
8 by the township, city, or county board of equalization or order of the state board
9 of equalization has increased the true and full valuation of any lot or tract of land
10 and improvements to an amount that results in a cumulative increase of three
11 thousand dollars or more and ten percent or more from the amount of the
12 previous year's assessment, written notice of the amount of increase and the
13 amount of the previous year's assessment must be delivered to the property
14 owner. The written notice under this subdivision must be mailed or delivered at
15 the expense of the township, city, or county that made the assessment increase
16 or at the expense of the township, city, or county that was ordered to make the
17 increase by the state board of equalization. Delivery of written notice to a
18 property owner under this subdivision must be completed within fifteen days after
19 the meeting of the township, city, or county board of equalization that made or
20 ordered the assessment increase and within thirty days after the meeting of the
21 state board of equalization, if the state board of equalization ordered the
22 assessment increase.

23 ~~e.3.~~ The tax commissioner shall prescribe suitable forms for written notices under this
24 ~~subsection~~section. The written notice under ~~subdivision a~~this section must show
25 thecontain:

26 a. The true and full value of the parcel of taxable property, including improvements,
27 that the assessor determined for the current year and for the previous year ~~and~~
28 must also show the .

29 b. The date prescribed by law, time, and location for the meeting of the local board
30 of equalization of the assessment district in which the parcel of taxable property

1 is located and the meeting date, time, and location of the county board of
2 equalization hearing of each taxing district.

3 ~~d.4.~~ Delivery of written notice under this section must be by personal delivery to the
4 property owner, mail addressed to the property owner at the property owner's
5 last-known address, or electronic mail to the property owner directed with verification
6 of receipt to an electronic mail address at which the property owner has consented to
7 receive notice.

8 2. ~~The form of notice prescribed by the tax commissioner must require a statement to~~
9 ~~inform the taxpayer that an assessment increase may mean property taxes on the~~
10 ~~parcel will increase. The notice may contain an estimate of a tax increase resulting~~
11 ~~from the assessment increase.~~

12 **SECTION 18. AMENDMENT.** Section 57-09-04 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **57-09-04. Duties of board --~~Limitation on increase~~ -- Notice.**

15 The township board of equalization shall ascertain whether all taxable property in its
16 township has been properly placed upon the assessment list and duly valued by the assessor.
17 In case any real property has been omitted by inadvertence or otherwise, the board shall place
18 the same upon the list with the true value thereof. The board shall proceed to correct the
19 assessment so that each tract or lot of real property is entered on the assessment list at the true
20 value thereof. ~~The board may not increase the valuation returned by the assessor to an amount~~
21 ~~that results in a cumulative increase of more than fifteen percent from the amount of the~~
22 ~~previous year's assessment without giving the owner or the owner's agent reasonable notice~~
23 ~~and opportunity to be heard regarding the intention of the board to increase it. All complaints~~
24 ~~and grievances of residents of the township must be heard and decided by the board and it may~~
25 ~~make corrections as appear to be just. Complaints by nonresidents with reference to the~~
26 ~~assessment of any real property and complaints by others with reference to any assessment~~
27 ~~made after the meeting of the township board of equalization must be heard and determined by~~
28 ~~the county board of equalization. The board must comply with any requirement for notice of an~~
29 ~~assessment increase under section 57-02-53.~~

30 **SECTION 19. AMENDMENT.** Section 57-11-03 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **57-11-03. Duties of board –~~Limitation on increase~~–~~Notice.~~**

2 At its meeting, the board of equalization shall proceed to equalize and correct the
3 assessment roll. It may change the valuation and assessment of any real property upon the roll
4 by increasing or diminishing the true and full valuation thereof as is reasonable and just to
5 render taxation uniform; ~~except that the board may not increase the valuation of any property~~
6 ~~returned by the assessor to an amount that results in a cumulative increase of more than fifteen~~
7 ~~percent from the amount of the previous year's assessment without first giving the owner or the~~
8 ~~owner's agent reasonable notice and opportunity to be heard regarding the intention of the~~
9 ~~board to increase it.~~ All complaints and grievances of residents of the city must be heard and
10 decided by the board and it may make corrections as appear to be just. Complaints by
11 nonresidents with reference to the assessment of any real property and complaints by others
12 with reference to any assessment made after the meeting of the city board of equalization must
13 be heard and determined by the county board of equalization. ~~The board shall comply with any~~
14 ~~requirement for notice of an assessment increase under section 57-02-53.~~

15 **SECTION 20. AMENDMENT.** Section 57-12-06 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **57-12-06. County board of equalization - Equalizing between assessment districts**
18 **and between properties –~~Limitation on increase~~–~~Notice.~~**

- 19 1. The rules prescribed in section 57-12-05 apply when the board of county
20 commissioners is equalizing assessments between the several assessment and taxing
21 districts in the county provided that in such case, except as otherwise provided in
22 subsection 2, the board may raise or lower the valuation of classes of property only so
23 as to equalize the assessments as between districts. ~~If the board orders an increase~~
24 ~~under this subsection, the board must comply with any requirement for notice of an~~
25 ~~assessment increase under section 57-02-53.~~
- 26 2. Notwithstanding any other provision of this section:
- 27 a. The county board of equalization after notice to the local board of equalization
28 may reduce the assessment on any separate piece or parcel of real estate even
29 though such property was assessed in a city or township having a local board of
30 equalization. The county board of equalization may not reduce any such
31 assessment unless the owner of the property or the person to whom it was

1 assessed first appeals to the county board of equalization, either by appearing
2 personally or by a representative before the board or by mail or other
3 communication to the board, in which the owner's reasons for asking for the
4 reduction are made known to the board. The proceedings of the board shall show
5 the manner in which the appeal was made known to the board and the reasons
6 for granting any reduction in any such assessment.

7 b. The county board of equalization after notice to the local board of equalization
8 may increase the assessment on any separate piece or parcel of real property
9 even though such property was assessed in a city or township having a local
10 board of equalization. ~~The county board of equalization may not increase the~~
11 ~~valuation returned by the assessor or the local board of equalization to an~~
12 ~~amount that results in a cumulative increase of more than fifteen percent from the~~
13 ~~amount of the previous year's assessment without giving the owner or the~~
14 ~~owner's agent notice by mail to the owner of the property that such person may~~
15 ~~appear before the board on the date designated in the notice, which date must be~~
16 ~~at least five days after the mailing of the notice. The county auditor as clerk of the~~
17 ~~board shall send such notice to the person or persons concerned. If the board~~
18 ~~orders an increase under this subdivision, the board must comply with any~~
19 ~~requirement for notice of an assessment increase under section 57-02-53.~~

20 c. If the county board of equalization during the course of its equalization sessions
21 determines that any property of any person has been listed and assessed in the
22 wrong classification, it shall direct the county auditor to correct the listing so as to
23 include such assessment in the correct classification.

24 3. The owner of any separate piece or parcel of real estate that has been assessed may
25 appeal the assessment thereon to the state board of equalization as provided in
26 section 57-13-04; provided, however, that such owner has first appealed the
27 assessment to the local equalization board of the taxing district in which the property
28 was assessed and to the county board of equalization of the county in which the
29 property was assessed. Notwithstanding this requirement, an owner of property which
30 has been subjected to a new assessment authorized under section 57-14-08 may

1 appeal the new assessment to the state board of equalization in the manner provided
2 for in section 57-14-08.

3 **SECTION 21. AMENDMENT.** Section 57-15-02.2 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **57-15-02.2. ~~Estimated property tax and budget~~Budget hearing notice.**

- 6 1. On or before August tenth of each year, the governing body of a taxing district shall
7 provide to the county auditor in each county in which the taxing district has taxable
8 property a ~~preliminary budget statement~~ and the date, time, and location of the taxing
9 district's public hearing on its property tax levy, which may be no earlier than
10 September seventh. A taxing district that fails to provide the information required under
11 this subsection on or before August tenth may not impose a property tax levy in a
12 greater amount of dollars than was imposed by the taxing district in the prior year.
- 13 2. By August thirty-first of each year, the county treasurer shall provide a written notice to
14 the owner of each parcel of taxable property with a ~~total estimated property tax of at~~
15 ~~least one hundred dollars~~. The text of the notice must contain:
- 16 a. The date, time, and location of the public budget hearing for each of the taxing
17 districts in which the property owner's parcel is located, ~~which anticipate levying~~
18 ~~in excess of one hundred thousand dollars in the current year~~, and the location at
19 which the taxing district's budget is available for review; and
- 20 b. ~~The true and full value of the property based on the best information available;~~
- 21 c. ~~A column showing the actual property tax levy in dollars against the parcel by the~~
22 ~~taxing district that levied taxes against the parcel in the immediately preceding~~
23 ~~taxable year and a column showing the estimated property tax levy in dollars~~
24 ~~against the parcel by the taxing district levying tax in the taxable year for which~~
25 ~~the notice applies based on the preliminary budget statements of all taxing~~
26 ~~jurisdictions;~~
- 27 d. ~~A column indicating the difference between the taxing district's total levy from the~~
28 ~~previous year and the taxing district's estimated levy with the word "INCREASE"~~
29 ~~printed in boldface type if the proposed tax levy is larger in dollars than the levy in~~
30 ~~dollars in the previous year;~~

- 1 e. ~~Information identifying the estimated property tax savings that will be provided~~
2 ~~pursuant to section 57-20-07.1 based on the best information available;~~
3 f. A statement that there will be an opportunity for citizens to present oral or written
4 comments regarding each taxing district's property tax levy; ~~and~~
5 g. ~~The actual amount of the special assessment installment payable against the~~
6 ~~parcel in the immediately preceding taxable year.~~
- 7 3. Delivery of written notice under this section must be by personal delivery to the
8 property owner, mail addressed to the property owner at the property owner's
9 last-known address, or electronic mail to the property owner directed with verification
10 of receipt to an electronic mail address at which the property owner has consented to
11 receive notice. If a parcel of taxable property is owned by more than one owner, notice
12 must be sent to only one owner of the property. Failure of an owner to receive a notice
13 under this section will not relieve the owner of property tax liability or modify the
14 qualifying date under section 57-20-09 for which an owner may receive a discount for
15 early payment of tax.
- 16 4. The tax commissioner shall prescribe suitable forms for written notices under this
17 section.
- 18 5. The direct cost of providing taxpayer notices under this section may be allocated in a
19 manner proportionate to the number of notices mailed on behalf of each taxing district
20 that ~~intends to levy in excess of one hundred thousand dollars in property taxes in the~~
21 ~~current year.~~

22 **SECTION 22.** A new section to chapter 57-15 of the North Dakota Century Code is created
23 and enacted as follows:

24 **Limitation on levies by taxing districts without voter approval.**

- 25 1. a. Notwithstanding that a taxing district may have unused or excess levy authority
26 under any other provision of law, this section supersedes and limits that authority.
27 This section may not be interpreted as authority to increase any property tax levy
28 authority otherwise provided by law and must be applied to limit any property tax
29 levy authority to which a taxing district may otherwise be entitled. Property taxes
30 levied in dollars by a taxing district may not exceed the greater of the base year

- 1 levy increased by the allowable percentage limit or the adjusted year levy
2 increased by the allowable percentage limit.
- 3 b. Excluding any negative excess percentage increase, a taxing district may carry
4 forward an excess percentage increase to be used in any of the five succeeding
5 taxable years. An excess percentage increase may be used only once to
6 increase the limitation under subdivision a and may not be carried forward
7 beyond five taxable years. The oldest unused excess percentage increase must
8 be applied first.
- 9 2. The limitation under subsection 1 does not apply to:
- 10 a. New or increased property tax levy authority that becomes available to the taxing
11 district in the current taxable year resulting from:
- 12 (1) A change in state law.
- 13 (2) Approval by the electors of the taxing district.
- 14 b. Property tax levy authority increased above zero mills in the current taxable year
15 by the governing board of the taxing district, provided the levy authority was not
16 previously used.
- 17 c. Any irrevocable tax to pay bonded indebtedness levied under section 16 of
18 article X of the Constitution of North Dakota.
- 19 d. The one-mill levy for the state medical center authorized by section 10 of article X
20 of the Constitution of North Dakota.
- 21 e. The levy, not to exceed one mill, for the Garrison Diversion Conservancy District,
22 authorized by section 57-15-26.8.
- 23 f. Taxes or special assessments levied to pay the principal and interest on any
24 obligations of any political subdivision, including taxes levied for deficiencies in
25 special assessment and improvement district funds and revenue bond and
26 reserve funds.
- 27 g. Taxes levied pursuant to law for the proportion of the cost to any taxing district for
28 a special improvement project by general taxation.
- 29 h. Taxes levied under sections 40-24-10, 40-43-01, 57-15-28, 57-15-41, and
30 57-15-48 and chapter 61-16.1.
- 31 i. Taxes levied, up to eighteen mills, under section 57-15-20.

- 1 3. A majority of the qualified electors in a taxing district, at a regular or special statewide
2 primary or general election, or sixty percent of the qualified electors in a taxing district
3 at a special election of the taxing district, may approve a property tax levy exceeding
4 the limitation under subsection 1 for only ~~one~~two taxable years. The ballot
5 measure must state the proposed percentage increase and the proposed dollar
6 amount increase exceeding the limitation under subsection 1.
- 7 4. A majority of the qualified electors in a city or county at a statewide primary or general
8 election may elect for the city or county to be excluded from the limitation under this
9 section for a period of ten taxable years at a time.
- 10 5. For taxable year 2025, a city may levy an amount equal to the amount levied in dollars
11 in the preceding taxable year under sections 40-05-19 and 57-15-42 as part of the levy
12 under section 57-15-08 without including the dollars levied for this purpose as part of
13 the limitation under subsection 1.
- 14 6. A city or county may not supersede or modify the application of this section under
15 home rule authority.
- 16 7. For purposes of this section:
- 17 a. "Adjusted year levy" means amount of property tax levied in dollars by the taxing
18 district in the preceding taxable year adjusted as follows:
- 19 (1) When property and improvements to property which were not taxable in the
20 preceding taxable year are taxable in the current year, the amount levied in
21 dollars in the preceding taxable year by the taxing district must be increased
22 to reflect the taxes that would have been imposed against the additional
23 taxable valuation attributable to that property at the mill rate applied to all
24 property in the preceding taxable year, excluding the mill rate associated
25 with:
- 26 (a) Any irrepealable tax levied to pay bonded indebtedness levied under
27 section 16 of article X of the Constitution of North Dakota.
- 28 (b) A tax levied for the one-mill levy for the state medical center
29 authorized by section 10 of article X of the Constitution of North
30 Dakota.

1 (2) When a property tax exemption existed in the preceding taxable year which
2 has been reduced or no longer exists for the current taxable year, the
3 amount levied in dollars in the preceding taxable year by the taxing district
4 must be increased to reflect the taxes that would have been imposed
5 against the portion of the taxable valuation of the property which is no
6 longer exempt at the mill rate applied to all property in the preceding taxable
7 year, excluding the mill rate associated with:

8 (a) Any irrepealable tax levied to pay bonded indebtedness levied under
9 section 16 of article X of the Constitution of North Dakota.

10 (b) A tax levied for the one-mill levy for the state medical center
11 authorized by section 10 of article X of the Constitution of North
12 Dakota.

13 (3) When property that was taxable in the preceding taxable year is not taxable
14 for the current taxable year, the amount levied in dollars in the preceding
15 taxable year by the taxing district must be reduced by the amount of taxes
16 that were imposed against the taxable valuation of that property in the
17 preceding taxable year.

18 (4) When a temporary mill levy increase, excluding an increase under this
19 section, authorized by the electors of the taxing district or mill levy
20 imposition authority under state law existed in the preceding taxable year
21 but is no longer applicable or has been reduced, the amount levied in
22 dollars in the preceding taxable year by the taxing district must be adjusted
23 to reflect the expired temporary mill levy increase and the eliminated or
24 reduced mill levy under state law before the percentage increase allowable
25 under this subsection is applied.

26 b. "Allowable percentage limit" means three percent.

27 c. "Base year levy" means the highest amount of property tax levied in dollars by a
28 taxing district in the three taxable years immediately preceding the current
29 taxable year.

30 d. "Excess percentage increase" means the difference, rounded to the nearest
31 hundredth of a percent, between:

- 1 (1) The allowable percentage limit; and
2 (2) The difference between the actual amount of property tax levied in dollars
3 and the greater of the base year levy or the adjusted year levy with the
4 resulting difference under this paragraph divided by the greater of the base
5 year levy or adjusted year levy.
6 e. "Proposed percentage increase" means the difference, rounded to the nearest
7 hundredth of a percent, between:
8 (1) The difference between the amount of property tax in dollars proposed to be
9 levied by the governing board of the taxing district and the greater of the
10 base year levy or the adjusted year levy with the resulting difference under
11 this paragraph divided by the greater of the base year levy or adjusted year
12 levy; and
13 (2) The allowable percentage limit.
14 f. "Taxing district" means any political subdivision empowered to levy taxes.

15 **SECTION 23. AMENDMENT.** Section 57-20-07.1 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **57-20-07.1. County treasurer to mail real estate tax statement - Contents of statement.**

- 18 1. On or before December twenty-sixth of each year, the county treasurer shall mail a
19 real estate tax statement to the owner of each parcel of real property at the owner's
20 last-known address. The form of the real estate tax statement to be used in every
21 county must be prescribed and approved for use by the tax commissioner. The
22 statement must be provided in a manner that allows the taxpayer to retain a printed
23 record of the obligation for payment of taxes and special assessments as provided in
24 the statement. If a parcel of real property is owned by more than one individual, the
25 county treasurer shall send only one statement to one of the owners of that property.
26 Additional copies of the tax statement will be sent to the other owners upon their
27 request and the furnishing of their names and addresses to the county treasurer. The
28 tax statement must:
29 a. Include a dollar valuation of the true and full value as defined by law of the
30 property and the total mill levy applicable.

- 1 b. Include, or be accompanied by a separate sheet, with three columns showing, for
2 the taxable year to which the tax statement applies and the two immediately
3 preceding taxable years, ~~the:~~
- 4 (1) ~~The~~ property tax levy in dollars against the parcel by the county and school
5 district and any city or township that levied taxes against the parcel.
- 6 (2) The amount of property tax levied as a result of voter-approved levy
7 authority, which must be separately stated for each taxing district that levied
8 property tax as a result of voter-approved levy authority.
- 9 c. Provide information identifying the property tax savings provided by the state of
10 North Dakota. The tax statement must include a line item that is entitled
11 "legislative tax relief" and identifies the dollar amount of property tax savings
12 realized by the taxpayer under chapter 50-34 for taxable years before 2019,
13 chapter 50-35 for taxable years after 2018, and chapter 15.1-27.
- 14 (1) For purposes of this subdivision, legislative tax relief under chapter 15.1-27
15 is determined by multiplying the taxable value for the taxable year for each
16 parcel shown on the tax statement by ~~the number of mills of mill levy~~
17 ~~reduction grant under chapter 57-64 for the 2012 taxable year plus the~~
18 ~~number of mills determined by subtracting from the 2012 taxable year mill~~
19 ~~rate of the school district in which the parcel is located the lesser of one~~
20 ~~hundred twenty-five mills or the sum of:~~
- 21 (a) ~~Fifty mills~~ The number of mills of mill levy reduction grant under
22 chapter 57-64 for the 2012 taxable year; or and
- 23 (b) ~~The 2012 taxable year mill rate of the school district minus~~ excluding
24 sixty mills.
- 25 (2) Legislative tax relief under chapter 50-35 is determined by multiplying the
26 taxable value for the taxable year for each parcel shown on the tax
27 statement by the number of mills of relief determined by dividing the amount
28 calculated in subsection 1 of section 50-35-03 for a human service zone by
29 the taxable value of taxable property in the zone for the taxable year.

- 1 d. Provide information identifying the primary residence credit, including information
2 regarding the portion of the credit derived from funding distributed from the
3 legacy fund.
- 4 (1) The statement must include a separate line item identifying the primary
5 residence credit realized by the taxpayer for each taxable year shown.
- 6 (2) The statements must include a separate line item or conspicuous
7 description identifying the portion of the credit derived from funding
8 distributed from the legacy fund.
- 9 (a) The dollar amount of the primary residence credit derived from
10 funding distributed from the legacy fund is calculated as the product of
11 the total amount of the primary residence credit realized by the
12 taxpayer in a taxable year multiplied by the applicable percent.
- 13 (b) By November first of each year, the tax commissioner shall notify
14 each county auditor of the applicable percent to be used for the
15 calculation in paragraph a for the current and prior two taxable years.
- 16 (c) For purposes of this paragraph, "applicable percent" means the
17 percent, rounded to the nearest hundredth of a percent, calculated as
18 the quotient of the amount allocated to the legacy property tax relief
19 fund from the legacy earnings fund for the primary residence credit
20 pursuant to section 5 of this Act divided by the total amount
21 appropriated from the legacy property tax relief fund for the primary
22 residence credit, using the allocations and appropriations for the
23 relevant tax years.
- 24 2. Failure of an owner to receive a statement will not relieve that owner of liability, nor
25 extend the discount privilege past the February fifteenth deadline.

26 **SECTION 24. REPEAL.** Sections 21-10-12 and 21-10-13 of the North Dakota Century
27 Code are repealed.

28 **SECTION 25. APPROPRIATION - TRANSFER - GENERAL FUND TO LEGACY**
29 **PROPERTY TAX RELIEF FUND - INFORMATION ON PROPERTY TAX STATEMENTS - TAX**
30 **COMMISSIONER.**

- 1 1. There is appropriated out of any moneys in the general fund in the state treasury, not
2 otherwise appropriated, the sum of \$74,601,793, which the office of management and
3 budget shall transfer to the legacy property tax relief fund, during the biennium
4 beginning July 1, 2025, and ending June 30, 2027. For legislative council budget
5 status reporting purposes, the transfer under this subsection is considered an ongoing
6 funding item.
- 7 2. There is appropriated out of any moneys in the legacy property tax relief fund, not
8 otherwise appropriated, the sum of \$473,000,000, or so much of the sum as may be
9 necessary, to the tax commissioner for the state reimbursement under the primary
10 residence credit for the biennium beginning July 1, 2025, and ending June 30, 2027.
11 Of the \$473,000,000, \$74,601,793 is from the general fund pursuant to subsection 1,
12 and \$398,398,207 is from the legacy earnings fund.
- 13 3. Pursuant to section 57-20-07.1, the tax commissioner shall notify each county auditor
14 that the applicable percent for taxable years 2025 and 2026 is 84.23 percent, which
15 reflects the portion of the primary residence credit derived from funding distributed
16 from the legacy fund.

17 **SECTION 26. APPROPRIATION - TAX COMMISSIONER - HOMESTEAD TAX CREDIT.**

18 There is appropriated out of any moneys in the general fund in the state treasury, not otherwise
19 appropriated, the sum of \$5,450,000, or so much of the sum as may be necessary, to the tax
20 commissioner for the purpose of the state reimbursement of the homestead tax credit, for the
21 biennium beginning July 1, 2025, and ending June 30, 2027.

22 **SECTION 27. EFFECTIVE DATE.**

- 23 1. Sections 8, 9, 10, and 22 of this Act are effective for taxable years beginning after
24 December 31, 2024.
- 25 2. Sections 7, 11, 14, 15, and 16 of this Act are effective for taxable years beginning after
26 December 31, 2025.
- 27 3. Section 12 of this Act becomes effective on June 1, 2025.
- 28 4. Section 13 of this Act becomes effective on June 1, 2026.

29 **SECTION 28. EMERGENCY.** Sections 10 and 12 of this Act are declared to be an
30 emergency measure.