

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1194

Page 1, line 3, after the semicolon insert "to amend and reenact sections 11-23-03, 40-40-04, 40-40-06, and 57-15-13 of the North Dakota Century Code, relating to county, city, park district, and school district property tax levies and hearings;"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 11-23-03 of the North Dakota Century Code is amended and reenacted as follows:

11-23-03. Notice of meeting to act on county budget.

~~The estimates of necessary expenditures and the tax levies required therefor as shown by the auditor's budget statement, together with a~~ notice that the board of county commissioners will meet on a specified date on or before September fifteenth for the purpose of making tax levies as set forth in the estimates, naming the time and place of holding such meeting, ~~shall~~must be published in at least one issue of the official newspaper of the county. The county auditor shall notify by mail the township and city officers in regard to the date of such meeting. If the county is required to hold a public hearing under chapter 57-15.1 and chooses to conduct that hearing in conjunction with the hearing under this section, publication of the notice required under this section may be consolidated with publication of the notice under section 57-15.1-04.

SECTION 2. AMENDMENT. Section 40-40-04 of the North Dakota Century Code is amended and reenacted as follows:

40-40-04. Municipality to prepare preliminary budget statement.

The governing body of each municipality, annually on or before September ~~tenth~~fifth, shall make an itemized statement known as the preliminary budget statement showing the amounts of money which, in the opinion of the governing body, will be required for the proper maintenance, expansion, or improvement of the municipality during the year.

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

40-40-06. Notice of preliminary budget statement - Public hearing - Contents - How given.

After the governing body has prepared the preliminary budget statement, the auditor of the municipality shall give notice that:

1. The preliminary budget is on file in the office of the auditor and may be examined by anyone upon request.
2. The governing body shall meet no later than October seventh at the time and place specified in the notice as prescribed by subsection 3 for the purpose of adopting the final budget and making the annual tax levy.

3. The governing body shall hold a public ~~session~~hearing on or before September fifteenth at the time and place designated in the notice of hearing at which any taxpayer may appear and discuss with the body any item of proposed expenditures or may object to any item or amount.

The notice must contain a statement of the total proposed expenditures for each fund in the preliminary budget, but need not contain any detailed statement of the proposed expenditures. The notice must be published at least once, not less than six days prior to the budget hearing, in a newspaper published in the municipality, if there is one, and if no newspaper is published in the municipality, the notice must be published not less than six days prior to the meeting in the official city newspaper as provided by section 40-01-09. If the municipality is required to hold a public hearing under chapter 57-15.1 and chooses to conduct that hearing in conjunction with the hearing under this section, publication of the notice required under this section may be consolidated with publication of the notice under section 57-15.1-04.

SECTION 4. AMENDMENT. Section 57-15-13 of the North Dakota Century Code is amended and reenacted as follows:

57-15-13. School district tax levies - Public hearing on budget and levies.

School district taxes must be levied by the governing body of each school district on or before the fifteenth day of August of each year. The governing body of the school district may amend its tax levy and budget for the current fiscal year on or before the tenth day of October of each year but the certification must be filed with the county auditor within the time limitations under section 57-15-31.1.

1. Taxes for school district purposes must be based upon an itemized budget statement which must show the complete expenditure program of the district for the current fiscal year and the sources of the revenue from which it is to be financed.
2. The school board of each public school district, in levying taxes, is limited by the amount necessary to be raised for the purpose of meeting the appropriations included in the school budget of the current fiscal year, and the sum necessary to be provided as an interim fund, together with a tax sufficient in amount to pay the interest on the bonded debt of the district and to provide a sinking fund to pay and discharge the principal thereof at maturity.
3. On or before September fifteenth of each year, the school board of each public school district shall hold a public hearing on its proposed budget and tax levies if the school board is required to hold a public hearing under chapter 57-15.1."

Page 1, remove lines 9 through 12

Page 1, line 13, replace "3." with "1."

Page 1, line 13, replace "property tax levy, expressed in" with "number of"

Page 1, line 13, replace ", that" with "against the current year taxable valuation, excluding consideration of new growth, which"

Page 1, line 14, replace "base" with "prior"

Page 1, line 14, remove the underscored comma

Page 1, line 15, remove "excluding consideration of new growth and levies excluded under subsection 5"

Page 1, after line 15, insert:

"2. "Current year" means the taxing district's year for which the property tax levy of the taxing district is being determined."

Page 1, line 16, replace "4." with "3."

Page 1, line 16, remove "final budget year"

Page 1, line 16, remove the second "taxable"

Page 1, line 17, replace "taxing district for the base" with "prior"

Page 1, line 17, remove "minus the base year taxable"

Page 1, remove line 18

Page 1, line 19, remove "budget year"

Page 1, after line 19, insert:

"4. "Prior year" means the taxing district's taxable year immediately preceding the current year."

Page 1, line 21, replace the underscored colon with an underscored period

Page 1, remove lines 22 and 23

Page 2, remove lines 1 through 10

Page 2, line 12, replace "twenty" with "one hundred"

Page 2, line 13, replace "base" with "prior"

Page 2, line 13, replace the second "budget" with "current"

Page 2, line 14, replace "twenty" with "one hundred"

Page 2, line 16, replace "The" with "Within thirty days after the meeting of the county board of equalization, the"

Page 2, line 17, remove "estimated"

Page 2, line 17, replace "budget" with "current"

Page 2, line 18, replace "estimate" with "use"

Page 2, line 18, replace "budget" with "current"

Page 2, line 18, remove "by using the best"

Page 2, replace lines 19 and 20 with "as equalized by the county board of equalization and a reasonable estimate of the taxable valuation of centrally assessed property for the current year."

Page 2, line 23, replace "budget" with "current"

Page 2, line 26, remove "At least ten days before the date of the public hearing under subsection 3, a taxing"

Page 2, remove lines 27 through 30

Page 3, remove lines 1 and 2

Page 3, line 3, replace "2. As an alternative to the mailed notice under subsection 1, the" with "The"

Page 3, line 5, remove "once each week"

Page 3, line 6, remove "for two consecutive weeks"

Page 3, line 6, remove "second"

Page 3, line 7, replace "three" with "seven"

Page 3, line 7, replace "3" with "2"

Page 3, replace lines 8 through 10 with "notice must be not less than one-fourth page in size with a heading in capitalized boldface type stating 'IMPORTANT NOTICE TO (name of taxing district) TAXPAYERS'. The heading and stated percentage increase above the certified tax rate must be printed in a type size four points larger than the other print in the notice. The text of the notice must contain:

- a. The date, time, and place of the required public hearing for the taxing district.
- b. A statement that the taxing district will be conducting a public hearing to consider increasing its property tax levy in dollars by a stated percentage, expressed as a percentage increase exceeding the certified tax rate.
- c. A statement that there will be an opportunity for citizens to present oral or written testimony regarding the budget and levy of the taxing district.
- d. Any other information the taxing district wishes to provide to inform taxpayers."

Page 3, line 11, replace "3." with "2."

Page 3, line 15, replace ". Taxing" with "but taxing"

Page 3, line 16, remove "The board of county commissioners shall resolve any conflicts in public"

Page 3, remove line 17

Page 3, line 18, after "c." insert "May be conducted in conjunction with a public hearing regarding the budget or levy of the taxing district otherwise required by law.

d."

Page 3, line 19, replace "4." with "3."

Page 3, line 24, replace "5." with "4."

Page 3, line 28, replace "6." with "5."

Page 4, replace lines 9 through 12 with "The governing body shall file a copy of the resolution with the county auditor."

57-15.1-06. Notice of adoption of increased property tax rate.

Within seven days after adoption of a property tax levy that results in a percentage increase that exceeds the stated percentage increase from the newspaper notice published by the taxing district under section 57-15.1-04, the governing body of the taxing district shall cause publication of a notice in the official county newspaper to inform taxpayers of the excess increase. The notice must be not less than one-fourth page in size with a heading in capitalized boldface type stating "IMPORTANT NOTICE TO (name of taxing district) TAXPAYERS". The text of the notice must contain the stated percentage increase from the newspaper notice published by the taxing district under section 57-15.1-04 and the actual percentage increase resulting from the final property tax levy as adopted. The heading and actual percentage increase above the certified tax rate must be printed in a type size four points larger than the other print in the notice."

Renumber accordingly