Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1055

Introduced by

Legislative Management

(Taxation Committee)

A BILL for an Act to amend and reenact sections 4-02-26, 4-02-27.1, 4-02-27.2, 4-02-37, 4-08-02, 4-08-04, 4-08-15, and 4-08-15.1, subsection 17 of section 4-22-26, subsection 2 of section 4.1-47-14, sections 4.1-47-16 and 4.1-47-25, subsection 2 of section 11-09.1-05, subsection 15 of section 11-11-14, sections 11-11-46, 11-28-17, 11-28.3-03, 11-28.3-04, 11-28.3-09, 11-37-14, 15-04-23, 15-52-09, 15-52-26, 15.1-09-49, and 15.1-12-09.1, subdivision n of subsection 1 of section 15.1-12-10, sections 15.1-12-16.1, 15.1-27-02, 15.1-27-04.1, 15.1-27-04.2, 15.1-27-11, 15.1-27-20.2, 16.1-01-11, 18-06-11, and 18-10-12.1, subsection 4.1 of section 21-03-06, subsection 5 of section 21-03-07, sections 21-07-01, 23-18-01, 23-18-02, and 23-18-03, subsection 13 of section 23-18.2-10, sections 23-18.2-11, 23-18.2-14, 23-18.2-16, and 23-30-02, subsection 5 of section 23-30-11, sections 23-35-05 and 23-35-07, subsection 2 of section 23-35.1-02, section 23-46-01, subsection 2 of section 40-05.1-06, sections 40-37-02 and 40-37-03, subsection 4 of section 40-38-02, sections 40-38.1-02, 40-45-16, 40-55-08, and 40-55-09, subsection 3 of section 40-57.1-03, subsections 2, 3, 4, 5, and 10 of section 40-58-20, sections 40-59-02, 40-59-03, 50-01.2-03.2, 54-24.2-02.1, 54-24.2-02.2, 54-24.2-03, 54-24.2-05, and 54-24.3-10, subsections 1, 13, and 15 of section 57-02-01, subsection 22 of section 57-02-08, subsection 1 of section 57-02-08.1, sections 57-02-08.2, 57-02-08.8, 57-02-27, 57-02.1-05, 57-02.1-06, 57-02.3-05, 57-02.3-06, 57-06-14.1, 57-06-17.2, 57-06-24, 57-15-01.1, 57-15-02, 57-15-02.1, 57-15-06, 57-15-06.7, 57-15-06.8, 57-15-06.10, 57-15-08, 57-15-10, 57-15-12, 57-15-12.1, 57-15-12.2, 57-15-14, 57-15-14.2, 57-15-14.4, 57-15-14.5, 57-15-16, 57-15-17.1, 57-15-19.4, 57-15-20, 57-15-20.2, 57-15-22, 57-15-22.2, 57-15-26.1, 57-15-26.2, 57-15-26.3, 57-15-26.4, 57-15-26.5, 57-15-26.6, 57-15-26.8, 57-15-27.1, 57-15-27.2, 57-15-28, 57-15-28.1, 57-15-31, 57-15-38, 57-15-42, 57-15-48, 57-15-50, 57-15-51, 57-15-53, 57-15-56, 57-15-59, 57-15-61, 57-19-01, 57-19-04, 57-20-02, 57-22-16, and 57-32-02, subdivision b of subsection 3 of section 57-33.2-19, sections 57-39.2-26.2, 57-44-03, 57-47-04, 57-51-15, 57-55-04, 57-64-01, 57-64-02, 57-64-03, and

57-64-04, subsection 18 of section 58-03-07, sections 58-15-02, 61-04.1-24, 61-04.1-26, and 61-04.1-32, subsection 2 of section 61-16.1-11, subsection 9 of section 61-24-08, sections 61-24-09, 61-24.5-10, 61-24.5-11, 61-24.5-12, 61-24.5-13, and 61-24.5-14, and subsection 5 of section 61-41-02 of the North Dakota Century Code, relating to determination of taxable valuation and replacement of statutory references to mills with references to cents for property tax rate purposes; to provide for legislative council reconciliation of statutory references to mill levies and taxable valuation; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4-02-26 of the North Dakota Century Code is amended and reenacted as follows:

4-02-26. County fairs - Association - Aiding.

A county fair association may be organized in any county having taxable property of a taxable valuation of not less than ~~seven hundred fifty thousand~~fifteen million dollars. The executive officers and directors must be residents of the county. The association may apply to the board of county commissioners of the county for a grant to aid in the erection of suitable buildings and other improvements to accommodate its patrons and exhibits, and to pay premiums and expenses that may be awarded on such exhibits at any fair. An application for the grant must be in writing and must state the incorporation of the association, the names and places of residence of all its executive officers, and the ownership of real property in the county sufficient in area for the purpose of its fair and of the value of at least two thousand five hundred dollars. If the board of county commissioners is satisfied that the statements in the application are true and that the association intends in good faith to hold a fair within the county annually for the exhibition of agricultural, horticultural, mechanical, and manufactured products of the county, and of such articles as are usually exhibited at fairs, it may levy for the first year's grant of aid a tax not exceeding the limitation in section 57-15-06.7 which must be collected as other taxes are collected. If the tax is levied, the board of county commissioners shall pay to the secretary of the association, not later than July thirty-first thereafter, the amount of the tax levied and shall take the receipt of the association therefor. The board of county commissioners may continue the levy under this section after the first year's grant of aid upon the board's own motion.

SECTION 2. AMENDMENT. Section 4-02-27.1 of the North Dakota Century Code is amended and reenacted as follows:

4-02-27.1. Additional levy authorized.

The board of county commissioners may, by appropriate resolution, submit to the electors of the county at the next special or general election, the question of whether an annual tax levy, in addition to the levy provided in section 4-02-27, shall be authorized for the purposes of aiding a county fair association. If an additional levy is approved by the electors, the board of county commissioners may make the additional annual levy, not to exceed the limitation in section 57-15-06.7, and disburse the proceeds in the manner provided in section 4-02-27 for the levy and disbursement of other county fair association aid funds. The failure of the electors to approve any additional ~~mill~~tax levy under this section may not be construed as invalidating a levy approved prior to the election.

SECTION 3. AMENDMENT. Section 4-02-27.2 of the North Dakota Century Code is amended and reenacted as follows:

4-02-27.2. Additional levy in certain counties.

The board of county commissioners of any county, when petitioned by at least five percent of the qualified electors of the county, including qualified electors residing in at least one-half of the voting precincts of the county as determined by the number of votes cast in the county for the office of governor at the preceding general election, shall submit to the qualified electors of the county at any general election or special election called for such purpose, the proposition of authorizing the board of county commissioners to purchase or lease in the name of the county not to exceed two hundred forty acres [97.12 hectares] of real estate and to construct thereon such buildings and other improvements as may be deemed desirable for the conduct of a county fair and authorizing the board of county commissioners, if the county general fund is deemed insufficient to provide funds therefor, to levy a tax not exceeding the limitation in subsection 2 of section 57-15-06.7. If a majority of the votes cast by qualified electors on the question at the election are in favor of the proposition, including the proposed levy, the tax must be levied and collected as are other property taxes, with the proceeds to be placed into a fund to be known as the "county fair fund". The tax is in addition to any ~~mill~~tax levy limitations provided by law, including the levies authorized by sections 4-02-27 and 4-02-27.1.

SECTION 4. AMENDMENT. Section 4-02-37 of the North Dakota Century Code is amended and reenacted as follows:

4-02-37. Multicounty fairs - Association - Tax levy.

A county fair association may be organized in two or more counties having taxable property of a taxable valuation of not less than ~~seven hundred fifty thousand~~fifteen million dollars. The executive officers and directors must be residents of the counties. The association may apply to the boards of county commissioners of the counties for a grant to aid in the erection of suitable buildings and other improvements to accommodate its patrons and exhibits, and to pay premiums and expenses that may be awarded on such exhibits at any fair. An application for the grant must be in writing and must state the incorporation of the association, the names and places of residence of all its executive officers, and the ownership of real property in one of the counties sufficient in area for the purpose of its fair and the value of at least two thousand five hundred dollars. If the boards of county commissioners are satisfied that the statements in the application are true and that the association intends in good faith to hold a fair within one of the counties annually for the exhibition of agricultural, horticultural, mechanical, and manufactured products of the county, and of such articles as are usually exhibited at fairs, it may levy for the first year's grant of aid a tax not exceeding the limitation in section 57-15-06.8, and it must be collected as other taxes are collected. If the tax is levied, the boards of county commissioners shall pay to the secretary of the association, not later than July thirty-first thereafter, the amount of tax levied and shall take the receipt of the association therefor. A multicounty fair association authorized by this section and the boards of county commissioners of such counties may do all the things allowed by law that a county fair association organized under section 4-02-26 may do.

SECTION 5. AMENDMENT. Section 4-08-02 of the North Dakota Century Code is amended and reenacted as follows:

4-08-02. Form of petition.

The petition provided for in section 4-08-01 must be in substantially the following form:

PETITION PROVIDING FOR LEVY FOR EXTENSION WORK

We, the undersigned, qualified electors of _____ County, North Dakota, petition the board of county commissioners that it levy a tax sufficient but not to exceed ~~two mills~~ten cents per one thousand dollars of taxable valuation of property in the county to employ an

extension agent for the purpose of carrying on extension work in cooperation with the North Dakota state university extension service.

SECTION 6. AMENDMENT. Section 4-08-04 of the North Dakota Century Code is amended and reenacted as follows:

4-08-04. Election held - Candidates presented to county commissioners - Funds available for extension work.

When a majority of the votes are cast for extension work, the North Dakota state university extension service on the first day of July following the election shall present a candidate or candidates for extension agent to the board of county commissioners for its selection and final approval. A sum of not less than two thousand dollars must be made available for this purpose from county funds, but in no case may such levy exceed ~~two mills~~ten cents per one thousand dollars of taxable valuation of property in the county.

SECTION 7. AMENDMENT. Section 4-08-15 of the North Dakota Century Code is amended and reenacted as follows:

4-08-15. Tax levy - Appropriation from county general fund - Both authorized.

The board of county commissioners of any county of this state in which a levy for extension work has been voted on and approved by the people as provided for in sections 4-08-01 and 4-08-03 may levy not to exceed an amount necessary for such purpose, as provided in section 4-08-09, not exceeding the limitation in subsection 4 of section 57-15-06.7. The statutory ~~mill~~tax levy limitation in effect during any biennium, and not the limitation in effect at the time of a county's vote for extension work or the ~~number of mills~~levy that may have been stated in the ballot for such a vote, is the applicable limitation. If it determines that the amount derived from the levy will not be sufficient for such purpose, the board may appropriate additional funds out of the county general fund to cover the deficiency.

SECTION 8. AMENDMENT. Section 4-08-15.1 of the North Dakota Century Code is amended and reenacted as follows:

4-08-15.1. Extension work - Additional tax levy.

The board of county commissioners of any county, upon passage of a resolution, may submit, at the next regularly scheduled or special election in the county, the question of providing for an additional annual levy not exceeding the limitation in subsection 5 of section 57-15-06.7 for extension work. If the question submitted is approved by a majority of the

electors voting thereon, the board shall proceed to make the levy. The number of ~~mills~~cents per one thousand dollars of taxable valuation of property in the county approved by the electors as an additional annual levy may not be increased by the board without voter approval of such increased levy as set out in this section, even if there is a subsequent increase in the ~~mill~~tax levy limitation in subsection 5 of section 57-15-06.7. Upon approval of the levy for the extension work, the board may expend the funds in the manner it deems best adapted to accomplish the purposes set forth by law. The levy may be discontinued upon the passage of a resolution by the board of county commissioners.

SECTION 9. AMENDMENT. Subsection 17 of section 4-22-26 of the North Dakota Century Code is amended and reenacted as follows:

17. To levy taxes as follows:

    a. The supervisors may make a tax levy, not exceeding ~~two mills~~a tax rate of ten cents per one thousand dollars of taxable valuation of property in the district, for the payment of the expenses of the district, including mileage and other expenses of the supervisors, and technical, administrative, clerical, and other operating expenses.

    b. Immediately after the completion of the district budget and the adoption of the annual tax levy by the district supervisors, but not later than July first, the supervisors shall send one certified copy of the levy as adopted to the county auditor of each county in the district.

    c. The county auditor of each county in the district shall extend the levy upon the tax list of the county for the current year against each description of real property lying both within the county and the district in the same manner and with the same effect as other taxes are extended.

    d. The treasurer of each county in the district shall collect all district taxes together with interest and penalty thereon in the same manner as the general taxes are collected, and shall pay over to the soil conservation district by the tenth working day of each month, all taxes so collected during the preceding month, with interest and penalties collected thereon and shall immediately send notification of such payment to the treasurer of the soil conservation district.

e. Whenever the supervisors of a soil conservation district deem it advisable to raise funds by taxation in excess of the levy provided by this section, for any purpose for which the supervisors of a district are authorized to expend moneys raised by taxes, the supervisors of the district shall submit to the qualified electors of the district at the next general election the question of increasing the ~~levy~~tax rate by a ~~certain~~specified number of ~~mills~~cents. Notice of the question must be filed with the county auditor fifty-five days before the election. When authorized by a majority of qualified electors of the soil conservation district voting on the question at an election in which the question has been submitted, the supervisors may increase the ~~levy~~tax rate in the amount so authorized.

SECTION 10. AMENDMENT. Subsection 2 of section 4.1-47-14 of the North Dakota Century Code is amended and reenacted as follows:

2. a. The county weed board may annually certify to the board of county commissioners a tax, not to exceed ~~two mills on the~~a tax rate of ten cents per one thousand dollars of taxable valuation of all property in the county, other than that which lies within the boundaries of a city having a noxious weed control program under this chapter.

b. In addition to the levy authorized in subdivision a, the board of county commissioners may levy an amount not to exceed ~~two mills per dollar on the~~a tax rate of ten cents per one thousand dollars of taxable valuation of all property in the county, other than that which lies within the boundaries of a city having a noxious weed control program under this chapter.

c. The board of county commissioners shall levy the taxes authorized by this subsection and shall place those moneys in a separate fund designated as the noxious weed control fund, which is used to pay the expenses of a county noxious weed control program.

d. The tax ~~may be~~ levied ~~in excess of the mill levy limit~~under this section is not subject to tax limitations prescribed by law for general purposes.

SECTION 11. AMENDMENT. Section 4.1-47-16 of the North Dakota Century Code is amended and reenacted as follows:

4.1-47-16. State appropriations for noxious weed control - Landowner assistance program.

1. The commissioner shall consult with representatives of county and city weed boards and develop a formula for the distribution to eligible county weed boards and eligible city weed boards of all moneys appropriated by the state for the landowner assistance program.
2. a. The formula must require that county officials budget, from county sources, an amount equal to the revenue that could be raised by a levy of a tax rate of at least ~~three mills~~fifteen cents per one thousand dollars of taxable valuation of property in the county for noxious weed control; provided, however, that this amount does not apply to property that lies within the boundaries of a city having a noxious weed control program under this chapter.
   b. The formula must require that city officials budget, from city sources, an amount equal to the revenue that could be raised by a levy of a tax rate of at least ~~three mills~~fifteen cents per one thousand dollars of taxable valuation of property in the city for noxious weed control.
3. a. The formula must require that the landowner contribute an amount equal to at least twenty percent of the cost to be expended on behalf of the landowner.
   b. The nature and type of the landowner's contribution must be determined by the weed board having jurisdiction over the area in which the landowner's property is located.

SECTION 12. AMENDMENT. Section 4.1-47-25 of the North Dakota Century Code is amended and reenacted as follows:

4.1-47-25. City noxious weed control program - Payment of expenses - Mill levy authorization.

1. The governing body of a city may pay the expenses of a city noxious weed control program authorized under this chapter from the city general fund, the noxious weed control fund, or both.
2. a. The city weed board may annually certify to the governing body of a city a tax, not to exceed ~~two mills on the~~a tax rate of ten cents per one thousand dollars of taxable valuation of all property in the city.

b. In addition to the levy authorized in subdivision a, the governing body of a city may levy an amount not to exceed ~~two mills per dollar on the~~a tax rate of ten cents per one thousand dollars of taxable valuation of all property in the city.

c. The governing body of a city shall levy the taxes authorized by this subsection and shall place those moneys in a separate fund designated as the noxious weed control fund, which is used to pay the expenses of a city noxious weed control program.

d. The tax may be levied in excess of the ~~mill~~tax levy limit prescribed by law for general purposes.

3. For purposes of this section, the expenses of a city noxious weed control program include compensation for and the reimbursement of expenses incurred by the city weed board, the city weed control officer, and other employees of the board, and expenses incurred in the provision of noxious weed control, as authorized by this chapter.

SECTION 13. AMENDMENT. Subsection 2 of section 11-09.1-05 of the North Dakota Century Code is amended and reenacted as follows:

2. Control its finances and fiscal affairs; appropriate money for its purposes, and make payments of its debts and expenses; subject to the limitations of this section levy and collect property taxes, sales and use taxes, farm machinery gross receipts taxes, alcoholic beverage gross receipts taxes, motor vehicle fuels and special fuels taxes, motor vehicle registration fees, and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law; and establish debt and ~~mill~~property tax rate levy limitations. Notwithstanding any authority granted under this chapter, all property must be assessed in a uniform manner as prescribed by the state board of equalization and the state supervisor of assessments and all taxable property must be taxed by the county at the same rate unless otherwise provided by law. A charter or ordinance or act of a governing body of a home rule county may not supersede any state law that determines what property or acts are subject to, or exempt from, ad valorem taxes. A

charter or ordinance or act of the governing body of a home rule county may not supersede section 11-11-55.1 relating to the sixty percent petition requirement for improvements and of section 40-22-18 relating to the barring proceeding for improvement projects. After December 31, 2005, sales and use taxes, farm machinery gross receipts taxes, and alcoholic beverage gross receipts taxes levied under this chapter:

a. Must conform in all respects with regard to the taxable or exempt status of items under chapters 57-39.2, 57-39.5, 57-39.6, and 57-40.2 and may not be imposed at multiple rates with the exception of sales of fuel used to power motor vehicles, aircraft, locomotives, or watercraft, or to electricity, piped natural or artificial gas, or other fuels delivered by the seller or the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.

b. May not be newly imposed or changed except to be effective on the first day of a calendar quarterly period after a minimum of ninety days' notice to the tax commissioner or, for purchases from printed catalogs, on the first day of a calendar quarter after a minimum of one hundred twenty days' notice to the seller.

c. May not be limited to apply to less than the full value of the transaction or item as determined for state sales and use tax, except for farm machinery gross receipts tax purposes.

d. Must be subject to collection by the tax commissioner under an agreement under section 57-01-02.1 and must be administered by the tax commissioner in accordance with the relevant provisions of chapter 57-39.2, including reporting and paying requirements, correction of errors, payment of refunds, and application of penalty and interest.

After December 31, 2005, any portion of a charter or any portion of an ordinance or act of a governing body of a home rule county passed pursuant to a charter which does not conform to the requirements of this subsection is invalid to the extent that it does not conform. The invalidity of a portion of a charter or ordinance or act of a governing body of a home rule county because it does not conform to this subsection

does not affect the validity of any other portion of the charter or ordinance or act of a governing body of a home rule county or the eligibility for a refund under section 57-01-02.1. Any taxes imposed under this chapter on farm machinery, farm irrigation equipment, and farm machinery repair parts used exclusively for agricultural purposes, or on alcoholic beverages, which were in effect on December 31, 2005, become gross receipts taxes after December 31, 2005.

SECTION 14. AMENDMENT. Subsection 15 of section 11-11-14 of the North Dakota Century Code is amended and reenacted as follows:

15. To expend county funds for the purpose of participating in an organization of county governments pursuant to section 11-10-24. This subsection does not authorize a ~~mill~~property tax levy, and the limitations embodied in section 57-15-06 apply to expenditures under this subsection, which expenditures shall be from the county general fund.

SECTION 15. AMENDMENT. Section 11-11-46 of the North Dakota Century Code is amended and reenacted as follows:

11-11-46. Payment of judgment obtained by state or an agency thereof against county - Duty of county commissioners and auditor.

When a final judgment is obtained against a county by the state, or by any agency, bureau, department, or officer thereof, and a certified copy of the judgment has been filed with the county auditor, the board of county commissioners, at the meeting at which it levies taxes for general county purposes, shall levy an irrepealable tax upon all of the taxable property in the county in an amount sufficient to pay and discharge the judgment. When the county auditor annually extends the taxes for general county purposes, the auditor shall also extend a sufficient ~~mills~~tax levy upon the tax list against all of the taxable property in the county to pay the judgment in full in annual installments over a period not exceeding eight years. Levies made under this section, however, shall not exceed the limitation in subsection 7 of section 57-15-06.7.

SECTION 16. AMENDMENT. Section 11-28-17 of the North Dakota Century Code is amended and reenacted as follows:

11-28-17. District budget - Tax levy - Election.

The board of joint park commissioners shall request the respective boards of county commissioners of the counties within the joint park district to submit to the electors of the joint county park district at any general election the question of a maximum tax levy therein for park purposes. The question shall be submitted as follows: Shall the board of county commissioners be authorized to levy a tax of not to exceed a tax rate of _____ ~~mills~~cents per one thousand dollars of taxable valuation of property in the county for joint county park district purposes? The rate proposed shall in no event exceed ~~three mills~~fifteen cents per one thousand dollars of taxable valuation of property in the county. If a majority of the vote cast thereon is favorable to such levy, the board of joint park commissioners shall meet annually during the month of July and at such meeting shall prepare a budget for the ensuing year, estimating and itemizing the expenses and obligations of the joint county park district. Upon completion and adoption of such budget, the board shall make a tax levy ~~in mills~~, within the limit of the authorization, to meet such budget. Such levy shall be in the form of a resolution adopted by a majority vote of the members of the board and thereafter prior to the first day of July of each year such levy shall be certified to the county auditor of each county within the joint park district by the secretary of the board. At the time of levying taxes for other county purposes, the respective boards of county commissioners of each county within the joint park district shall levy the tax certified by the board of joint park commissioners upon all taxable property in the county in the same manner other taxes are levied. The question of the maximum levy may be submitted from time to time by the board of joint park commissioners.

SECTION 17. AMENDMENT. Section 11-28.3-03 of the North Dakota Century Code is amended and reenacted as follows:

11-28.3-03. Notice of election.

In addition to the usual requirements of notices of election, the notice for an election at which the question provided for in this chapter will be voted upon shall include a statement describing the boundaries of the proposed rural ambulance service district, expressed, wherever possible, in terms of the government survey, a statement setting forth a specified ~~mill~~tax levy for the proposed district, which levy shall not exceed the limitation in section 57-15-26.5. The notice of election shall also state the voting areas in which the question provided by this chapter will be on the ballot.

SECTION 18. AMENDMENT. Section 11-28.3-04 of the North Dakota Century Code is amended and reenacted as follows:

11-28.3-04. Form of ballot - Vote required to approve.

The ballot on the question of forming a rural ambulance service district must be in substantially the following form:

Shall (name of taxing district or districts) levy a tax of not to exceed a tax rate of _____ ~~mills~~cents per one thousand dollars of taxable valuation of property in the district for the purpose of forming a rural ambulance district?

Yes ☐

No ☐

If a majority of all the votes cast on the question of levying a tax and forming a rural ambulance service district are in favor of such a tax levy, then the formation of the district is approved.

SECTION 19. AMENDMENT. Section 11-28.3-09 of the North Dakota Century Code is amended and reenacted as follows:

11-28.3-09. Emergency medical service policy to be determined.

The board of directors shall establish a general emergency medical service policy for the district and shall annually estimate the probable expense for carrying out that policy. The estimate shall be certified by the president and secretary to the proper county auditor or county auditors, on or before June thirtieth of each year. The auditor or auditors shall levy a tax not to exceed ~~ten mills upon the taxable~~a tax rate of fifty cents per one thousand dollars of taxable valuation of property within the district for the maintenance of the ambulance service district for the fiscal year as provided by law. The tax shall be:

1. Collected as other taxes are collected in the county.
2. Turned over to the secretary-treasurer of the rural ambulance service district, who shall be bonded in the amount of at least five thousand dollars.
3. Deposited by the secretary-treasurer in a state or national bank in a district account.
4. Paid out upon warrants drawn upon the district account by authority of the board of directors of the district, bearing the signature of the secretary-treasurer and the countersignature of the president.

In no case shall the amount of the tax levy exceed the amount of funds required to defray the expenses of the district for a period of one year as embraced in the annual estimate of expense,

including the amount of principal and interest upon the indebtedness of the district for the ensuing year. The district may include in its operating budget no more than ten percent of its annual operating budget as a depreciation expense to be set aside in a dedicated emergency medical services sinking fund deposited with the treasurer for the replacement of equipment and ambulances. The ten percent emergency medical services sinking fund may be in addition to the actual annual operating budget, but the total of the annual operating budget and the annual ten percent emergency medical services sinking fund shall not exceed the approved ~~mill~~tax levy.

SECTION 20. AMENDMENT. Section 11-37-14 of the North Dakota Century Code is amended and reenacted as follows:

11-37-14. Maximum tax levy - County levy not applied in political subdivision making levy.

In a political subdivision that is a party to an agreement creating a commerce authority, a levy, not exceeding ~~four mills~~a tax rate of twenty cents per one thousand dollars of taxable valuation of property in the political subdivision, may be made for the purposes of the commerce authority. A county levy under this section ~~57-15-06.7~~ does not apply to any other political subdivision within that county making a levy for the purposes of the commerce authority.

SECTION 21. AMENDMENT. Section 15-04-23 of the North Dakota Century Code is amended and reenacted as follows:

15-04-23. County services benefiting school trust lands - Payment - Continuing appropriation.

On or before March first of each year, the board of university and school lands shall pay a fee to the board of county commissioners of each county in which the state retains original grant lands if that county has requested payment under this section and included certification of the number of ~~mills~~cents per one thousand dollars of taxable valuation of property in the county levied for county road and bridge purposes. The board of county commissioners shall forward a prorated portion of any fee received under this section to the organized townships in which the original grant lands are located for use in the repair, maintenance, and construction of roads and bridges and shall use the remainder of the fee for the repair, maintenance, and construction of roads and bridges in unorganized townships in which original grant lands are located. The

total fees paid under this section may not be in an amount greater than the amount of property taxes that would have been payable if the original grant lands in the county had been subject to property tax levies. There is appropriated annually the amounts necessary to pay all fees under this section. Each payment must be made from the trust fund for which the land is held.

SECTION 22. AMENDMENT. Section 15-52-09 of the North Dakota Century Code is amended and reenacted as follows:

15-52-09. Expenditure of proceeds of ~~one-mill~~ levy authorized - Limitation.

The proceeds of the ~~one-mill~~five cents per one thousand dollars of taxable valuation of property in the county tax levy established by section 10 of article X of the Constitution of North Dakota, together with any other funds that may be received by the state treasurer, from time to time, for the benefit of the university of North Dakota school of medicine and health sciences, must be expended to establish, develop, and maintain the university of North Dakota school of medicine and health sciences, as provided in this chapter, by the issuance of state warrants drawn on such funds by the director of the office of management and budget.

SECTION 23. AMENDMENT. Section 15-52-26 of the North Dakota Century Code is amended and reenacted as follows:

15-52-26. Availability of funds.

The state board of higher education is hereby directed and authorized to make available to the university, from the portion of the proceeds of the ~~one-mill~~five cents per one thousand dollars of taxable valuation of property in the county levy provided by section 10 of article X of the Constitution of North Dakota as the state board of higher education shall have retained in its possession pursuant to the provisions of section 15-52-09, such funds as may be required for the operation of the school of medicine and health sciences revolving loan fund, but not in excess of one hundred thousand dollars in any one year.

SECTION 24. AMENDMENT. Section 15.1-09-49 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-49. Board of education of city of Fargo - Taxes for buildings.

The amount to be raised for teacher salaries and contingent expenses must be such only as together with the public money coming to the city from any source is sufficient to establish and maintain efficient and proper schools for students in the city. The tax for purchasing, leasing, or improving sites and the building, purchasing, leasing, enlarging, altering, and

repairing of schools may not exceed in any one year ~~fifteen mills on the~~a tax rate of seventy-five cents per one thousand dollars of taxable valuation of property in the school district. The board of education may borrow, and when necessary shall borrow, in anticipation of the taxes to be raised, levied, and collected.

SECTION 25. AMENDMENT. Section 15.1-12-09.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-12-09.1. Reorganization plan - General fund ~~mill~~tax levy.

A reorganization plan may provide that the general fund ~~mill~~tax levy applicable to property in those participating districts having a general fund ~~mill~~tax levy that is lower than the proposed general fund ~~mill~~tax levy for the reorganized district may be raised incrementally, over a period not to exceed five years, to the level proposed for the reorganized district.

SECTION 26. AMENDMENT. Subdivision n of subsection 1 of section 15.1-12-10 of the North Dakota Century Code is amended and reenacted as follows:

n. Include a proposed budget for the new district and a proposed general fund levy and any other levies, provided that tax levies submitted to and approved by the state board as part of a reorganization plan are not subject to ~~mill~~property tax levy limitations otherwise provided by law;

SECTION 27. AMENDMENT. Section 15.1-12-16.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-12-16.1. Reorganization plan - Building fund levy.

The reorganization plan required by section 15.1-12-09 may propose the inclusion of up to ~~ten mills~~a tax rate of fifty cents per one thousand dollars of taxable valuation of the property in the district as a building fund levy. If the reorganization plan is approved by a majority of electors residing within the boundaries of the proposed new district, the building fund levy becomes effective, notwithstanding any other voter approval requirement in section 57-15-16.

SECTION 28. AMENDMENT. Section 15.1-27-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-02. Per student payments - Required reports.

1. The superintendent of public instruction may not forward state aid payments to a school district beyond the October payment unless the district has filed the following with the superintendent:

a. The June thirtieth student membership and attendance report;

b. An annual school district financial report;

c. The September tenth fall enrollment report; and

d. The personnel report forms for licensed and nonlicensed employees.

2. On or before December fifteenth, each school district shall file with the superintendent of public instruction the taxable valuation and ~~mill~~tax levy certifications. If a district fails to file the taxable valuation and ~~mill~~tax levy certifications by the required date, the superintendent of public instruction may not forward to the district any state aid payments to which the district is entitled, until the taxable valuation and ~~mill~~tax levy certifications are filed.

SECTION 29. AMENDMENT. Section 15.1-27-04.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04.1. (Effective through June 30, 2015) Baseline funding - Establishment - Determination of state aid.

1. In order to determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:

a. All state aid received by the district in accordance with chapter 15.1-27 during the 2012-13 school year;

b. The district's 2012-13 ~~mill~~ levy reduction grant, as determined in accordance with chapter 57-64, as it existed on June 30, 2013;

c. An amount equal to that raised by the district's 2012 general fund levy or that raised by ~~one hundred ten mills~~a tax rate of five dollars and fifty cents per one thousand dollars of taxable valuation of property in the district of the district's 2012 general fund levy, whichever is less;

d. An amount equal to that raised by the district's 2012 long-distance learning and educational technology levy;

e. An amount equal to that raised by the district's 2012 alternative education program levy; and

f. An amount equal to:

(1) Seventy-five percent of all revenue received by the school district and reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;

(2) Seventy-five percent of all mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;

(3) Seventy-five percent of all tuition received by the school district and reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility and tuition received for the provision of an adult farm management program;

(4) Seventy-five percent of all revenue received by the school district from payments in lieu of taxes on the distribution and transmission of electric power;

(5) Seventy-five percent of all revenue received by the school district from payments in lieu of taxes on electricity generated from sources other than coal;

(6) All revenue received by the school district from mobile home taxes;

(7) Seventy-five percent of all revenue received by the school district from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c)(3);

(8) All telecommunications tax revenue received by the school district; and

(9) All revenue received by the school district from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit.

2. The superintendent shall divide the district's total baseline funding by the district's 2012-13 weighted student units in order to determine the district's baseline funding per weighted student unit.

3. a. In 2013-14, the superintendent shall multiply the district's weighted student units by eight thousand eight hundred ten dollars.

   (1) The superintendent shall adjust the product to ensure that the product is at least equal to the greater of:

      (a) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's 2013-14 weighted student units; or

      (b) One hundred percent of the district's baseline funding as established in subsection 1.

   (2) The superintendent shall also adjust the product to ensure that the product does not exceed one hundred ten percent of the district's baseline funding per weighted student unit multiplied by the district's 2013-14 weighted student units, as established in subsection 2.

   b. In 2014-15, the superintendent shall multiply the district's weighted student units by nine thousand ninety-two dollars.

   (1) The superintendent shall adjust the product to ensure that the product is at least equal to the greater of:

      (a) One hundred four percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's 2014-15 weighted student units; or

      (b) One hundred percent of the district's baseline funding as established in subsection 1.

   (2) The superintendent shall also adjust the product to ensure that the product does not exceed one hundred twenty percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's 2014-15 weighted student units.

4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:

a. Subtract an amount equal to ~~sixty mills multiplied by the~~a tax rate of three dollars per one thousand dollars of taxable valuation of the property in the school district, provided that after 2013, the amount in dollars subtracted for purposes of this subdivision may not exceed the previous year's amount in dollars subtracted for purposes of this subdivision by more than twelve percent; and

b. Subtract an amount equal to seventy-five percent of all revenues listed in paragraphs 1 through 5, and 7 of subdivision f of subsection 1 and one hundred percent of all revenues listed in paragraphs 6, 8, and 9 of subdivision f of subsection 1.

5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.

SECTION 30. AMENDMENT. Section 15.1-27-04.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04.2. (Effective through June 30, 2015) State aid - Minimum local effort - Determination.

If a district's taxable valuation per student is less than twenty percent of the state average valuation per student, the superintendent of public instruction, for purposes of determining state aid in accordance with section 15.1-27-04.1, shall utilize an amount equal to ~~sixty mills~~a tax rate of three dollars per one thousand dollars of taxable valuation of the property in the district times twenty percent of the state average valuation per student multiplied by the number of weighted student units in the district.

SECTION 31. AMENDMENT. Section 15.1-27-11 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-11. (Suspended through June 30, 2015) Equity payments.

1. The superintendent of public instruction shall:

a. Divide the imputed taxable valuation of the state by the total average daily membership of all school districts in the state in order to determine the state average imputed taxable valuation per student.

b. Divide the imputed taxable valuation of each school district by the district's total average daily membership in order to determine each district's average imputed taxable valuation per student.

2. If a school district's imputed taxable valuation per student is less than ninety percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:

a. Determining the difference between ninety percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and

b. Multiplying that difference by the district's total average daily membership.

3. Except as provided in subsection 4, the equity payment to which a district is entitled under this section equals the district's valuation deficiency multiplied by the lesser of:

a. The district's general fund levy for the taxable year 2008; or

b. ~~One hundred eighty-five mills~~Nine dollars and twenty-five cents per one thousand dollars of taxable valuation of property in the district.

4. a. The equity payment to which a district is entitled may not exceed the district's taxable valuation multiplied by its general fund levy for the taxable year 2008.

b. If a district's general fund levy for the taxable year 2008 is less than ~~one hundred eighty-five mills~~nine dollars and twenty-five cents per one thousand dollars of taxable valuation of property in the district, the superintendent of public instruction shall subtract the district's general fund levy for the taxable year 2008 from ~~one hundred eighty-five mills~~nine dollars and twenty-five cents per one thousand dollars of taxable valuation of property in the district, multiply the result by the district's taxable valuation, and subtract that result from the equity payment to which the district is otherwise entitled.

c. If a district's imputed taxable valuation per student is less than fifty percent of the statewide imputed taxable valuation per student, the payment to which the district is entitled under this section may not be less than twenty percent of the statewide imputed taxable valuation per student times the school district's average daily membership, multiplied by ~~one hundred eighty-five mills~~nine dollars and

twenty-five cents per one thousand dollars of taxable valuation of property in the district.

5. In determining the amount to which a school district is entitled under this section, the superintendent of public instruction may not include any payments received by the district as a result of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236 et seq.] and may not include in the district's average daily membership students who are dependents of members of the armed forces and students who are dependents of civilian employees of the department of defense.

6. In determining the statewide average imputed taxable valuation per student for purposes of this section, the superintendent of public instruction may not include:

   a. Any school district, which if included in the calculation would have an imputed taxable valuation per student that is three times greater than the statewide average imputed taxable valuation per student; and

   b. Any school district, which if included in the calculation would have an imputed taxable valuation per student that is less than one-fifth of the statewide average imputed taxable valuation per student.

7. For purposes of this section:

   a. "General fund levy" includes a district's high school transportation levy and its high school tuition levy.

   b. "Imputed taxable valuation" means the valuation of all taxable real property in the district plus:

      (1) An amount determined by dividing seventy percent of the district's mineral and tuition revenue, revenue from payments in lieu of property taxes on distribution and transmission of electric power, revenue from payments in lieu of taxes from electricity generated from sources other than coal, and revenue received on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes in accordance with 33 U.S.C. 701c-3 by the district's general fund mill levy for the taxable year 2008; and

(2) An amount determined by dividing the district's revenue from mobile home taxes and telecommunications taxes by the district's general fund ~~mill~~tax levy for the taxable year 2008.

c. "Mineral revenue" includes all revenue from county sources reported under code 2000 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08.

d. "Tuition revenue" includes all revenue reported under code 1300 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08. "Tuition revenue" does not include tuition income received specifically for the operation of an educational program provided at a residential treatment facility.

SECTION 32. AMENDMENT. Section 15.1-27-20.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-20.2. Taxable valuation - Impact on state aid.

1. If a school district's imputed taxable valuation per student is greater than one hundred fifty percent of the state average imputed taxable valuation per student, the superintendent of public instruction shall:

   a. Determine the difference between the district's imputed taxable valuation per student and one hundred fifty percent of the state average imputed taxable valuation per student;

   b. Multiply the dollar amount determined under subdivision a by the district's average daily membership;

   c. Multiply the dollar amount determined under subdivision b by ~~one hundred eighty-five mills~~nine dollars and twenty-five cents per one thousand dollars of taxable valuation of property in the district;

   d. Multiply the dollar amount determined under subdivision c by a factor of 0.75; and

   e. Subtract the dollar amount determined under subdivision d from the total amount of state aid to which the district is otherwise entitled.

2. For purposes of this section, "imputed taxable valuation" means the valuation of all taxable real property in the district plus an amount determined by dividing the district's

mineral and tuition revenue by sixty percent of the district's general fund ~~mill~~tax levy. Beginning July 1, 2008, "imputed taxable valuation" means the valuation of all taxable real property in the district plus an amount determined by dividing seventy percent of the district's mineral and tuition revenue by the district's general fund ~~mill~~tax levy.

SECTION 33. AMENDMENT. Section 16.1-01-11 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-11. Certain questions not to be voted upon for three months.

Whenever at any election a bond issue or ~~mill~~tax levy question has failed to receive the required number of votes for approval by the electors, the matter may not again be submitted to a vote until a period of at least three months has expired, and in no event may more than two elections on the same general matter be held within twelve consecutive calendar months.

SECTION 34. AMENDMENT. Section 18-06-11 of the North Dakota Century Code is amended and reenacted as follows:

18-06-11. Contracts for fire protection in unorganized townships - ~~Mill~~Tax levy.

Upon the petition of a majority of the qualified electors in one or more unorganized townships or in school districts comprising unorganized townships, the board of county commissioners has authority to execute contracts with any incorporated municipality, rural fire protection districts, or rural fire departments of this or adjacent states to provide for the prevention of, the protection from, and the extinguishment of fires within such unorganized townships or districts in such manner as may be agreed upon by the board of county commissioners and the governing body of the municipality contracting to perform such services. The board of county commissioners is further authorized to levy a sum sufficient for the reimbursement of municipalities performing such services upon all taxable property within the unorganized townships or school district comprising unorganized townships for which such fire protection service is provided. The ~~mill~~tax levy provided herein is over and above any ~~mill~~tax levy limitation provided by law and must be collected and paid as other county taxes are collected and paid. The proceeds of such tax must be placed by the county treasurer in a special fund for the reimbursement of the municipality providing fire protection service to the unorganized townships or districts from which the tax is collected and must be disbursed upon the order of the board of county commissioners.

SECTION 35. AMENDMENT. Section 18-10-12.1 of the North Dakota Century Code is amended and reenacted as follows:

18-10-12.1. Withdrawal from rural fire protection district.

Any person having an ownership interest in property subject to a ~~mill~~tax levy as provided for in section 18-10-07 and wishing to withdraw such property from the rural fire protection district may do so as provided in this section, subject to the following restrictions:

1. The territory to be withdrawn from the district must border on the outer boundary of the district.
2. The territory to be withdrawn from the district remains subject to and chargeable for the payment and discharge of the proportion of obligations outstanding at the time of filing the petition for the withdrawal of the territory that the taxable valuation of property in the territory to be withdrawn bears to the taxable valuation of all property within the district prior to withdrawal.
3. ~~Mill~~Tax levies imposed under section 18-10-07 remain in effect until the proportionate share of outstanding obligations are paid.
4. The proceedings for withdrawal must be initiated by the filing of a petition with the appropriate county auditor or auditors signed by the fee title holders of sixty percent of the surface acreage in the territory sought to be withdrawn and contain a description of the boundaries of the territory sought to be withdrawn and a map or plat illustrating such area.
5. The county auditor shall verify from the tax schedules and determine whether the petition complies with the requirements of subsection 4.
6. The county auditor shall determine and certify the respective percentage proportions of the taxable valuation of the territory petitioned to be withdrawn to the taxable valuation of all property in the district prior to withdrawal to the board of directors of the district concerned.
7. Within twenty days after receipt of the petition, verification, and computation of respective percentage proportions, the board of directors of the district concerned shall attach to the petition a statement of outstanding obligations of the district and shall forward the petition to the appropriate board or boards of county commissioners.

8. The board or boards of county commissioners shall, at a regular meeting, compute the indebtedness proportionately assignable to the territory sought to be withdrawn, and shall, by written order, describe the boundaries of the territory withdrawn and the indebtedness of the district assigned to the territory and subject to continued levy under section 18-10-07. The order and computation must be filed in the office of the county auditor or auditors.

9. The annual estimate required under section 18-10-07 must reflect the annual expense of retiring principal and interest upon the proportionate share of district indebtedness assigned to withdrawn territory.

SECTION 36. AMENDMENT. Subsection 4.1 of section 21-03-06 of the North Dakota Century Code is amended and reenacted as follows:

4.1. By any school district having a community or junior college or off-campus educational center as provided in chapter 15-18 which has an enrollment of one thousand or more students, upon motion of the governing body, for capital construction purposes, including the construction and equipping of new buildings or repairing or renovating and equipping existing buildings. The governing body may levy a tax not exceeding ~~two mills on the dollar~~a tax rate of ten cents per one thousand dollars of the taxable valuation of property in the school district for the purpose of paying the principal and interest on bonds issued pursuant to this subsection. The mill levy authorized by this subsection is in addition to any mill levy limitations provided by law. The total principal amount of bonds issued pursuant to this subsection may not exceed seven hundred thousand dollars, and any indebtedness incurred by a school district must be within debt limitations established by law. Bonds issued under this subsection must never become a general obligation of this state.

SECTION 37. AMENDMENT. Subsection 5 of section 21-03-07 of the North Dakota Century Code is amended and reenacted as follows:

5. The governing body of any city may also by resolution adopted by a two-thirds vote dedicate the ~~mill~~tax levies ~~as~~ authorized by sections 57-15-42 and 57-15-44 and may authorize and issue general obligation bonds to be paid by these dedicated levies for the purpose of providing funds for the purchase, construction, reconstruction, or repair of public buildings or fire stations; provided, that the initial resolution authorizing the

mill levy dedication and general obligation bonds must be published in the official newspaper, and any owner of taxable property within the city may, within sixty days after publication, file with the city auditor a protest against the adoption of the resolution. Protests must be in writing and must describe the property which is the subject of the protest. If the governing body finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the city, as theretofore last finally equalized, all further proceedings under the initial resolution are barred.

SECTION 38. AMENDMENT. Section 21-07-01 of the North Dakota Century Code is amended and reenacted as follows:

21-07-01. County auditor to deliver to county treasurer schedule of municipal tax levies for sinking funds.

Each county auditor shall deliver to the county treasurer of the county at the time the tax lists are delivered to the county treasurer as provided by section 57-20-06, a separate detailed schedule showing separately the amount of tax and the ~~mill~~tax rate of levy therefor for each separate levy for sinking fund certified to the county auditor by the various municipalities partly or wholly within the county, including levies for sinking funds for bonds issued by the county, each stated separately. A true and correct duplicate thereof must be kept by such county auditor among the permanent records of the county auditor's office.

SECTION 39. AMENDMENT. Section 23-18-01 of the North Dakota Century Code is amended and reenacted as follows:

23-18-01. Hospital associations authorized - County tax levy in aid - Election.

A county or community hospital association may be established in any county in this state. The executive officers and directors must be residents of the county. The association may apply to the board of county commissioners of the county for a grant to aid in the erection of a nonsectarian county hospital. The application for the grant must be in writing and must state the incorporation of the association, the names and places of residence of all of its executive officers, and the assets of the association, and must specify the ~~mill~~tax rate of levy applied for, which may not be in excess of the limitation in subsection 12 of section 57-15-06.7. If the board of county commissioners is satisfied that the statements in the applications are true and that the association intends in good faith to establish a nonsectarian county or community hospital, it

shall submit to the electors of the county the question of levying a tax in aid of such nonsectarian county or community hospital, not exceeding the limitation in subsection 12 of section 57-15-06.7. The county auditor shall give notice of such election within the time and in the manner prescribed by law for the holding of county elections.

SECTION 40. AMENDMENT. Section 23-18-02 of the North Dakota Century Code is amended and reenacted as follows:

23-18-02. Form of ballot.

The ballot to be used in such election as provided for in this chapter must be in the following form:

> Shall the county commissioners be authorized to levy a tax in aid of a nonsectarian county or community hospital (or in aid of a nonsectarian county or community clinic) of a tax rate of _____ ~~mills~~cents per one thousand dollars of taxable valuation upon the taxable valuation of all taxable property in _____ County, for a period of _____ years?
>
> Yes ☐
>
> No ☐

SECTION 41. AMENDMENT. Section 23-18-03 of the North Dakota Century Code is amended and reenacted as follows:

23-18-03. Fifteen-year levy authorized - Rate.

If sixty percent of the ballots cast on the question at the election are in favor of the authorization of the levy, the board of county commissioners shall make an annual levy for a period of not more than fifteen years at the ~~mill~~tax rate approved at the election upon the taxable valuation of the taxable property in the county, which tax shall be spread and collected in the same manner as other taxes are collected. This levy is not subject to the county levy limitations.

SECTION 42. AMENDMENT. Subsection 13 of section 23-18.2-10 of the North Dakota Century Code is amended and reenacted as follows:

13. To certify a ~~mill~~ tax levy as provided in section 23-18.2-12.

SECTION 43. AMENDMENT. Section 23-18.2-11 of the North Dakota Century Code is amended and reenacted as follows:

23-18.2-11. Authority may contract with private nursing homes for services.

In addition to the other powers of an authority granted by the provisions of this chapter, an authority has the power to contract with any nonprofit corporation, limited liability company, partnership, association, or other private nonprofit entity for nursing facilities to be used in addition to, or in lieu of, a county nursing home constructed by the authority. Such services may be paid for by the authority with the proceeds of any ~~mill~~ tax levied under this chapter or other funds available to it for such purposes.

SECTION 44. AMENDMENT. Section 23-18.2-14 of the North Dakota Century Code is amended and reenacted as follows:

23-18.2-14. Rentals - How fixed by authority - Use of rental fees.

An authority shall fix the price of its accommodations and services in its nursing homes at no higher rates than it finds to be necessary in order to produce revenues which, together with any remaining funds derived from the ~~mill~~tax levy ~~tax~~ provided for in section 23-18.2-12, and all other available moneys, revenues, income, and receipts of the authority from whatever source derived, may be sufficient to meet the cost of, and provide for maintaining and operating the projects of the authority, including the cost of any insurance thereon, and the administrative expenses of the authority.

SECTION 45. AMENDMENT. Section 23-18.2-16 of the North Dakota Century Code is amended and reenacted as follows:

23-18.2-16. Bonds - Type which may be issued.

An authority may issue such types of bonds as it may determine, provided that the interest and principal on any such bonds are payable first from the revenues derived from the ~~mill~~ tax levy authorized by this chapter. The bonds and other obligations of the authority are not payable out of any other funds or properties other than those of the authority. In no event may any bonds issued by a county nursing home authority be secured by a mortgage on the property of any nursing home project.

SECTION 46. AMENDMENT. Section 23-30-02 of the North Dakota Century Code is amended and reenacted as follows:

23-30-02. Hospital districts authorized - Dissolution of districts.

1. The board of county commissioners of any county, or two or more boards of county commissioners acting jointly, shall, when requested to do so by petition of twenty

percent of the qualified electors of the area to be included in a proposed hospital district, as determined by those voting for governor in that geographical area at the last gubernatorial election, submit the question to the qualified electors at a special election or the next regularly scheduled primary or general election as to whether or not the qualified electors of the area desire to establish a hospital district and whether they approve of the ~~mill~~tax levy authorized by section 23-30-07 for the purpose of supporting such hospital district. If sixty percent of the qualified electors voting in the election within the proposed district approve, the county commission or county commissions, as the case may be, shall, by resolution, create the hospital district comprising the entire area as described in the petition.

2. In the event the qualified electors of a hospital district desire to dissolve such district, thirty percent of the qualified electors, determined as in subsection 1, may petition the board of directors of the hospital district to place the question of the continued existence of the hospital district before the qualified electors of the district at the next regularly scheduled primary or general election. If at least sixty percent of the qualified electors voting in such election do not approve of the continued operation of the hospital district, the board of directors shall notify the county commission or county commissions, as the case may be. The county commission or county commissions shall, upon receipt of such notice, by resolution order the dissolution of the hospital district. ~~Mill~~Tax levies previously authorized shall continue to be collected as authorized until the termination of the authority therefor.

3. The petition shall contain the name and address of each petitioner, the suggested name of the proposed district, the area in square miles [kilometers] to be included therein, the population of such area according to the most recent census, and a complete description according to government survey of the boundaries of the real property to be included in the proposed district. The petitioners shall also present to the county auditor or auditors a plat or map showing the suggested boundaries of the proposed district, and shall deposit with the auditor a sum of money sufficient to defray the expenses of publishing the notices required by this chapter and the cost of any special election.

4. Any city located within the area, whether or not such city has a hospital, shall be included in the district.

SECTION 47. AMENDMENT. Subsection 5 of section 23-30-11 of the North Dakota Century Code is amended and reenacted as follows:

5. If the report of the board of directors, referred to in subsection 4, disapproves the proposal, the petition must be rejected. If the report is favorable to such proposal, either in whole or in part, the board of county commissioners shall give notice of election in the manner prescribed by section 23-30-03 and submit the question to the qualified electors at the next regularly scheduled primary or general election as to whether or not the qualified electors of the proposed area desire to be annexed and whether they approve of the ~~mill~~tax levy authorized by section 23-30-07 for the purpose of supporting such hospital district. If at least sixty percent of the qualified electors voting in the election within the territory proposed to be annexed approve, the territory becomes a part of the existing hospital district.

SECTION 48. AMENDMENT. Section 23-35-05 of the North Dakota Century Code is amended and reenacted as follows:

23-35-05. Health districts - Expansion - Merger.

1. Upon adoption of a resolution, a county that is not included in any public health unit may request inclusion as a part of an existing health district. Upon receipt of a request to become part of an existing health district, the district board of health shall consider the request and, if the board approves the request by a majority vote, shall submit the matter to each county in the health district. If a majority of the counties approve the request by a majority vote, the requesting county becomes a part of the health district.
2. Upon expansion of a health district under this section, the number of board of health members must be adjusted to allow the added county the same proportion of members allowed to member cities and counties of the existing health district as determined under this chapter.
3. Any two or more health districts may merge into a single health district upon a majority vote of the respective boards of health and a majority vote of the governing body of each county. The assets of each merging health district become the property of the newly created health district. Board of health membership of a new health district must

be determined under section 23-35-03, unless otherwise decided by the board. The new health district maintains the same authority and powers of the previous health districts. The ~~mill~~tax levy of the newly created health district is not limited by the old ~~mill~~tax levy but may not exceed the amount allowed under section 23-35-07, unless one or more of the combining entities was previously levying more than ~~five mills~~a tax rate of twenty-five cents per one thousand dollars of taxable valuation of property in the district, in which case the ~~mill~~tax levy for property within the former entity that was levying more than ~~five mills~~a tax rate of twenty-five cents per one thousand dollars of taxable valuation of property in the district may not exceed the cap, expressed in ~~mills~~cents per one thousand dollars of taxable valuation of property in the district, as previously authorized for that entity.

4. Upon adoption of a health district plan by two or more counties, the joint board of county commissioners shall appoint a district board of health.

SECTION 49. AMENDMENT. Section 23-35-07 of the North Dakota Century Code is amended and reenacted as follows:

23-35-07. Health district funds.

1. Except for a tribal health district, a district board of health shall prepare a budget for the next fiscal year at the time at which and in the manner in which a county budget is adopted and shall submit this budget to the joint board of county commissioners for approval. The amount budgeted and approved must be prorated in health districts composed of more than one county among the various counties in the health district according to the taxable valuation of the respective counties in the health district. For the purpose of this section, "prorated" means that each member county's contribution must be based on an equalized ~~mill~~tax levy throughout the district, except as otherwise permitted under subsection 3 of section 23-35-05. Within ten days after approval by the joint board of county commissioners, the district board of health shall certify the budget to the respective county auditors and the budget must be included in the levies of the counties. The budget, not including gifts, grants, donations, and contributions, may not exceed the amount that can be raised by a levy of ~~five mills on the taxable valuation~~a tax rate of twenty-five cents per one thousand dollars of taxable valuation of property in the district, subject to public hearing in each county in the

health district at least fifteen days before an action taken by the joint board of county commissioners. Action taken by the joint board of county commissioners must be based on the record, including comments received at the public hearing. A levy under this section is not subject to the limitation on the county tax levy for general and special county purposes. The amount derived by a levy under this section must be placed in the health district fund. The health district fund must be deposited with and disbursed by the treasurer of the district board of health. Each county in a health district quarterly shall remit and make settlements with the treasurer. Any funds remaining in the fund at the end of any fiscal year may be carried over to the next fiscal year.

2. Except for a tribal health district, the district board of health, or the president and secretary of the board when authorized or delegated by the board, shall audit all claims against the health district fund. The treasurer shall pay all claims from the health district fund. The district board of health shall approve or ratify all claims at the board's quarterly meetings.

SECTION 50. AMENDMENT. Subsection 2 of section 23-35.1-02 of the North Dakota Century Code is amended and reenacted as follows:

2. The joint powers agreement requires that the participating public health units:
   a. Assess the health of the population;
   b. Identify workplan activities that meet the needs of the region;
   c. Comply with requirements adopted by the health council by rule;
   d. Meet department maintenance of effort funding requirements, which must be calculated based on each unit's dollar or ~~mill~~tax levy public health unit contribution in the most recent calendar year; and
   e. Share core public health activities and measure outcomes in accordance with subsection 3.

SECTION 51. AMENDMENT. Section 23-46-01 of the North Dakota Century Code is amended and reenacted as follows:

23-46-01. Definitions.

For purposes of this chapter:

1. "Emergency medical services funding area" means a geographic area eligible for state assistance and includes one or more licensed ambulance operations.
2. "Minimum reasonable cost" means the cost of operating one transporting ambulance service or the sum of the cost to operate one transporting ambulance service and any combination of one substation and one quick response unit.
3. "Required local matching funds" means revenue generated by the provision of emergency medical services, local ~~mill~~tax levies, local sales tax, local donations, and in-kind donations of services.

SECTION 52. AMENDMENT. Subsection 2 of section 40-05.1-06 of the North Dakota Century Code is amended and reenacted as follows:

2. To control its finances and fiscal affairs; to appropriate money for its purposes, and make payment of its debts and expenses; to levy and collect taxes, excises, fees, charges, and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; to contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; to establish charges for any city or other services; and to establish debt and ~~mill~~property tax levy limitations. Notwithstanding any authority granted under this chapter, all property must be assessed in a uniform manner as prescribed by the state board of equalization and the state supervisor of assessments and all taxable property must be taxed by the city at the same rate unless otherwise provided by law. The authority to levy taxes under this subsection does not include authority to impose income taxes.

SECTION 53. AMENDMENT. Section 40-37-02 of the North Dakota Century Code is amended and reenacted as follows:

40-37-02. Authority for levy initiated by petition - Signatures - Filing - Question submitted to electors.

The authority for making a tax levy for municipal band purposes shall be initiated by a petition signed by at least ten percent of the qualified electors of the municipality as determined by the number of votes cast at the last regular municipal election. The petition shall be filed with the governing body and shall request that the following question be submitted to the qualified electors:

Shall a tax of not exceeding a tax rate of _____ ~~mills~~cents per one thousand dollars of taxable valuation of property in the city (specifying the rate) be levied each year for the purpose of furnishing a band fund?

When such petition is filed, the governing body shall cause the question to be submitted to the qualified electors at the first following general municipal election.

SECTION 54. AMENDMENT. Section 40-37-03 of the North Dakota Century Code is amended and reenacted as follows:

40-37-03. Votes required to authorize levy - Limitations on tax levy.

The levy for municipal band purposes shall be authorized if sixty percent of the votes cast at the election are in favor of the proposition. The governing body of the municipality thereupon may include in its budget an appropriation for the maintenance or employment of a band for municipal purposes and may levy a tax to cover the appropriation in its annual tax levy. The amount of the levy to cover such appropriation, together with the aggregate amount levied for general purposes, shall be within the limitations prescribed in chapter 57-15. The amount appropriated for the maintenance or employment of a band for municipal purposes shall not exceed the amount which will be raised by a levy of ~~one mill on the~~a tax rate of five cents per one thousand dollars of taxable valuation of the taxable property in the municipality.

SECTION 55. AMENDMENT. Subsection 4 of section 40-38-02 of the North Dakota Century Code is amended and reenacted as follows:

4. Upon motion of the governing body or upon petition of not less than twenty-five percent of the qualified electors in the last general election of any city, school district, township, or county, filed not less than sixty days before the next election, the governing body shall submit to the qualified electors at the next election the question of whether the governing body shall increase the ~~mill~~tax levy a specified amount for public library service above the ~~mill~~tax levy limitation set out in this section. The governing body may call a special election at any time for the purpose of voting on the question, and the election shall be called, conducted, and certified as are other elections in that political subdivision. Upon approval by sixty percent of the qualified electors voting in the election, the governing body shall increase the levy for public library service in the amount approved by the qualified electors.

SECTION 56. AMENDMENT. Section 40-38.1-02 of the North Dakota Century Code is amended and reenacted as follows:

40-38.1-02. Municipal arts fund - Levy - Collection - Kept separate.

For the purpose of establishing and maintaining the municipal arts council, the governing body of a city authorizing the same shall establish a municipal arts fund. The fund shall consist of revenues from any city property tax authorized by this section, which levy may be made by the city at the direction of the municipal arts council in any amount, but not exceeding the limitation in subsection 7 of section 57-15-10 and any other moneys received from federal, state, county, city, or private sources. The city auditor shall keep the municipal arts fund separate and apart from the other money of the city, and it shall not revert to or be considered funds on hand by the governing body at the end of any fiscal year. The municipal arts fund shall be used exclusively for the establishment and maintenance of the municipal arts council and for grants by the council to appropriate arts organizations in the city. Upon motion of the governing body or upon petition of not less than twenty-five percent of the qualified electors voting in the last general election of the city, filed not less than sixty days before the next regular election, the governing body shall submit to the qualified electors at the next regular election the question of whether such governing body shall annually levy a specified amount not to exceed ~~five mills~~a tax rate of twenty-five cents per one thousand dollars of taxable valuation of property in the city for the municipal arts council.

SECTION 57. AMENDMENT. Section 40-45-16 of the North Dakota Century Code is amended and reenacted as follows:

40-45-16. Increase of assessments by city having police retirement system based upon actuarial tables.

If the ~~mill~~tax levy provided for in section 40-45-02, together with contributions from beneficiaries and funds received from other sources as provided in this chapter, is inadequate or insufficient to establish a retirement system based upon actuarial tables, the governing body, in order to establish such system upon an actuarial basis, may increase the amount of the contributions from beneficiaries.

SECTION 58. AMENDMENT. Section 40-55-08 of the North Dakota Century Code is amended and reenacted as follows:

40-55-08. (Effective for the first two taxable years beginning after December 31, 2012) Election to determine desirability of establishing recreation system - How called.

The governing body of any municipality, school district, or park district to which this chapter is applicable, may and upon receipt of a petition signed by at least ten qualified electors but not less than five percent of those qualified electors who voted at the last general election of the municipality, school district, or park district, shall submit to the qualified electors the question of the establishment, maintenance, and conduct of a public recreation system, and except in the case of a school district, the levying of an annual tax for the conduct and maintenance thereof of not more than ~~two and five-tenths mills on each dollar of~~a tax rate of twelve and one-half cents per one thousand dollars of taxable valuation of all taxable property within the corporate limits or boundaries of such municipality or park district, to be voted upon at the next general election or special municipal election; provided, however, that such questions may not be voted upon at the next general election unless such action of the governing body shall be taken, or such petition to submit such question shall be filed thirty days prior to the date of such election. A school district may provide for the establishment, maintenance, and conduct of a public recreation system using the proceeds of levies, as permitted by section 57-15-14.2.

(Effective after the first two taxable years beginning after December 31, 2012) Election to determine desirability of establishing recreation system - How called. The governing body of any municipality, school district, or park district to which this chapter is applicable, may and upon receipt of a petition signed by at least ten qualified electors but not less than five percent of those qualified electors who voted at the last general election of the municipality, school district, or park district, shall submit to the qualified electors the question of the establishment, maintenance, and conduct of a public recreation system, and except in the case of a school district, the levying of an annual tax for the conduct and maintenance thereof of not more than ~~two and five-tenths mills on each dollar~~a tax rate of twelve and one-half cents per one thousand dollars of taxable valuation of all taxable property within the corporate limits or boundaries of such municipality or park district, to be voted upon at the next general election or special municipal election; provided, however, that such questions may not be voted upon at the next general election unless such action of the governing body shall be taken, or such petition to submit such question shall be filed thirty days prior to the date of such election. A

school district may levy a tax for the establishment, maintenance, and conduct of a public recreation system pursuant to subdivision q of subsection 1 of section 57-15-14.2.

SECTION 59. AMENDMENT. Section 40-55-09 of the North Dakota Century Code is amended and reenacted as follows:

40-55-09. (Effective for the first two taxable years beginning after December 31, 2012) Favorable vote at election - Procedure.

Except in the case of a school district or park district, upon adoption of the public recreation system proposition at an election by a majority of the votes cast upon the proposition, the governing body of the municipality, by resolution or ordinance, shall provide for the establishment, maintenance, and conduct of a public recreation system, and thereafter levy and collect annually a tax of not more than ~~two and five-tenths mills~~a tax rate of twelve and one-half cents per one thousand dollars of taxable valuation of property, or not more than ~~eight and five-tenths mills~~a tax rate of forty-two and one-half cents per one thousand dollars of taxable valuation of property if authorized as provided by this section, ~~on each dollar of the taxable valuation~~ of all taxable property within the corporate limits or boundaries of the municipality. This tax is in addition to the maximum of taxes permitted to be levied in such municipality. The ~~mill~~tax levy authorized by this section may be raised to not more than ~~eight and five-tenths mills~~a tax rate of forty-two and one-half cents per one thousand dollars of taxable valuation of property within the limits or boundaries of the municipality when the increase is approved by the citizens of the municipality after submission of the question in the same manner as provided in section 40-55-08 for the establishment of the public recreation system. The governing body of the municipality shall continue to levy the tax annually for public recreation purposes until the qualified voters, at a regular or special election, by a majority vote on the proposition, decide to discontinue the levy. The governing body of the municipality may appropriate additional funds for the operation of the public recreation system if in the opinion of the governing body additional funds are needed for the efficient operation thereof. This chapter does not limit the power of any municipality, school district, or park district to appropriate on its own initiative general municipal, school district, or park district tax funds for the operation of a public recreation system, a community center, or character-building facility. A park district may levy a tax annually within the general fund levy authority of section 57-15-12 for the conduct and maintenance of a public recreation system.

(Effective after the first two taxable years beginning after December 31, 2012)

Favorable vote at election - Procedure. Except in the case of a school district or park district, upon adoption of the public recreation system proposition at an election by a majority of the votes cast upon the proposition, the governing body of the municipality, by resolution or ordinance, shall provide for the establishment, maintenance, and conduct of a public recreation system, and thereafter levy and collect annually a tax of not more than ~~two and five-tenths mills~~a tax rate of twelve and one-half cents per one thousand dollars of taxable valuation of property, or not more than ~~eight and five-tenths mills~~a tax rate of forty-two and one-half cents per one thousand dollars of taxable valuation of property if authorized as provided by this section, ~~on each dollar of the taxable valuation of all taxable property~~ within the corporate limits or boundaries of the municipality. This tax is in addition to the maximum of taxes permitted to be levied in such municipality. The ~~mill~~tax levy authorized by this section may be raised to not more than ~~eight and five-tenths mills~~a tax rate of forty-two and one-half cents per one thousand dollars of taxable valuation of property within the corporate limits or boundaries of the municipality when the increase is approved by the citizens of the municipality after submission of the question in the same manner as provided in section 40-55-08 for the establishment of the public recreation system. The governing body of the municipality shall continue to levy the tax annually for public recreation purposes until the qualified voters, at a regular or special election, by a majority vote on the proposition, decide to discontinue the levy. The governing body of the municipality may appropriate additional funds for the operation of the public recreation system if in the opinion of the governing body additional funds are needed for the efficient operation thereof. This chapter does not limit the power of any municipality, school district, or park district to appropriate on its own initiative general municipal, school district, or park district tax funds for the operation of a public recreation system, a community center, or character-building facility. A school district may levy a tax annually for the conduct and maintenance of a public recreation system pursuant to subdivision q of subsection 1 of section 57-15-14.2. A park district may levy a tax annually within the general fund levy authority of section 57-15-12 for the conduct and maintenance of a public recreation system.

SECTION 60. AMENDMENT. Subsection 3 of section 40-57.1-03 of the North Dakota Century Code is amended and reenacted as follows:

3. By November first of each year, the municipality that granted the option to make payments in lieu of taxes shall certify to the county auditor the amount of payments in lieu of taxes due under this section in the following year. After receiving the statement from the municipality, the county auditor shall certify the payments in lieu of taxes to the county treasurer for collection at the time when, and in the manner in which, ad valorem taxes must be certified. Upon receipt by the county treasurer of the amount of payments in lieu of taxes under this section, the county treasurer shall apportion and distribute that amount to taxing districts on the basis on which the general real estate tax levy is apportioned and distributed. The municipality may enter into a written agreement with the local school district and any other local taxing districts that wish to enter the agreement for an alternate method of apportionment and distribution. If such an agreement is entered into, the county treasurer shall apportion and distribute the money according to the written agreement. All provisions of law relating to enforcement, administration, collection, penalties, and delinquency proceedings for ad valorem taxes apply to payments in lieu of taxes under this section. However, the discount for early payment of taxes under section 57-20-09 does not apply to payments in lieu of taxes under this section. The buildings, structures, fixtures, and improvements comprising a project for which payments in lieu of taxes are allowed under this section must be excluded from the valuation of property in the taxing district for purposes of determining the ~~mill~~tax rate for the taxing district.

SECTION 61. AMENDMENT. Subsections 2, 3, 4, 5, and 10 of section 40-58-20 of the North Dakota Century Code are amended and reenacted as follows:

2. The auditor shall compute and certify the original taxable value of each lot and parcel of real estate in the area, as last assessed and equalized before the date of the request, including the taxable value of any lot or parcel previously acquired by the municipality or its urban renewal agency, as last assessed and equalized before it was acquired or, for taxable years after 2014 and for property originally incorporated in the area before 2015, as redetermined based on the percentage of its original true and full valuation which applies for property of that classification under section 57-02-27. However, any real property acquired by the city or the city's urban renewal agency prior to July 1, 1973, or more than five years prior to the approval of a development or

renewal plan for any development or renewal area, whichever is later, is deemed to have an original taxable value of zero and the county auditor shall so certify.

3. In each subsequent year, the auditor shall compute and certify the net amount by which the original taxable value of all lots and parcels of real estate in the area, as then assessed and equalized, including real estate then held by the municipality or urban renewal agency valued at zero, has increased or decreased in comparison with the original taxable value of all such real estate as determined or redetermined under subsection 2. The net amount of the increase or decrease is referred to in this section as the incremental value or the lost value for that year, as the case may be.

4. In any year when there is an incremental value, the auditor shall exclude it from the taxable value upon which the auditor computes the ~~mill~~tax rates of taxes levied in that year by the state, the county, the municipality, the school district, and every other political subdivision having power to tax the development or renewal area, until the cost of development or renewal of the area has been reimbursed in accordance with this section. However, the auditor shall extend the aggregate ~~mill~~tax rate of those taxes against the incremental value as well as the original taxable value, and the amount of taxes received from that extension against the incremental value is referred to in this section as the tax increment for that year.

5. In any year when there is a lost value, the auditor shall compute and certify the amounts of taxes which would have resulted from the extension against the lost value of the ~~mill~~tax rate of taxes levied that year by the state and each political subdivision having power to tax the development or renewal area. The amounts so computed are referred to in this section as the tax losses for that year.

10. When the cost of development or renewal of any development or renewal area has been fully paid and all bonds, notes, or other obligations issued by the municipality to pay that cost have been retired, or funds sufficient for the retirement thereof have been received by the municipality, the governing body shall cause this to be reported to the county auditor, who shall thereafter compute the ~~mill~~tax rates of all taxes upon the total taxable value of the development or renewal area. Any balance then on hand in the tax increment fund must be distributed by the county treasurer to the state and

all political subdivisions having power to tax property in the area, in amounts proportionate to the amounts of the tax losses previously reimbursed to them.

SECTION 62. AMENDMENT. Section 40-59-02 of the North Dakota Century Code is amended and reenacted as follows:

40-59-02. Resolution and notice of election.

The resolution and order of the governing body of the municipality calling an election pursuant to the provisions of this chapter shall contain a general description of the precise purpose for which a tax is to be levied and collected, the maximum ~~mills~~taxes per annum to be levied not to exceed ~~two mills~~a tax rate of ten cents per one thousand dollars of taxable valuation of property in the municipality per annum, and the time when such election shall be held. Notice of the adoption of such resolution and of the election to be held in pursuance thereof shall be published by the auditor thirty days prior to the day of election.

SECTION 63. AMENDMENT. Section 40-59-03 of the North Dakota Century Code is amended and reenacted as follows:

40-59-03. Form of ballot.

The form of the ballot at an election authorized by this chapter shall be prepared by the auditor and shall be substantially as follows:

Shall a levy of not to exceed ~~two mills~~a tax rate of ten cents per one thousand dollars of taxable valuation of property in the municipality be made for the purpose of

_____?

Yes ☐

No ☐

There shall be inserted in the blank space in such question appropriate words describing the purpose and nature of the improvement to be undertaken.

SECTION 64. AMENDMENT. Section 50-01.2-03.2 of the North Dakota Century Code is amended and reenacted as follows:

50-01.2-03.2. County duties - Financing in exceptional circumstances.

1. Each county social service board shall administer, under the direction and supervision of the department:
   a. Locally administered economic assistance programs;

b. Replacement programs with substantially similar goals, benefits, or objectives; and

c. When necessary, experimental, pilot, or transitional programs with substantially similar goals, benefits, or objectives.

2. From the abstract of tax list prepared pursuant to section 57-20-04, each county shall annually provide the department of human services a report of the total ~~mills~~taxes levied for human service purposes pursuant to sections 50-03-01, 50-03-06, and 50-06.2-05, and the countywide value of a ~~mill~~levy of five cents per one thousand dollars of taxable valuation of property in each county. Upon receipt of reports from all counties, the department shall determine the statewide average of ~~the mill~~tax levies and identify each county that levied ~~ten mills~~fifty cents per one thousand dollars of taxable valuation of property in the county more than that average. Each identified county is entitled to a share of funds appropriated for distribution under this subsection. Each identified county's share is determined by:

a. Reducing its ~~mill~~tax levy necessary to meet the costs of providing human services required under this title by the statewide average ~~mill~~tax levy determined under this subsection plus ~~ten mills~~fifty cents per one thousand dollars of taxable valuation of property in the county;

b. Determining the amount that could have been raised in that county and year through a ~~mill~~tax levy in the amount calculated under subdivision a;

c. Totaling the amounts determined under subdivision b for all counties entitled to a distribution;

d. Calculating a decimal fraction equal to each identified county's proportionate share of the total determined under subdivision c; and

e. Multiplying that decimal fraction times one-half of the biennial appropriation.

3. Notwithstanding any other provisions of law, the department shall reimburse county social service boards for expenses of locally administered economic assistance programs in counties in which the percentage of that county's average total supplemental nutrition assistance program caseload for the previous fiscal year which reside on federally recognized Indian reservation lands is ten percent or more. The reimbursement must be such that:

a. An affected county's actual direct costs and indirect costs allocated based on a percentage of each county's direct economic assistance and social services costs for locally administered economic assistance programs will be reimbursed at the percentage of that county's average total supplemental nutrition assistance program caseload for the previous state fiscal year which reside on federally recognized Indian reservation land not to exceed ninety percent;

b. The affected counties will receive quarterly payments based on the actual county direct and indirect costs, as provided in subdivision a, for the previous state fiscal year;

c. At the end of each fiscal year the actual quarterly payments paid must be reconciled to the current year of calculation of actual direct and indirect costs as provided in subdivision a and supplemental nutrition assistance program caseload and counties must be compensated accordingly in the first quarter of the new fiscal year; and

d. The reimbursement will be calculated for each county and reported to the county social service board prior to September first.

SECTION 65. AMENDMENT. Section 54-24.2-02.1 of the North Dakota Century Code is amended and reenacted as follows:

54-24.2-02.1. Other public funds defined.

"Other public funds", as used in sections 54-24.2-03 and 54-24.2-05, means moneys appropriated for public library services by the governing body of the political subdivision providing public library services under chapter 40-38 in addition to the ~~mill~~tax levy made for public library services.

SECTION 66. AMENDMENT. Section 54-24.2-02.2 of the North Dakota Century Code is amended and reenacted as follows:

54-24.2-02.2. Maintenance of local effort.

1. A public library is not eligible to receive funds under this chapter during a fiscal year if the governing body has diminished, from the average of the three preceding fiscal years, the appropriation, in dollars, derived from the ~~mill~~tax levy for public library services under section 40-38-02.

2. If the governing body is levying the maximum number of ~~mills~~cents per one thousand dollars of taxable valuation of property in the political subdivision it can levy without having an election to increase the ~~mill~~tax levy and the appropriation is diminished below the average of the three preceding fiscal years solely because of a reduction in the taxable valuation, then the public library is eligible to receive funds under this chapter.

SECTION 67. AMENDMENT. Section 54-24.2-03 of the North Dakota Century Code is amended and reenacted as follows:

54-24.2-03. Incentive for local funding.

To provide for increased local funding, public libraries eligible to receive funds under section 54-24.2-02 shall have the funds allocated to them modified in accordance with the following formula based on tax rate in cents levied per one thousand dollars of taxable valuation of property in the political subdivision:

Cities levying

~~8.00 or more mills~~40 or more cents 150 percent of allocation

~~6.00 - 7.99 mills~~30-39.99 cents 125 percent of allocation

~~4.00 - 5.99 mills~~20-29.99 cents 100 percent of allocation

~~3.00 - 3.99 mills~~15-19.99 cents 75 percent of allocation

~~2.00 - 2.99 mills~~10-14.99 cents 50 percent of allocation

~~1.00 - 1.99 mills~~5-9.99 cents 33 percent of allocation

~~0.01 - 0.99 mills~~.01-4.99 cents 25 percent of allocation

0.00 ~~mills~~cents 0 percent of allocation

Counties levying

~~4.00 or more mills~~20 or more cents 150 percent of allocation

~~3.00 - 3.99 mills~~15-19.99 cents 125 percent of allocation

~~2.00 - 2.99 mills~~10-14.99 cents 100 percent of allocation

~~1.50 - 1.99 mills~~7.5-9.99 cents 75 percent of allocation

~~1.00 - 1.49 mills~~5-7.49 cents 50 percent of allocation

~~0.50 - 0.99 mills~~1.25-4.99 cents 33 percent of allocation

~~0.01 - 0.49 mills~~.01-1.24 cents 25 percent of allocation

0.00 ~~mills~~cents 0 percent of allocation

The computation of ~~mills~~the tax rate must be based upon the levy on the taxable valuation and the ~~mill~~tax levy equivalent of other public funds received and deposited in the library fund for the operation of the library by the governing body during the preceding fiscal year as certified by the auditor of the city or county operating the library.

SECTION 68. AMENDMENT. Section 54-24.2-05 of the North Dakota Century Code is amended and reenacted as follows:

54-24.2-05. Limitations.

For public libraries operated by cities, funds granted under this chapter may not exceed thirty-three percent of the total expenditure of ~~mill~~tax levy moneys and other public funds during the preceding year. For public libraries operated by counties, funds granted under this chapter may not exceed the following percent of the total expenditure of ~~mill~~tax levy moneys and other public funds during the preceding year:

less than $10,000	100 percent
$10,000 - $19,999	75 percent
$20,000 - $29,999	67 percent
$30,000 - $50,000	50 percent
over $50,000	33 percent

SECTION 69. AMENDMENT. Section 54-24.3-10 of the North Dakota Century Code is amended and reenacted as follows:

54-24.3-10. Regional library cooperative members - Rights and responsibilities.

All members of a regional library cooperative are entitled to receive supplementary reference services, delivery service for library materials, interlibrary loan services, and assistance with citation and location of materials, and reciprocal borrowing privileges among the users of member libraries. All members of a regional library cooperative shall share resources with the exception that rare or restricted materials may be exempt, implementing use standards and protocols; avail themselves of continuing education and training opportunities provided by the cooperative; participate in reference, referral, and interlibrary loan services using communication systems for information exchanged among all types of libraries; maintain total expenditures for library operation, excluding capital improvements, at a level not lower than the preceding fiscal year, or maintain the same or higher ~~mill~~tax levy or ~~mill~~tax rate equivalency as the preceding fiscal year; and participate in cooperative bibliographic projects.

SECTION 70. AMENDMENT. Subsections 1, 13, and 15 of section 57-02-01 of the North Dakota Century Code are amended and reenacted as follows:

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

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

      (1) The land is platted by the owner.

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

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

      (4) Property is zoned other than agricultural.

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

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

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

   b. <u>Agricultural lands within the corporate limits of a city which are not platted constitute agricultural property and must be so classified and valued for ad valorem property tax purposes until such lands are put to another use. Agricultural lands, whether within the corporate limits of a city or not, which were platted and assessed as agricultural property prior to March 30, 1981, must be assessed as agricultural property for ad valorem property tax purposes until put</u>

to another use. Such valuation must be uniform with the valuation of adjoining unannexed agricultural land.

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

13. "Taxable valuation" ~~signifies the valuation remaining after deducting exemptions and making other reductions from the original assessed valuation,~~means the valuation determined for a class of property as provided in section 57-02-27 and ~~is the valuation upon which the rate of levy finally is computed and~~ against which the ~~taxes finally are extended~~tax rate is applied.

15. "True and full value" means the value determined by considering the earning or productive capacity, if any, the market value, if any, and all other matters that affect the actual value of the property to be assessed. This shall include, for purposes of arriving at the true and full value of property used for agricultural purposes, farm rentals, soil capability, soil productivity, and soils analysis. In determining the true and full value of real and personal property, except agricultural property, the assessor may not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor may the assessor adopt as a criterion of value the price at which said property would sell at auction, or at forced sale, or in the aggregate with all the property in the town or district, but the assessor shall value each article or description by itself, and at such sum or price as the assessor believes the same to be fairly worth in money. In assessing any tract or lot of real property, there must be determined the value of the land, exclusive of improvements, and the value of all taxable improvements and structures thereon, and the aggregate value of the property, including all taxable structures and other improvements, excluding the value of crops growing upon cultivated lands. In valuing any real property upon which there is a coal or other mine, or stone or other quarry, the same must be valued at such a price as

such property, including the mine or quarry, would sell for at a fair voluntary sale for cash.

SECTION 71. AMENDMENT. Subsection 22 of section 57-02-08 of the North Dakota Century Code is amended and reenacted as follows:

22. All or any part of fixtures, buildings, and improvements upon any nonfarmland up to a taxable valuation of ~~seven thousand two hundred~~one hundred forty-four thousand dollars, owned and occupied as a home by a blind person. Residential homes owned by the spouse of a blind person, or jointly owned by a blind person and spouse, shall also be exempt within the limits of this subsection as long as the blind person resides in the home. For purposes of this subsection, a blind person is defined as one who is totally blind, has visual acuity of not more than 20/200 in the better eye with correction, or whose vision is limited in field so that the widest diameter subtends an angle no greater than twenty degrees. The exemption provided by this subsection extends to the entire building classified as residential, and owned and occupied as a residence by a person who qualifies for the exemption as long as the building contains no more than two apartments or rental units which are leased.

SECTION 72. AMENDMENT. Subsection 1 of section 57-02-08.1 of the North Dakota Century Code is amended and reenacted as follows:

1. a. Any person sixty-five years of age or older or permanently and totally disabled, in the year in which the tax was levied, with an income that does not exceed the limitations of subdivision c is entitled to receive a reduction in ~~the assessment on~~ the taxable valuation on the person's homestead. An exemption under this subsection applies regardless of whether the person is the head of a family.

   b. The exemption under this subsection continues to apply if the person does not reside in the homestead and the person's absence is due to confinement in a nursing home, hospital, or other care facility, for as long as the portion of the homestead previously occupied by the person is not rented to another person.

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

      (1) If the person's income is not in excess of twenty-two thousand dollars, a reduction of one hundred percent of the taxable valuation of the person's

homestead up to a maximum reduction of ~~four~~ninety thousand ~~five hundred~~ dollars of taxable valuation.

(2) If the person's income is in excess of twenty-two thousand dollars and not in excess of twenty-six thousand dollars, a reduction of eighty percent of the taxable valuation of the person's homestead up to a maximum reduction of ~~three~~seventy-two thousand ~~six hundred~~ dollars of taxable valuation.

(3) If the person's income is in excess of twenty-six thousand dollars and not in excess of thirty thousand dollars, a reduction of sixty percent of the taxable valuation of the person's homestead up to a maximum reduction of ~~two~~fifty-four thousand ~~seven hundred~~ dollars of taxable valuation.

(4) If the person's income is in excess of thirty thousand dollars and not in excess of thirty-four thousand dollars, a reduction of forty percent of the taxable valuation of the person's homestead up to a maximum reduction of ~~one~~thirty-six thousand ~~eight hundred~~ dollars of taxable valuation.

(5) If the person's income is in excess of thirty-four thousand dollars and not in excess of thirty-eight thousand dollars, a reduction of twenty percent of the taxable valuation of the person's homestead up to a maximum reduction of ~~nine hundred~~eighteen thousand dollars of taxable valuation.

(6) If the person's income is in excess of thirty-eight thousand dollars and not in excess of forty-two thousand dollars, a reduction of ten percent of the taxable valuation of the person's homestead up to a maximum reduction of ~~four hundred fifty~~nine thousand dollars of taxable valuation.

d. Persons residing together, as spouses or when one or more is a dependent of another, are entitled to only one exemption between or among them under this subsection. Persons residing together, who are not spouses or dependents, who are coowners of the property are each entitled to a percentage of a full exemption under this subsection equal to their ownership interests in the property.

e. This subsection does not reduce the liability of any person for special assessments levied upon any property.

f. Any person claiming the exemption under this subsection shall sign a verified statement of facts establishing the person's eligibility.

g. A person is ineligible for the exemption under this subsection if the value of the assets of the person and any dependent residing with the person exceeds five hundred thousand dollars, including the value of any assets divested within the last three years.

h. The assessor shall attach the statement filed under subdivision f to the assessment sheet and shall show the reduction on the assessment sheet.

i. An exemption under this subsection terminates at the end of the taxable year of the death of the applicant.

SECTION 73. AMENDMENT. Section 57-02-08.2 of the North Dakota Century Code is amended and reenacted as follows:

57-02-08.2. Homestead credit - Certification.

1. Prior to the first of March of each year, the county auditor of each county shall certify to the state tax commissioner on forms prescribed by the state tax commissioner the name and address of each person for whom the homestead credit provided for in section 57-02-08.1 was allowed for the preceding year, the amount of exemption allowed, the total of the tax ~~mill~~levy rates of all taxing districts, exclusive of any state ~~mill~~tax rates, that was applied to other real estate in such taxing districts for the preceding year, and such other information as may be prescribed by the tax commissioner.

2. On or before the first of June of each year, the tax commissioner shall audit the certifications, make the required corrections, and certify to the state treasurer for payment to each county, the sum of the amounts computed by multiplying the exemption allowed for each such homestead in the county for the preceding year by the total of the tax ~~mill~~ rates, exclusive of any state ~~mill~~tax rates, that was applied to other real estate in such taxing districts for that year.

3. The county treasurer upon receipt of the payment from the state treasurer shall apportion and distribute it without delay to the county and to the local taxing districts of the county on the basis on which the general real estate tax for the preceding year is apportioned and distributed.

4. The tax commissioner shall annually certify to the state treasurer the amount computed by multiplying the exemption allowed for all homesteads in the state for the

preceding year by ~~one mill~~five cents per one thousand dollars of taxable valuation of property in the county for deposit into the state medical center fund.

5. Supplemental certifications by the county auditor and by the state tax commissioner and supplemental payments by the state treasurer may be made after the dates prescribed in this section to make such corrections as may be necessary because of errors or because of approval of any application for abatement filed by a person because the exemption provided for in section 57-02-08.1 was not allowed in whole or in part.

SECTION 74. AMENDMENT. Section 57-02-08.8 of the North Dakota Century Code is amended and reenacted as follows:

57-02-08.8. Property tax credit for disabled veterans - Certification - Distribution.

1. A disabled veteran of the United States armed forces with an armed forces service-connected disability of fifty percent or greater or a disabled veteran who has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs, who was discharged under honorable conditions or who has been retired from the armed forces of the United States, or the unremarried surviving spouse if the disabled veteran is deceased, is eligible for a credit applied against the first ~~six~~one hundred thirty-five thousand ~~seven hundred fifty~~ dollars of taxable valuation of the fixtures, buildings, and improvements of the homestead owned and occupied by the disabled veteran or unremarried surviving spouse equal to the percentage of the disabled veteran's disability compensation rating for service-connected disabilities as certified by the department of veterans' affairs for the purpose of applying for a property tax exemption. An unremarried surviving spouse who is receiving department of veterans' affairs dependency and indemnity compensation receives a one hundred percent exemption as described in this subsection.

2. If two disabled veterans are married to each other and living together, their combined credits may not exceed one hundred percent of ~~six~~one hundred thirty-five thousand ~~seven hundred fifty~~ dollars of taxable valuation of the fixtures, buildings, and improvements of the homestead. If a disabled veteran co-owns the homestead property with someone other than the disabled veteran's spouse, the credit is limited

to that disabled veteran's interest in the fixtures, buildings, and improvements of the homestead, to a maximum amount calculated by multiplying ~~six~~one hundred thirty-five thousand ~~seven hundred fifty~~ dollars of taxable valuation by the disabled veteran's percentage of interest in the homestead property and multiplying the result by the applicant's certified disability percentage.

3. A disabled veteran or unremarried surviving spouse claiming a credit under this section for the first time shall file with the county auditor an affidavit showing the facts herein required, a description of the property, and a certificate from the United States department of veterans' affairs, or its successor, certifying to the amount of the disability. The affidavit and certificate must be open for public inspection. A person shall thereafter furnish to the assessor or other assessment officials, when requested to do so, any information which is believed will support the claim for credit for any subsequent year.

4. For purposes of this section, and except as otherwise provided in this section, "homestead" has the meaning provided in section 47-18-01 except that it also applies to a person who otherwise qualifies under the provisions of this section whether the person is the head of the family.

5. This section does not reduce the liability of a person for special assessments levied upon property.

6. The board of county commissioners may cancel the portion of unpaid taxes that represents the credit calculated in accordance with this section for any year in which the qualifying owner has held title to the homestead property. Cancellation of taxes for any year before enactment of this section must be based on the law that was in effect for that tax year.

7. Before the first of March of each year, the county auditor of each county shall certify to the tax commissioner on forms prescribed by the tax commissioner the name and address of each person for whom the property tax credit for homesteads of disabled veterans was allowed for the preceding year, the amount of credit allowed, the total of the tax ~~mill~~ rates of all taxing districts, exclusive of any state ~~mill~~tax rates, that was applied to other real estate in the taxing districts for the preceding year, and such other information as may be prescribed by the tax commissioner.

8. On or before the first of June of each year, the tax commissioner shall audit the certifications, make the required corrections, and certify to the state treasurer for payment to each county the sum of the amounts computed by multiplying the credit allowed for each homestead of a disabled veteran in the county by the total of the tax ~~mill~~ rates, exclusive of any state ~~mill~~tax rates that were applied to other real estate in the taxing districts for the preceding year.

9. The county treasurer upon receipt of the payment from the state treasurer shall apportion and distribute the payment without delay to the county and to the local taxing districts of the county on the basis on which the general real estate tax for the preceding year is apportioned and distributed.

10. On or before the first day of June of each year, the tax commissioner shall certify to the state treasurer the amount computed by multiplying the property tax credit allowed under this section for homesteads of disabled veterans in the state for the preceding year by ~~one mill~~five cents per one thousand dollars of taxable valuation of the property tax credit for deposit in the state medical center fund.

11. Supplemental certifications by the county auditor and by the tax commissioner and supplemental payments by the state treasurer may be made after the dates prescribed in this section to make such corrections as may be necessary because of errors or because of approval of an application for abatement filed by a person because the credit provided for the homestead of a disabled veteran was not allowed in whole or in part.

SECTION 75. AMENDMENT. Section 57-02-27 of the North Dakota Century Code is amended and reenacted as follows:

57-02-27. ~~Property~~Taxable value to be ~~valued at~~determined as a percentage of ~~assessed~~true and full value - Classification of property - Limitation on valuation of annexed agricultural lands.

All property subject to taxation based on ~~the~~its taxable value ~~thereof~~ must ~~be valued~~have its taxable value determined as follows:

1. ~~All~~The taxable value of residential property ~~to be valued at nine~~is ninety percent of ~~assessed~~its true and full value. If any property is used for both residential and nonresidential purposes, the valuation must be prorated accordingly.

2. ~~All~~The taxable value of agricultural property ~~to be valued at ten~~is one hundred percent of ~~assessed~~its true and full value as determined pursuant to section 57-02-27.2.
3. ~~All~~The taxable value of commercial property ~~to be valued at ten~~is one hundred percent of ~~assessed~~its true and full value.
4. ~~All~~The taxable value of centrally assessed property ~~to be valued at ten~~is one hundred percent of ~~assessed~~its true and full value except the taxable value of centrally assessed wind turbine electric generation units must be determined as provided in section 57-06-14.1.

~~The resulting amounts must be known as the taxable valuation. In determining the assessed value of real and personal property, except agricultural property, the assessor may not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor may the assessor adopt as a criterion of value the price at which said property would sell at auction, or at forced sale, or in the aggregate with all the property in the town or district, but the assessor shall value each article or description by itself, and at such sum or price as the assessor believes the same to be fairly worth in money. In assessing any tract or lot of real property, there must be determined the value of the land, exclusive of improvements, and the value of all taxable improvements and structures thereon, and the aggregate value of the property, including all taxable structures and other improvements, excluding the value of crops growing upon cultivated lands. In valuing any real property upon which there is a coal or other mine, or stone or other quarry, the same must be valued at such a price as such property, including the mine or quarry, would sell for at a fair voluntary sale for cash. Agricultural lands within the corporate limits of a city which are not platted constitute agricultural property and must be so classified and valued for ad valorem property tax purposes until such lands are put to another use. Agricultural lands, whether within the corporate limits of a city or not, which were platted and assessed as agricultural property prior to March 30, 1981, must be assessed as agricultural property for ad valorem property tax purposes until put to another use. Such valuation must be uniform with the valuation of adjoining unannexed agricultural land.~~

SECTION 76. AMENDMENT. Section 57-02.1-05 of the North Dakota Century Code is amended and reenacted as follows:

57-02.1-05. Computation of payment - Remittance to counties.

1. Upon receipt of the decision of the state board of equalization, the director of the game and fish department shall compute the payments due to the counties in which property subject to valuation is located by extending the ~~mill~~tax levies which apply to other taxable property in the taxing districts in which the property is located. The ~~mill~~tax levies must be extended against the property subject to valuation in the same manner as used for other taxable property in the taxing districts. If the property subject to valuation is leased or held by lease or license from the United States, the director of the game and fish department shall deduct from the payment due to the county any amount paid to that county by the United States or any agency or instrumentality of the United States in lieu of real estate taxes on that property, up to a maximum of seventy-five cents per acre [hectare]. The payments due to each county are the figure determined as herein provided. No county may receive less in these payments for any parcel or tract of land for any year than the county received in payments made pursuant to this chapter for 1974.
2. After computing the payments due to each county, the director of the game and fish department shall remit to the counties the amounts due from the department, on or before March first of the succeeding year for which the assessments and valuations were made.

SECTION 77. AMENDMENT. Section 57-02.1-06 of the North Dakota Century Code is amended and reenacted as follows:

57-02.1-06. Allocation of revenue within counties.

The revenue to which the county level of government is entitled must be determined according to the proportion the county ~~mill~~tax levy on other real property bears to the total ~~mill~~tax levies on real property of each taxing district wherein the property subject to valuation is located. The revenue remaining after apportionment to the county level must be apportioned and distributed among the various taxing districts in which the property for which payments are made is located by the county auditor upon a pro rata basis to be determined according to the proportion the ~~assessed~~taxable value of the property subject to valuation in each taxing district bears to the total ~~assessed~~taxable value of all such property subject to valuation within the county. However, if the property subject to valuation is leased or held by lease or license from

the United States, the payment made by the director of the game and fish department must be apportioned and distributed among the various taxing districts, other than the county, in which the property for which payments are made is located, by the county auditor upon a pro rata basis to be determined according to the proportion the ~~assessed~~taxable value of the property subject to valuation in each taxing district bears to the total ~~assessed~~taxable value of all such property subject to valuation within the county. The amount of revenue allocated to each taxing district in which the property subject to valuation is located must be divided among the various funds of the district according to the proportion that the ~~mill~~tax levy for any fund bears to the total of all ~~mill~~tax levies spread against other property in the taxing district that is assessed and taxed on an ad valorem basis.

SECTION 78. AMENDMENT. Section 57-02.3-05 of the North Dakota Century Code is amended and reenacted as follows:

57-02.3-05. Computation of payment - Remittance to counties.

Upon receipt of the decision of the state board of equalization, the board of university and school lands shall compute the payments due to the counties in which property subject to valuation is located by extending the ~~mill~~tax levies that apply to taxable property in the taxing districts in which the property is located in the same manner as is used for other taxable property in the taxing districts. After computing the payments due to each county, the board of university and school lands shall, within the limits of legislative appropriations, remit to the counties the amounts due on or before March first of the year following the year for which the assessments were made.

SECTION 79. AMENDMENT. Section 57-02.3-06 of the North Dakota Century Code is amended and reenacted as follows:

57-02.3-06. Allocation of revenue within counties.

The revenue to which taxing districts are entitled under this chapter must be determined according to the proportion that the taxing district's ~~mill~~tax levy on other real property bears to the total ~~mill~~tax levies of all taxing districts on other real property in the taxing districts in which the property subject to valuation is located. The revenue remaining after apportionment to the county must be apportioned and distributed by the county treasurer among the various taxing districts in which the property for which payments are made is located. The amount of revenue allocated to each taxing district in which property subject to valuation is located must be divided

among the various funds of the district according to the proportion that the ~~mill~~tax levy for any fund bears to the total of all ~~mill~~tax levies of the taxing district.

SECTION 80. AMENDMENT. Section 57-06-14.1 of the North Dakota Century Code is amended and reenacted as follows:

57-06-14.1. Taxable valuation of centrally assessed wind turbine electric generators.

A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more on which construction is completed before January 1, 2015, must be valued at ~~three~~sixty percent of ~~assessed~~true and full value to determine taxable valuation of the property except:

1. A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more, for which a purchased power agreement was executed after April 30, 2005, and before January 1, 2006, and construction was completed after April 30, 2005, and before July 1, 2006, must be valued at ~~one and one-half~~thirty percent of ~~assessed~~true and full value to determine taxable valuation of the property for the duration of the initial purchased power agreement for the generation unit; and
2. A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more, on which construction is completed after June 30, 2006, and before January 1, 2015, must be valued at ~~one and one-half~~thirty percent of ~~assessed~~true and full value to determine taxable valuation of the property.

SECTION 81. AMENDMENT. Section 57-06-17.2 of the North Dakota Century Code is amended and reenacted as follows:

57-06-17.2. Payments in lieu of taxes.

Carbon dioxide pipeline property described in section 57-06-17.1 is subject to payments in lieu of property taxes during the time it is exempt from taxation under section 57-06-17.1. For the purpose of these payments, carbon dioxide pipeline property described in section 57-06-17.1 must be valued annually by the state board of equalization in the manner that other pipeline valuations are certified. The county auditor shall calculate taxes on the carbon dioxide pipeline property described in section 57-06-17.1 in the same manner that taxes are calculated on other pipeline property. Not later than December twenty-sixth of each year, each county auditor shall submit a statement of the amount of taxes that would have been assessed against

carbon dioxide pipeline property, exempted under section 57-06-17.1, to the state treasurer for payment. The state treasurer shall make the required payment to each county not later than March first of the following year, and the county auditor shall distribute the payments to the political subdivisions in which the exempt pipeline property is located. Carbon dioxide pipeline property for which payments in lieu of taxes are required must be excluded from the valuation of property in the taxing district for purposes of determining the ~~mill~~tax rate for the taxing district.

SECTION 82. AMENDMENT. Section 57-06-24 of the North Dakota Century Code is amended and reenacted as follows:

57-06-24. Allocation - Continuing appropriation.

1. The electric generation, transmission, and distribution tax fund is appropriated as a continuing appropriation to the state treasurer for allocation and distribution to counties by April first of each year as provided in this section. The state treasurer shall make the necessary allocations to the counties based on the report received from the tax commissioner. The county auditors shall make the necessary allocations to the taxing districts.
2. Revenue from the tax on transmission lines under section 57-06-17.3 must be allocated among counties based on the mileage of transmission lines within each county. Revenue received by a county under this subsection must be allocated one-third to the county and two-thirds among the county and other taxing districts in the county based on the mileage of that transmission line where that line is located within each taxing district. Revenue from that portion of a transmission line located in more than one taxing district must be allocated among those taxing districts in proportion to the taxing district's most recent property tax ~~mill~~ rates that apply where the transmission line is located.

SECTION 83. AMENDMENT. Section 57-15-01.1 of the North Dakota Century Code is amended and reenacted as follows:

57-15-01.1. (Effective for the first two taxable years beginning after December 31, 2012) Protection of taxpayers and taxing districts.

Each taxing district may levy the lesser of the amount in dollars as certified in the budget of the governing body, or the amount in dollars as allowed in this section, subject to the following:

1. No taxing district may levy more taxes expressed in dollars than the amounts allowed by this section.
2. For purposes of this section:
   a. "Base year" means the taxing district's taxable year with the highest amount levied in dollars in property taxes of the three taxable years immediately preceding the budget year~~. For a park district general fund, the "amount levied in dollars in property taxes" is the sum of amounts levied in dollars in property taxes for the general fund under section 57-15-12 including any additional levy approved by the electors, the insurance reserve fund under section 32-12.1-08, the employee health care program under section 40-49-12, the public recreation system under section 40-55-09 including any additional levy approved by the electors, forestry purposes under section 57-15-12.1 except any additional levy approved by the electors, pest control under section 4-33-11, and handicapped person programs and activities under section 57-15-60~~;
   b. "Budget year" means the taxing district's year for which the levy is being determined under this section;
   c. "Calculated ~~mill~~tax rate" means the ~~mill~~tax rate that results from dividing the base year taxes levied by the sum of the taxable value of the taxable property in the base year plus the taxable value of the property exempt by local discretion or charitable status, calculated in the same manner as the taxable property. If the calculated tax rate is for a taxable year before 2015 and is to be applied to budget year taxable valuation, it must be converted to a tax rate per one thousand dollars of taxable valuation of property of five cents times the number of mills determined for the base year under this subdivision; and
   d. "Property exempt by local discretion or charitable status" means property exempted from taxation as new or expanding businesses under chapter 40-57.1; improvements to property under chapter 57-02.2; or buildings belonging to institutions of public charity, new single-family residential or townhouse or condominium property, property used for early childhood services, or pollution abatement improvements under section 57-02-08.

3. A taxing district may elect to levy the amount levied in dollars in the base year. Any levy under this section must be specifically approved by a resolution approved by the governing body of the taxing district. Before determining the levy limitation under this section, the dollar amount levied in the base year must be:
   a. Reduced by an amount equal to the sum determined by application of the base year's calculated ~~mill~~tax rate for that taxing district to the final base year taxable valuation of any taxable property and property exempt by local discretion or charitable status which is not included in the taxing district for the budget year but was included in the taxing district for the base year.
   b. Increased by an amount equal to the sum determined by the application of the base year's calculated ~~mill~~tax rate for that taxing district to the final budget year taxable valuation of any taxable property or property exempt by local discretion or charitable status which was not included in the taxing district for the base year but which is included in the taxing district for the budget year.
   c. Reduced to reflect expired temporary ~~mill~~tax levy increases authorized by the electors of the taxing district. For purposes of this subdivision, an expired temporary ~~mill~~tax levy increase does not include a school district general fund ~~mill~~tax rate exceeding ~~one hundred ten mills~~five dollars and fifty cents per one thousand dollars of taxable valuation of property in the county which has expired or has not received approval of electors for an extension under subsection 2 of section 57-64-03.
   d. If the base year is a taxable year before 2013, reduced by the amount of state aid under chapter 15.1-27, which is determined by multiplying the budget year taxable valuation of the school district by the lesser of:
      (1) The base year ~~mill~~tax rate of the school district minus ~~sixty mills~~three dollars per one thousand dollars of taxable valuation of property in the district; or
      (2) ~~Fifty mills~~Two dollars and fifty cents per one thousand dollars of taxable valuation of property in the district.
4. In addition to any other levy limitation factor under this section, a taxing district may increase its levy in dollars to reflect new or increased ~~mill~~tax levies authorized by the legislative assembly or authorized by the electors of the taxing district.

5. Under this section a taxing district may supersede any applicable ~~mill~~tax levy limitations otherwise provided by law, or a taxing district may levy up to the ~~mill~~tax levy limitations otherwise provided by law without reference to this section, but the provisions of this section do not apply to the following:
   a. Any irrepealable tax to pay bonded indebtedness levied pursuant to section 16 of article X of the Constitution of North Dakota.
   b. The ~~one-mill~~five cents per one thousand dollars of taxable valuation of property in the county levy for the state medical center authorized by section 10 of article X of the Constitution of North Dakota.
6. A school district choosing to determine its levy authority under this section may apply subsection 3 only to the amount in dollars levied for general fund purposes under section 57-15-14 or, if the levy in the base year included separate general fund and special fund levies under sections 57-15-14 and 57-15-14.2, the school district may apply subsection 3 to the total amount levied in dollars in the base year for both the general fund and special fund accounts. School district levies under any section other than section 57-15-14 may be made within applicable limitations but those levies are not subject to subsection 3.
7. Optional levies under this section may be used by any city or county that has adopted a home rule charter unless the provisions of the charter supersede state laws related to property tax levy limitations.

(Effective after the first two taxable years beginning after December 31, 2012)

Protection of taxpayers and taxing districts. Each taxing district may levy the lesser of the amount in dollars as certified in the budget of the governing body, or the amount in dollars as allowed in this section, subject to the following:

1. No taxing district may levy more taxes expressed in dollars than the amounts allowed by this section.
2. For purposes of this section:
   a. "Base year" means the taxing district's taxable year with the highest amount levied in dollars in property taxes of the three taxable years immediately preceding the budget year~~. For a park district general fund, the "amount levied in dollars in property taxes" is the sum of amounts levied in dollars in property taxes~~

~~for the general fund under section 57-15-12 including any additional levy approved by the electors, the insurance reserve fund under section 32-12.1-08, the employee health care program under section 40-49-12, the public recreation system under section 40-55-09 including any additional levy approved by the electors, forestry purposes under section 57-15-12.1 except any additional levy approved by the electors, pest control under section 4-33-11, and handicapped person programs and activities under section 57-15-60~~;

b. "Budget year" means the taxing district's year for which the levy is being determined under this section;

c. "Calculated ~~mill~~tax rate" means the ~~mill~~tax rate that results from dividing the base year taxes levied by the sum of the ~~taxable~~true and full value of the taxable property in the base year plus the ~~taxable~~true and full value of the property exempt by local discretion or charitable status, calculated in the same manner as the taxable property. If the calculated tax rate is for a taxable year before 2015 and is to be applied to budget year taxable valuation, it must be converted to a tax rate per one thousand dollars of taxable valuation of property of five cents times the number of mills determined for the base year under this subdivision; and

d. "Property exempt by local discretion or charitable status" means property exempted from taxation as new or expanding businesses under chapter 40-57.1; improvements to property under chapter 57-02.2; or buildings belonging to institutions of public charity, new single-family residential or townhouse or condominium property, property used for early childhood services, or pollution abatement improvements under section 57-02-08.

3. A taxing district may elect to levy the amount levied in dollars in the base year. Any levy under this section must be specifically approved by a resolution approved by the governing body of the taxing district. Before determining the levy limitation under this section, the dollar amount levied in the base year must be:

a. Reduced by an amount equal to the sum determined by application of the base year's calculated ~~mill~~tax rate for that taxing district to the final base year taxable valuation of any taxable property and property exempt by local discretion or

charitable status which is not included in the taxing district for the budget year but was included in the taxing district for the base year.

b. Increased by an amount equal to the sum determined by the application of the base year's calculated ~~mill~~tax rate for that taxing district to the final budget year taxable valuation of any taxable property or property exempt by local discretion or charitable status which was not included in the taxing district for the base year but which is included in the taxing district for the budget year.

c. Reduced to reflect expired temporary ~~mill~~tax levy increases authorized by the electors of the taxing district. For purposes of this subdivision, an expired temporary ~~mill~~tax levy increase does not include a school district general fund ~~mill~~tax rate exceeding ~~one hundred ten mills~~five dollars and fifty cents per one thousand dollars of taxable valuation of property in the district which has expired or has not received approval of electors for an extension under subsection 2 of section 57-64-03.

d. Increased, for a school district determining its levy limitation under this section, by the amount the school district's ~~mill~~tax levy reduction grant under section 57-64-02 for the base year exceeds the amount of the school district's ~~mill~~tax levy reduction grant under section 57-64-02 for the budget year.

e. Reduced for a school district determining its levy limitation under this section, by the amount the school district's ~~mill~~tax levy reduction grant under section 57-64-02 for the budget year exceeds the amount of the school district's ~~mill~~tax levy reduction grant under section 57-64-02 for the base year.

4. In addition to any other levy limitation factor under this section, a taxing district may increase its levy in dollars to reflect new or increased ~~mill~~tax levies authorized by the legislative assembly or authorized by the electors of the taxing district.

5. Under this section a taxing district may supersede any applicable ~~mill~~tax levy limitations otherwise provided by law, or a taxing district may levy up to the ~~mill~~tax levy limitations otherwise provided by law without reference to this section, but the provisions of this section do not apply to the following:

a. Any irrepealable tax to pay bonded indebtedness levied pursuant to section 16 of article X of the Constitution of North Dakota.

b. The ~~one-mill levy~~five cents per one thousand dollars of taxable valuation of property in the district levy for the state medical center authorized by section 10 of article X of the Constitution of North Dakota.

6. A school district choosing to determine its levy authority under this section may apply subsection 3 only to the amount in dollars levied for general fund purposes under section 57-15-14 or, if the levy in the base year included separate general fund and special fund levies under sections 57-15-14 and 57-15-14.2, the school district may apply subsection 3 to the total amount levied in dollars in the base year for both the general fund and special fund accounts. School district levies under any section other than section 57-15-14 may be made within applicable limitations but those levies are not subject to subsection 3.

7. Optional levies under this section may be used by any city or county that has adopted a home rule charter unless the provisions of the charter supersede state laws related to property tax levy limitations.

SECTION 84. AMENDMENT. Section 57-15-02 of the North Dakota Century Code is amended and reenacted as follows:

57-15-02. Determination of rate - Medical center rate.

The tax rate of all taxes, except taxes the rate of which is fixed by law, must be calculated and fixed by the county auditor within the limitations prescribed by statute. If any municipality levies a greater amount than the prescribed maximum legal rate of levy will produce, the county auditor shall extend only such amount of tax as the prescribed maximum legal rate of levy will produce. The rate must be based and computed on the taxable valuation of taxable property in the municipality or district levying the tax. The rate of all taxes must be calculated by the county auditor ~~in mills, tenths, and hundredths of mills~~to the nearest hundredth of one cent per one thousand dollars of taxable valuation of property in the county, municipality, or district. The levy for the state medical center at the university of North Dakota under section 10 of article X of the Constitution of North Dakota must be applied at a tax rate of five cents per one thousand dollars of taxable valuation of property in each county after December 31, 2014.

SECTION 85. AMENDMENT. Section 57-15-02.1 of the North Dakota Century Code is amended and reenacted as follows:

57-15-02.1. Property tax levy increase notice and public hearing.

Notwithstanding any other provision of law, a taxing district may not impose a property tax levy ~~in~~at a greater ~~number of mills~~tax rate than the zero increase ~~number of mills~~tax rate, unless the taxing district is in substantial compliance with this section.

1. The governing body shall cause publication of notice in its official newspaper at least seven days before a public hearing on its property tax levy. A public hearing under this section may not be scheduled to begin earlier than six p.m. The notice must have at least one-half inch [1.27 centimeters] white space margin on all four sides and must be at least two columns wide by five inches [12.7 centimeters] high. The heading must be capitalized in boldface type of at least eighteen point stating "IMPORTANT NOTICE TO (name of taxing district) TAXPAYERS". The proposed percentage increase must be printed in a boldface type size no less than two points less than the heading, while the remaining portion of the advertisement must be printed in a type face size no less than four points less than the heading. The text of the notice must contain:
   a. The date, time, and place of the public hearing.
   b. A statement that the public hearing will be held to consider increasing the property tax levy by a stated percentage, expressed as a percentage increase exceeding the zero increase ~~number of mills~~tax rate.
   c. A statement that there will be an opportunity for citizens to present oral or written comments regarding the property tax levy.
   d. Any other information the taxing district wishes to provide to inform taxpayers.
2. At least seven days before a public hearing on its property tax levy under this section, the governing body shall cause notice of the information required under subsection 1 to be mailed to each property owner who received notice of an assessment increase for the taxable year under section 57-12-09.
3. If the governing body of the taxing district does not make a final decision on imposing a property tax levy exceeding the zero increase ~~number of mills~~tax rate at the public hearing required by this section, the governing body shall announce at that public hearing the scheduled time and place of the next public meeting at which the governing body will consider final adoption of a property tax levy exceeding the tax district's zero increase ~~number of mills~~tax rate.

4. For purposes of this section:
   a. "New growth" means the taxable valuation of any property that was not taxable in the prior year.
   b. "Property tax levy" means the tax rate, expressed in ~~mills~~cents, to the nearest hundredth of one cent, per one thousand dollars of taxable valuation of property in the district, for all property taxes levied by the taxing district.
   c. "Taxing district" means a city, county, school district, or city park district but does not include any such taxing district that levied ~~a property tax levy of~~ less than one hundred thousand dollars in property taxes for the prior year and sets a budget for the current year calling for a ~~property tax~~ levy of less than one hundred thousand dollars in property taxes.
   d. "Zero increase ~~number of mills~~tax rate" means the ~~number of mills~~tax rate against the taxing district's current year taxable valuation, excluding consideration of new growth, which will provide the same amount of property tax revenue as the property ~~tax levy~~taxes levied by the taxing district in the prior year.

~~5. For the taxable year 2013 only, for purposes of determining the zero increase number of mills for a school district, the amount of property tax revenue from the property tax levy in the 2012 taxable year must be recalculated by reducing the 2012 mill rate of the school district by the lesser of:~~
   ~~a. Fifty mills; or~~
   ~~b. The 2012 general fund mill rate of the school district minus sixty mills.~~

SECTION 86. AMENDMENT. Section 57-15-06 of the North Dakota Century Code is amended and reenacted as follows:

57-15-06. Limitations on county general fund tax levies.

County general fund tax levies are limited by the following tax rate limitations, which are expressed in tax rate maximum levies in cents per one thousand dollars of taxable valuation of property in the county as follows:

1. The board of county commissioners may ~~not~~ levy ~~any~~ taxes for county general ~~or special county~~fund purposes ~~which will exceed~~not exceeding the amount produced by

a ~~levy~~tax rate of ~~twenty-three mills on the dollar of the taxable valuation of the county~~one dollar and fifteen cents.

2. The board of county commissioners annually shall levy taxes sufficient to meet the obligations of the county for the maintenance of its patients in the charitable institutions of the state, but ~~such taxes~~the levy under this subsection may not exceed the amount produced by a ~~levy~~tax rate of ~~one and one-quarter mills on the dollar of taxable valuation~~six and one-quarter cents. ~~Such~~The levy under this subsection must be within the amount produced by the ~~twenty-three-mill~~one dollar and fifteen cents general fund tax rate limitation, and is a paramount charge, to the exclusion of all other budget items, upon the necessary part of the total tax levies~~; provided, that any~~. Any funds ~~now~~ on hand or ~~hereinafter~~ levied for the purpose of this subsection ~~shall not, in the discretion of the board of county commissioners,~~are not required to be included in the budget of the county.

3. The ~~twenty-three-mill~~one dollar and fifteen cents per one thousand dollars of taxable valuation of property in the county tax rate limitation applies to all ~~tax levies which~~taxes the county is authorized to levy for general ~~and special county~~fund purposes, including taxes levied for road and bridge purposes. Any unexpended balance in the county road fund at the end of the fiscal year may be transferred to a special road fund, except that such special fund may never exceed the amount a ~~ten-mill~~fifty cents per one thousand dollars of taxable valuation of property in the county levy ~~on the taxable valuation of the county~~ would yield, and the balance in said fund may not be considered in determining the budget or the amount that may be levied. ~~Such mill limitation does not apply to the levies in section 57-15-06.7.~~

SECTION 87. AMENDMENT. Section 57-15-06.7 of the North Dakota Century Code is amended and reenacted as follows:

57-15-06.7. Additional levies - Exceptions to county general fund tax levy limitations ~~in counties~~.

The tax ~~levy~~rate limitations specified in section 57-15-06 do not apply to taxes levied under the following ~~mill levies~~tax rate limitations, which are expressed in ~~mills per dollar~~tax rate maximum levies in cents per one thousand dollars of taxable valuation of property in the county:

1. Counties supporting airports or airport authorities may levy a tax at a tax rate not exceeding ~~four mills~~twenty cents in accordance with section 2-06-15.
2. Counties levying an additional tax as provided in section 4-02-27.2 may levy a tax at a tax rate not exceeding ~~two mills~~ten cents for a period of not to exceed ten years.
3. Repealed by S.L. 1995, ch. 61, § 14.
4. Counties levying a tax for extension work as provided in section 4-08-15 may levy a tax at a tax rate not exceeding ~~two mills~~ten cents.
5. Counties levying a tax for extension work as provided for in section 4-08-15.1 may levy a tax at a tax rate not exceeding ~~two mills~~ten cents.
6. Counties levying a tax for gopher, rabbit, and crow destruction as provided in section 4-16-02 may levy a tax at a tax rate not exceeding ~~one-half of one mill~~two and one-half cents.
7. Counties levying a tax for payment of a judgment obtained by the state or a state agency against the county in accordance with section 11-11-46 may levy a tax at a tax rate not exceeding ~~one mill~~five cents.
8. Counties levying a tax for historical works in accordance with section 11-11-53 may levy a tax at a tax rate not exceeding ~~one quarter of one mill~~one and one-quarter cents, except that if sixty percent of the qualified electors voting on the question of an increase levy as provided in section 11-11-53 shall approve, a tax may be levied at a tax rate not exceeding three ~~quarters of one mill~~and three-quarters cents.
9. A county levying a tax for a booster station in accordance with section 11-11-60 may levy a tax at a tax rate not exceeding ~~two mills~~ten cents.
10. A county levying a tax to pay expenses of the board of county park commissioners in accordance with section 11-28-06 may levy a tax at a tax rate not exceeding ~~one mill~~five cents.
11. Repealed by S.L. 1999, ch. 154, § 2.
12. A county levying a tax for a county or community hospital association as provided in section 23-18-01 may levy a tax for not more than five years at a tax rate not exceeding ~~eight mills~~forty cents in any one year or, in the alternative, for not more than fifteen years at a ~~mill~~ tax rate not exceeding ~~five mills~~twenty-five cents.

13. A county levying a tax for a nursing home authority in accordance with section 23-18.2-12 may levy a tax at a tax rate not exceeding ~~five mills~~twenty-five cents.

14. A county levying a tax for county roads as provided in section 24-05-01 may levy a tax at a tax rate not exceeding ~~five mills~~twenty-five cents if approved as provided in that section.

15. A county levying a tax to establish and maintain a public library service as provided in section 40-38-02 may levy a tax at a tax rate not exceeding ~~four mills~~twenty cents.

16. A county levying a tax to provide for career and technical education and on-the-job training services as provided in section 40-57.2-04 may levy a tax at a tax rate not exceeding ~~one mill~~five cents.

17. A county levying a tax for farm-to-market and federal-aid roads as provided in section 57-15-06.3 may levy a tax at a tax rate not exceeding the levy established by the ballot approved by the electors as provided in that section.

18. A county levying a tax for a county veterans' service officer's salary, traveling, and office expenses in accordance with section 57-15-06.4 may levy a tax at a tax rate not exceeding ~~two mills~~ten cents.

19. A county levying a tax for planning purposes as provided in section 57-15-06.5 may levy a tax at a tax rate not exceeding ~~three mills~~fifteen cents.

19.1. A county levying a tax for regional or county corrections centers according to section 57-15-06.6 may levy a tax at a tax rate not exceeding ~~ten mills~~fifty cents.

20. A county levying a tax for advertising purposes as provided in section 57-15-10.1 may levy a tax at a tax rate not exceeding ~~one-half mill~~two and one-half cents.

21. A county levying a tax for abandoned cemetery maintenance as provided in section 57-15-27.2 may levy a tax at a tax rate not exceeding ~~one-tenth of one mill~~one-half cent.

22. A county levying a tax for emergency purposes as provided in section 57-15-28 may levy a tax at a tax rate not exceeding ~~two mills~~ten cents in a county with a population of thirty thousand or more, ~~four mills~~twenty cents in a county with a population under thirty thousand but more than five thousand, or ~~six mills~~thirty cents in a county with a population of five thousand or fewer.

23. A county levying a tax for county emergency medical service according to section 57-15-50 may levy a tax at a tax rate not exceeding ~~ten mills~~fifty cents.

24. A county levying a tax for destruction of weeds along highways as provided in section 57-15-54 may levy a tax at a tax rate not exceeding ~~two mills~~ten cents.

25. A county levying a tax for programs and activities for senior citizens according to section 57-15-56 may levy a tax at a tax rate not exceeding ~~two mills~~ten cents.

26. A county levying a tax for county welfare in accordance with section 57-15-57 may levy a tax at a tax rate not exceeding ~~two mills~~ten cents.

27. A county levying a tax to repay a loan according to section 57-47-04 may levy a tax at a tax rate not to exceed ~~three mills~~fifteen cents.

28. Tax levies made for paying the principal and interest on any obligations of the county evidenced by the issuance of bonds.

29. A county levying a tax for a job development authority as provided in section 11-11.1-04 or for the support of an industrial development organization as provided in section 11-11.1-06 may levy a tax at a tax rate not exceeding ~~four mills on the taxable valuation of property within the county~~twenty cents. Upon approval by a majority of electors voting on the question at a regular or special county election, a county levying a tax for a job development authority as provided in section 11-11.1-04 or for the support of an industrial development organization as provided in section 11-11.1-06 may levy a separate and additional tax for promotion of tourism ~~in an amount~~at a tax rate not exceeding ~~one mill on the taxable valuation of property within the county~~five cents. However, if any city within the county is levying a tax for support of a job development authority or for support of an industrial development organization and the total of the county and city ~~levies~~tax rates exceeds ~~five mills~~twenty-five cents, the county tax ~~levy~~rate within the city levying under subsection 28 of section 57-15-10 must be reduced so the total ~~levy~~tax rate in the city does not exceed ~~five mills~~twenty-five cents.

30. Counties levying a tax for county fairs according to section 4-02-26 may levy a tax at a tax rate not exceeding ~~one mill~~five cents.

31. Counties levying a tax according to section 4-02-27 for a county fair association may levy a tax at a tax rate not exceeding ~~one and one-half mills~~seven and one-half cents.

32. Counties levying a tax in accordance with section 4-02-27.1 for a county fair association may levy a tax at a tax rate not exceeding ~~one-half mill~~two and one-half cents.

33. A county levying a tax for programs and activities for handicapped persons according to section 11-11-65 may levy a tax at a tax rate not exceeding ~~one-half mill~~two and one-half cents.

34. Counties levying an annual tax for human services purposes as provided in section 50-06.2-05 may levy a tax at a tax rate not exceeding ~~twenty mills~~one dollar.

35. A county levying a tax for county parks and recreational facilities in accordance with section 57-15-06.9 may levy a tax at a tax rate not exceeding ~~three mills~~fifteen cents.

36. A county levying a tax for old-age and survivors' insurance or comprehensive health care insurance employee benefit programs according to section 52-09-08, for social security, for an employee retirement program established by the governing body, for county automation and telecommunications under section 57-15-62, or for any combination of those purposes, may levy a tax at a tax rate not exceeding ~~thirty mills~~one dollar and fifty cents. The portion of the levy under this subsection for county automation and telecommunications under section 57-15-62 may not exceed ~~five mills~~a tax rate of twenty-five cents. The portion of the levy under this subsection for comprehensive health care insurance employee benefit programs under section 52-09-08 may not exceed ~~four mills~~a tax rate of twenty cents.

37. Counties supporting ports or port authorities may levy a tax at a tax rate not exceeding ~~four mills~~twenty cents in accordance with section 11-36-15.

38. Counties supporting commerce authorities may levy a tax at a tax rate not exceeding ~~four mills~~twenty cents in accordance with section 11-37-14.

Tax levy or ~~mill levy~~tax rate limitations do not apply to any statute which expressly provides that taxes authorized to be levied therein are not subject to ~~mill~~tax levy or tax rate limitations provided by law.

SECTION 88. AMENDMENT. Section 57-15-06.8 of the North Dakota Century Code is amended and reenacted as follows:

57-15-06.8. County tax ~~levies and limitations not in addition to~~levy limitations within the general fund levy.

The following ~~mill~~ levies, expressed as ~~mills on the dollar~~tax rate maximum levies in cents per one thousand dollars of taxable valuation of property within the county, may be levied by counties but ~~are not excepted from~~must be within the general ~~mill~~fund levy limitations of section 57-15-06:

1. Counties levying a tax for multicounty fairs according to section 4-02-37 may levy a tax at a tax rate not exceeding ~~one mill~~five cents.
2. Counties levying a tax for extraordinary expenditures according to section 11-11-24 may levy a tax at a tax rate not exceeding ~~five mills~~twenty-five cents.
3. Counties levying a tax to establish firebreaks according to section 18-07-01 may levy a tax at a tax rate not exceeding ~~five mills~~twenty-five cents.

SECTION 89. AMENDMENT. Section 57-15-06.10 of the North Dakota Century Code is amended and reenacted as follows:

57-15-06.10. Optional consolidation of county ~~mill~~tax levies.

1. In lieu of determining its general fund levy limitation under section 57-15-01.1 or 57-15-06, a county may determine its general fund levy authority as provided in this section. A county may consolidate the levies provided for under sections 4-02-26, 4-02-27, 4-02-27.1, 4-02-27.2, 4-02-37, 4-08-15, 4-08-15.1, 4-16-02, 4-33-11, 4.1-47-14, 11-11-24, 11-11-53, 11-11-60, 11-11-65, 11-11.1-06, 11-28-06, 18-07-01, 24-05-01, 32-12.1-08, 40-38-02, 40-57.2-04, 49-17.2-21, 52-09-08, 57-15-06.4, 57-15-06.5, 57-15-06.6, 57-15-06.9, 57-15-10.1, 57-15-27.2, 57-15-54, 57-15-59, 57-47-04, and 61-04.1-26 with its general fund levy under section 57-15-06 to provide for a county general fund levy which may not exceed ~~one hundred thirty-four mills on the dollar of taxable valuation of~~six dollars and seventy cents per one thousand dollars of taxable valuation of property in the county. A county that elects to determine its general fund levy authority under this section may not impose separate levies under the sections listed in this subsection and may not increase the ~~number of mills~~amount levied in any one year over the ~~number~~amount levied in the previous year by more than the increase in the consumer price index for all urban consumers, all items,

United States city average, as completed by the United States department of labor, bureau of labor statistics.

2. The consolidation of ~~mill~~ levies under subsection 1 may be accomplished by resolution of the board of county commissioners, subject to the right of referendum by the county electors. The board of county commissioners may by majority vote adopt a preliminary resolution providing for the consolidated levy. The board shall publish the preliminary resolution in the official newspaper of the county, at least once during two different weeks within the thirty-day period immediately following the adoption of the preliminary resolution. The board of county commissioners shall hold at least one public hearing and receive comments regarding the consolidation of ~~mill~~tax levies. The preliminary resolution may be referred to the qualified electors of the county by a petition protesting the consolidation. The petition must be signed by ten percent or more of the total number of qualified electors of the county voting for governor at the most recent gubernatorial election, and filed with the county auditor before four p.m. on the ninetieth day after the preliminary resolution is adopted. If the petition contains the signatures of a sufficient number of qualified electors, the board of county commissioners shall rescind the preliminary resolution or submit the resolution to a vote of the qualified electors of the county at the next regular election or at a special election called by the board of county commissioners to address the question. If a majority of the qualified electors voting on the question approve the resolution, the consolidation becomes effective for the next tax year and subsequent tax years. If a petition protesting the consolidation is not submitted within ninety days, the board of county commissioners shall consider the comments received regarding the consolidation and either adopt a final resolution implementing the consolidation or rescind the preliminary resolution. The consolidation of ~~mill~~tax levies may be reversed by resolution of the board of county commissioners following the same procedure provided for implementation of the consolidation or by a majority vote of the qualified electors of the county voting on the question pursuant to submission of a petition to reverse the consolidation signed by ten percent or more of the total number of qualified electors of the county voting for governor at the most recent gubernatorial election.

3. A contractual obligation entered by a county with respect to a dedicated ~~mill~~tax levy may not be impaired as a result of consolidation of levies under this section.

SECTION 90. AMENDMENT. Section 57-15-08 of the North Dakota Century Code is amended and reenacted as follows:

57-15-08. General fund levy limitations in cities.

The aggregate amount levied for ~~general~~ city general fund purposes may not exceed an amount produced by a levy of ~~thirty-eight mills on the~~one dollar and ninety cents per one thousand dollars of taxable valuation of property in the city. Cities with a population of over five thousand may levy an additional ~~one-half of one mill~~two and one-half cents per one thousand dollars of taxable valuation of property in the city for each additional one thousand population in excess of five thousand, up to a maximum levy for ~~general~~ city general fund purposes of ~~forty mills~~two dollars per one thousand dollars of taxable valuation of property in the city. ~~A city, when~~When authorized by a majority vote of the electors of the city voting on the question at a regularly scheduled or special election called for such purpose pursuant to a resolution approved by the governing body of the city, a city may increase the maximum ~~mill~~tax levy for general city purposes by not more than ~~ten mills~~fifty cents per one thousand dollars of taxable valuation of property in the city.

SECTION 91. AMENDMENT. Section 57-15-10 of the North Dakota Century Code is amended and reenacted as follows:

57-15-10. Exceptions to tax levy limitations in cities.

The tax ~~levy~~rate limitations specified in section 57-15-08 do not apply to ~~the following tax levies~~taxes levied under the following tax rate limitations, which are expressed in tax rate maximum levies in cents per one thousand dollars of taxable valuation of property in the city:

1. Taxes levied pursuant to law for a proportion of the cost of a special improvement project by general taxation.
2. Taxes levied pursuant to law for the purpose of paying a deficiency in connection with a special improvement project.
3. Taxes levied to pay interest on a bonded debt, or the principal of such debt, at maturity.
4. Taxes levied for the purpose of paying any final judgment or judgments obtained against any city, if the aggregate amount levied for the purpose of paying any final

judgment or judgments does not exceed such amount as will be produced by a levy at a tax rate of ~~five mills on the taxable valuation of the property in the city~~twenty-five cents. This ~~section~~subsection may not be deemed or construed to modify, qualify, or limit the authority of any city to issue bonds pursuant to law ~~in case~~if the governing body ~~of any such city~~ does not deem it advisable to pay such judgment or judgments out of current revenues.

5. Taxes, not exceeding ~~four mills~~a tax rate of twenty cents, levied for the purpose of establishing and maintaining a library fund for public library services in accordance with section 40-38-02.

6. Taxes levied on property located within a municipality and otherwise exempt under section 57-02-08, to pay such property's proportionate share of the cost of fire protection services maintained by the municipal corporation.

7. Taxes, not exceeding ~~five mills~~a tax rate of twenty-five cents, levied for the purpose of establishing and maintaining a municipal arts council in accordance with section 40-38.1-02.

8. Taxes levied for fire department stations in accordance with section 40-05-09.1 may be levied in an amount not exceeding ~~five mills~~a tax rate of twenty-five cents.

9. Taxes levied for the purpose of fire protection service in accordance with section 40-05-09.2 may be levied in an amount not exceeding ~~fifteen mills~~a tax rate of seventy-five cents.

10. Taxes levied for a policemen's pension fund in accordance with section 40-45-01 may be levied in an amount not exceeding ~~one mill~~a tax rate of five cents.

11. Taxes levied for a police retirement system based upon actuarial tables in accordance with section 40-45-02 may be levied in an amount not exceeding ~~three mills~~a tax rate of fifteen cents.

12. Taxes levied for a city employees' pension fund in accordance with section 40-46-02 may be levied in an amount not exceeding ~~five mills~~a tax rate of twenty-five cents.

13. Repealed by S.L. 1985, ch. 82, § 162; ch. 604, § 22.

14. Taxes levied for expenditures of the planning commission in accordance with section 40-48-07 may be levied in an amount not ~~to exceed one mill~~exceeding a tax rate of five cents. Provided, that any municipality, ~~in order to obtain the funds necessary~~ to

initiate or undertake a comprehensive study of the planning requirements of the municipality, may, without regard to any tax limitation provided by law, levy a tax, for a period of not to exceed five successive years, ~~of not more than one mill~~in an amount not exceeding a tax rate of five cents to raise funds required for comprehensive study.

15. Taxes levied for the purpose of career and technical education and on-the-job training services in accordance with section 40-57.2-04 may be levied in an amount not exceeding ~~one mill~~a tax rate of five cents.

16. Taxes levied for the purpose of an armory or memorial levy in accordance with section 40-59-01 may be levied in an amount not exceeding ~~two mills~~a tax rate of ten cents.

17. Taxes levied for advertising purposes in accordance with section 57-15-10.1 may be levied in an amount not exceeding ~~one mill~~a tax rate of five cents.

18. Taxes levied for airport purposes in accordance with section 57-15-36 may be levied in an amount not exceeding ~~four mills~~a tax rate of twenty cents.

19. Taxes levied for a construction fund in accordance with section 57-15-38 may be levied in an amount not exceeding ~~five mills~~a tax rate of twenty-five cents.

20. Taxes levied for a city fire department reserve fund pursuant to section 57-15-42 may be levied in an amount not exceeding ~~five mills~~a tax rate of twenty-five cents.

21. Taxes levied for an organized firefighters relief association in accordance with section 57-15-43 may be levied in an amount not exceeding ~~one-half of one mill~~a tax rate of two and one-half cents.

22. Taxes levied for acquiring real estate for a public building or other purposes as provided in section 57-15-44 may be levied in an amount not exceeding ~~five mills~~a tax rate of twenty-five cents.

23. Taxes levied for emergency purposes pursuant to section 57-15-48 may be levied in an amount not exceeding ~~two and one-half mills~~a tax rate of twelve and one-half cents.

24. Taxes levied for police department stations according to section 57-15-53 may be levied in an amount not exceeding ~~two mills~~a tax rate of ten cents.

25. Taxes levied for public transportation in accordance with section 57-15-55 may be levied in an amount not exceeding ~~five mills~~a tax rate of twenty-five cents.

25.1. Taxes levied for transportation of public school students in accordance with section 57-15-55.1.

26. Taxes levied for programs and activities for senior citizens in accordance with section 57-15-56 may be levied in an amount not exceeding ~~two mills~~a tax rate of ten cents.

27. Taxes levied for construction, operation, and maintenance of animal shelters in accordance with section 40-05-19 may be levied in an amount not exceeding ~~one-half mill~~a tax rate of two and one-half cents.

28. Taxes levied for a city job development authority as provided in section 40-57.4-04 may be levied in an amount not exceeding ~~four mills~~a tax rate of twenty cents.

29. Taxes levied for programs and activities for handicapped persons in accordance with section 57-15-60 may be levied in an amount not exceeding ~~one-half mill~~a tax rate of two and one-half cents.

30. Taxes levied for support of a city band may be levied in an amount not exceeding ~~one mill~~a tax rate of five cents.

31. Taxes levied for port purposes in accordance with section 57-15-10.2 may be levied in an amount not exceeding ~~four mills~~a tax rate of twenty cents.

32. Taxes levied for commerce authority purposes may be levied in an amount not exceeding ~~four mills~~a tax rate of twenty cents.

SECTION 92. AMENDMENT. Section 57-15-12 of the North Dakota Century Code is amended and reenacted as follows:

57-15-12. General fund levy limitations in park districts.

The aggregate amount levied for park district general fund purposes~~, exclusive of levies to pay interest on bonded debt and levies to pay and discharge the principal thereof, and levies to pay the principal and interest on special assessments assessed and levied against park board properties by other municipalities,~~ may not exceed a tax rate per one thousand dollars of taxable valuation of property in the park district of five cents times the sum of the number of mills levied by the park district in taxable year 2000 for the general fund under section 57-15-12 including any additional levy approved by the electors, the insurance reserve fund under section 32-12.1-08, the employee health care program under section 40-49-12, the public recreation system under section 40-55-09 including any additional levy approved by the electors, forestry purposes under section 57-15-12.1 except any additional levy approved by the electors, pest

control under section 4-33-11, and handicapped person programs and activities under section 57-15-60. A park district may increase its general fund levy under this section to any ~~number of mills~~tax rate approved by a majority of the electors of the park district voting on the question at a regular or special park district election, up to a maximum levy under this section of ~~thirty-five mills on the dollar of the~~a tax rate of one dollar and seventy-five cents per one thousand dollars of taxable valuation of property in the district for the current year.

SECTION 93. AMENDMENT. Section 57-15-12.1 of the North Dakota Century Code is amended and reenacted as follows:

57-15-12.1. City or park district tax levy or service charge for forestry purposes.

1. The governing body of a city or park district may levy annually a tax to provide funds for the establishment, operation, and maintenance of forestry activities within the city or park district. A tax levied by a city governing body under this section may not exceed ~~two mills per dollar~~a tax rate of ten cents per one thousand dollars of taxable valuation of property within the city. A tax levied by a park district under this section must be within the general fund levy authority of the park district. The governing board of a city or park district, upon approval by a majority vote of the qualified electors voting on the question at any citywide or districtwide election, may also levy annually an additional tax at a tax rate not in excess of ~~three mills on the~~fifteen cents per one thousand dollars of taxable valuation of property within the city or park district for the purpose of providing funds for forestry activities within the city or park district. Any park district levy approved by the electors and any city levy under this section is in addition to and not restricted by any ~~mill~~tax levy limit prescribed by law. The proceeds of any levy under this section may be used for forestry activities, including prevention or control of Dutch elm disease or other diseases which may affect trees, shrubs, and other vegetation; purchasing, planting, or removal of trees, shrubs, and other vegetation; pruning and maintenance of trees, shrubs, and other vegetation; purchasing of necessary equipment; hiring of personnel; contracting for services; public information and technical assistance; and other items related to forestry activities which may be necessary to provide for proper care, maintenance, propagation, and improvement of forestry resources within the city or park district.

2. In lieu of a levy as specified in subsection 1, a city or park district may propose a service charge as an alternative form of financing. Such alternative form of financing must be approved by a majority vote of the qualified electors voting on the question at any general or special citywide or districtwide election. The proceeds of any service charge may be used for forestry activities, as specified in subsection 1.

SECTION 94. AMENDMENT. Section 57-15-12.2 of the North Dakota Century Code is amended and reenacted as follows:

57-15-12.2. Exceptions to tax levy limitations for park districts.

The general fund levy limitations specified in section 57-15-12 do not apply to the following levies in a park district under the following tax rate limitations, which are expressed in tax rate maximum levies in cents per one thousand dollars of taxable valuation of property in the park district:

1. Levying a tax for an employees' pension fund according to sections 40-49-21 and 40-49-22 and a park district may levy a tax not exceeding the amount necessary for the district's annual contribution to the employees' pension fund.
2. Levying an additional tax approved by the electors providing for forestry activities in accordance with section 57-15-12.1 in an amount not exceeding ~~three mills~~a tax rate of fifteen cents.
3. Levying a tax for parks and recreational facilities in accordance with section 57-15-12.3 in an amount not exceeding ~~five mills~~a tax rate of twenty-five cents.

SECTION 95. AMENDMENT. Section 57-15-14 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14. ~~(Effective for the first two taxable years beginning after December 31, 2012)~~ Voter approval of excess levies in school districts.

1. Unless authorized by the electors of the school district in accordance with this section, a school district may not impose greater general fund levies than those permitted under section 57-15-14.2.
   a. In any school district having a total population in excess of four thousand according to the last federal decennial census there may be levied for general fund purposes any specific ~~number of mills that~~tax rate expressed in cents per one thousand dollars of taxable valuation of property in the school district which

upon resolution of the school board has been submitted to and approved by a majority of the qualified electors voting upon the question at any regular or special school district election.

b. In any school district having a total population of fewer than four thousand, there may be levied for general fund purposes any specific ~~number of mills that~~tax rate expressed in cents per one thousand dollars of taxable valuation of property in the school district which upon resolution of the school board has been approved by fifty-five percent of the qualified electors voting upon the question at any regular or special school election.

c. After June 30, ~~2009~~2015, in any school district election for approval by electors of increased general fund levy authority under ~~subsection 1 or 2~~subdivision a or b, the ballot must specify the ~~number of mills~~general fund tax rate expressed in cents per one thousand dollars of taxable valuation of property in the school district proposed for approval, and the number of taxable years for which that approval is to apply and must include a statement of the existing statutory school district general fund levy limitation expressed in cents per one thousand dollars of taxable valuation of property in the school district. After June 30, 2009, approval by electors of increased levy authority under ~~subsection 1 or 2~~subdivision a or b may not be effective for more than ten taxable years.

d. The authority for a levy of up to a specific number of mills under this section approved by electors of a school district before July 1, 2009, is terminated effective for taxable years after 2015. If the electors of a school district subject to this subsection have not approved a general fund levy for taxable years after 2015 of up to a specific ~~number of mills~~tax rate expressed in cents per one thousand dollars of taxable valuation of property in the school district under this section by December 31, 2015, the school district levy limitation for subsequent years is subject to the greater of the limitations under section 57-15-01.1 or ~~this~~ section 57-15-14.2.

e. For taxable years beginning after ~~2012~~2014:

(1) The authority for a levy of up to a specific number of mills, approved by electors of a school district for any period of time that includes a taxable

year before 2009, must be adjusted to a tax rate per one thousand dollars of taxable valuation of property in the school district of five cents times the specific numbers of mills approved and then must be reduced by ~~one hundred fifteen mills~~five dollars and seventy-five cents per one thousand dollars of taxable valuation of property in the district as a precondition of receiving state aid in accordance with chapter 15.1-27.

(2) The authority for a levy of up to a specific number of mills, approved before July 1, 2013, by electors of a school district for any period of time that does not include a taxable year before 2009, must be adjusted to a tax rate per one thousand dollars of taxable valuation of property in the school district of five cents times the specific numbers of mills approved and then must be reduced by ~~forty mills~~two dollars per one thousand dollars of taxable valuation of property in the district as a precondition of receiving state aid in accordance with chapter 15.1-27.

(3) The authority for a levy of up to a specific number of mills, ~~placed on the ballot in a school district election for electoral approval of~~approved by electors of a school district and providing increased levy authority under subdivision a or b, after June 30, 2013, and before July 1, 2015, must be ~~stated as a specific number of mills of general fund levy authority and must include a statement that the statutory school district general fund levy limitation is seventy mills on the dollar of the taxable valuation of the school district~~adjusted to a tax rate per one thousand dollars of taxable valuation of property in the school district of five cents times the specific numbers of mills approved, as a precondition of receiving state aid in accordance with chapter 15.1-27.

f. The authority for an unlimited levy approved by electors of a school district before July 1, 2009, is terminated effective for taxable years after 2015. If the electors of a school district subject to this subsection have not approved a levy of up to a specific number of mills under this section by December 31, 2015, the school district levy limitation for subsequent years is subject to the greater of the limitations under section 57-15-01.1 or ~~this~~ section 57-15-14.2.

2. a. The question of authorizing or discontinuing ~~such~~ specific number of mills or specific tax rate levy authority previously approved by electors in any school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of qualified electors of the district equal in number to the greater of twenty-five signatures or ten percent of the number of electors who cast votes in the most recent election in the school district. ~~No fewer than twenty-five signatures are required.~~

b. The approval of discontinuing such authority does not affect the tax levy in the calendar year in which the election is held.

c. ~~The~~An election under this subsection must be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the ~~mill~~tax levy.

~~**(Effective after the first two taxable years beginning after December 31, 2012) General fund levy limitations in school districts.** The aggregate amount levied each year for the purposes listed in section 57-15-14.2 by any school district, except the Fargo school district, may not exceed the amount in dollars which the school district levied for the prior school year plus twelve percent up to a general fund levy of one hundred eighty-five mills on the dollar of the taxable valuation of the district, except that:~~

~~1. In any school district having a total population in excess of four thousand according to the last federal decennial census there may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the qualified electors voting upon the question at any regular or special school district election.~~

~~2. In any school district having a total population of fewer than four thousand, there may be levied any specific number of mills that upon resolution of the school board has been approved by fifty-five percent of the qualified electors voting upon the question at any regular or special school election.~~

~~3. After June 30, 2009, in any school district election for approval by electors of increased levy authority under subsection 1 or 2, the ballot must specify the number of mills proposed for approval, and the number of taxable years for which that approval is~~

~~to apply. After June 30, 2009, approval by electors of increased levy authority under subsection 1 or 2 may not be effective for more than ten taxable years.~~

~~4. The authority for a levy of up to a specific number of mills under this section approved by electors of a school district before July 1, 2009, is terminated effective for taxable years after 2015. If the electors of a school district subject to this subsection have not approved a levy for taxable years after 2015 of up to a specific number of mills under this section by December 31, 2015, the school district levy limitation for subsequent years is subject to the limitations under section 57-15-01.1 or this section.~~

~~5. The authority for an unlimited levy approved by electors of a school district before July 1, 2009, is terminated effective for taxable years after 2015. If the electors of a school district subject to this subsection have not approved a levy of up to a specific number of mills under this section by December 31, 2015, the school district levy limitation for subsequent years is subject to the limitations under section 57-15-01.1 or this section.~~

~~The question of authorizing or discontinuing such specific number of mills authority in any school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of qualified electors of the district equal in number to ten percent of the number of electors who cast votes in the most recent election in the school district. However, not fewer than twenty-five signatures are required. However, the approval of discontinuing such authority does not affect the tax levy in the calendar year in which the election is held. The election must be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy.~~

SECTION 96. AMENDMENT. Section 57-15-14.2 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14.2. ~~(Effective for the first two taxable years beginning after December 31, 2012)~~ School district general fund, miscellaneous fund, special reserve fund, and tuition fund levies.

1. ~~For taxable years after 2013, the~~The board of a school district may levy a tax not exceeding the amount in dollars that the school district levied for general fund purposes for the prior year, plus twelve percent, up to a ~~levy of seventy mills~~general

fund tax rate of three dollars and fifty cents per one thousand dollars on the taxable valuation of property in the school district, for any purpose related to the provision of educational services. The proceeds of this levy must be deposited into the school district's general fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.

2. ~~For taxable years after 2013, the~~The board of a school district may levy in addition to its general fund levy no more than ~~twelve mills on~~a tax rate of sixty cents per one thousand dollars of the taxable valuation of property in the district, for miscellaneous purposes and expenses. The proceeds of this levy must be deposited into a special fund known as the miscellaneous fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.

3. The board of a school district may levy in addition to its general fund levy no more than ~~three mills~~a tax rate of fifteen cents per one thousand dollars on the taxable valuation of the district for deposit into a special reserve fund, in accordance with chapter 57-19.

4. The board of a school district may levy in addition to its general fund levy no more than the ~~number of mills~~tax rate necessary, on the taxable valuation of property in the district, for the payment of tuition, in accordance with section 15.1-29-15. The proceeds of this levy must be deposited into a special fund known as the tuition fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.

5. Nothing in this section limits the board of a school district from levying:

   a. ~~Mills for~~For a building fund, as permitted in sections 15.1-09-49 and 57-15-16; and

   b. ~~Mills~~The amount necessary to pay principal and interest on the bonded debt of the district, including the ~~mills~~amount necessary to pay principal and interest on any bonded debt incurred under section 57-15-17.1 before July 1, 2013.

~~6. For the taxable year 2013 only, the board of a school district may levy, for the purposes described in subsections 1 and 2, a tax not exceeding the amount in dollars determined under this subsection, plus twelve percent, up to a combined levy of eighty-two mills. For purposes of this subsection, the allowable increase in dollars is~~

~~determined by multiplying the 2013 taxable valuation of the district by the sum of sixty mills plus the number of mills levied in 2012 for miscellaneous expenses under sections 57-15-14.5 and 57-15-17.1.~~

~~**(Effective after the first two taxable years beginning after December 31, 2012) Mill levies requiring board action - Proceeds to general fund account.**~~

~~1. A school board of any school district may levy an amount sufficient to cover general expenses, including the costs of the following:~~

~~a. Board and lodging for high school students as provided in section 15.1-30-04.~~

~~b. The teachers' retirement fund as provided in section 15-39.1-28.~~

~~c. Tuition for students in grades seven through twelve as provided in section 15.1-29-15.~~

~~d. Special education program as provided in section 15.1-32-20.~~

~~e. The establishment and maintenance of an insurance reserve fund for insurance purposes as provided in section 32-12.1-08.~~

~~f. A final judgment obtained against a school district.~~

~~g. The district's share of contribution to the old-age survivors' fund and matching contribution for the social security fund as provided by chapter 52-09 and to provide the district's share of contribution to the old-age survivors' fund and matching contribution for the social security fund for contracted employees of a multidistrict special education board.~~

~~h. The rental or leasing of buildings, property, or classroom space. Minimum state standards for health and safety applicable to school building construction shall apply to any rented or leased buildings, property, or classroom space.~~

~~i. Unemployment compensation benefits.~~

~~j. The removal of asbestos substances from school buildings or the abatement of asbestos substances in school buildings under any method approved by the United States environmental protection agency and any repair, replacement, or remodeling that results from such removal or abatement, any remodeling required to meet specifications set by the Americans with Disabilities Act accessibility guidelines for buildings and facilities as contained in the appendix to 28 CFR 36, any remodeling required to meet requirements set by the state fire~~

~~marshal during the inspection of a public school, and for providing an alternative education program as provided in section 57-15-17.1.~~

~~k. Participating in cooperative career and technical education programs approved by the state board.~~

~~l. Maintaining a career and technical education program approved by the state board and established only for that school district.~~

~~m. Paying the cost of purchasing, contracting, operating, and maintaining schoolbuses.~~

~~n. Establishing and maintaining school library services.~~

~~o. Equipping schoolbuses with two-way communications and central station equipment and providing for the installation and maintenance of such equipment.~~

~~p. Establishing free public kindergartens in connection with the public schools of the district for the instruction of resident children below school age during the regular school term.~~

~~q. Establishing, maintaining, and conducting a public recreation system.~~

~~r. The district's share of contribution to finance an interdistrict cooperative agreement authorized by section 15.1-09-40.~~

~~2. This limitation does not apply to mill levies pursuant to subdivisions a, c, f, and j of subsection 1. If a school district maintained a levy to finance either its participation in a cooperative career and technical education program or its sponsorship of single-district career and technical education programs prior to July 1, 1983, and the district discontinues its participation in or sponsorship of those career and technical education programs, that district must reduce the proposed aggregated expenditure amount for which its general fund levy is used by the dollar amount raised by its prior levy for the funding of those programs.~~

~~3. All proceeds of any levy established pursuant to this section must be placed in the school district's general fund account and may be expended to achieve the purposes for which the taxes authorized by this section are levied. Proceeds from levies established pursuant to this section and funds provided to school districts pursuant to chapter 15.1-27 may not be transferred to the building fund within the school district.~~

SECTION 97. AMENDMENT. Section 57-15-14.4 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14.4. ~~(Suspended through June 30, 2015)~~ School district ~~mill~~tax levies for bonded indebtedness excepted.

The tax levy limitations provided for in sections 57-15-14 and 57-15-14.2 do not apply to taxes levied for the purpose of paying interest on a bonded debt of the district or levies made to pay and discharge the principal on a bonded debt at maturity.

SECTION 98. AMENDMENT. Section 57-15-14.5 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14.5. (Effective for the first two taxable years beginning after December 31, 2012) Long-distance learning and educational technology levy.

On July 1, 2013, each school district shall transfer any balance remaining in its long-distance learning and educational technology fund to the general fund of the school district.

(Effective after the first two taxable years beginning after December 31, 2012) Long-distance learning and educational technology levy - Voter approval.

1. The school board of a public school district may, upon approval by a majority vote of the qualified electors of the school district voting on the question at any regular or special election, dedicate a tax levy for purposes of this section not to exceed ~~five mills on the dollar~~a tax rate of twenty-five cents per one thousand dollars of taxable valuation of property within the district.
2. All revenue accruing from the levy under this section must be used only for purposes of establishing and maintaining long-distance learning and purchasing and maintaining educational technology. For purposes of this section, educational technology includes computer software, computers and computer networks, other computerized equipment, which must be used for student instruction, and the salary of a staff person to supervise the use and maintenance of educational technology.
3. If the need for the fund terminates, the governing board of the public school district shall order the termination of the levy and shall transfer the remaining balance to the general fund of the school district.

SECTION 99. AMENDMENT. Section 57-15-16 of the North Dakota Century Code is amended and reenacted as follows:

57-15-16. Tax levy for building fund in school districts.

1. The governing body of any school district ~~shall~~may levy taxes annually for a school building fund, not in excess of ~~twenty mills~~a tax rate of one dollar per one thousand dollars of taxable valuation of property in the school district, which levy is in addition to and not restricted by the levy limitations prescribed by law, when authorized to do so by sixty percent of the qualified electors voting upon the question at a regular or special election in any school district. The governing body of the school district may create the building fund by appropriating and setting up in its budget for an amount not in excess of twenty percent of the current annual appropriation for all other purposes combined, exclusive of appropriations to pay interest and principal of the bonded debt, and not in excess of the limitations prescribed by law. If a portion or all of the proceeds of the levy have been allocated by contract to the payment of rentals upon contracts with the state board of public school education as administrator of the state school construction fund, the levy must be made annually by the governing body of the school district until the full amount of all such obligations is fully paid. Any portion of a levy for a school building fund which has not been allocated by contract with the state board of public school education must be allocated by the governing body pursuant to section 57-15-17. Upon the completion of all payments to the state school construction fund, or upon payment and cancellation or defeasance of the bonds, the levy may be discontinued at the discretion of the governing body of the school district, or upon petition of twenty percent of the qualified electors who voted in the last school election, the question of discontinuance of the levy must be submitted to the qualified electors of the school district at any regular or special election and, upon a favorable vote of sixty percent of the qualified electors voting, the levy must be discontinued. Any school district, executing a contract or lease with the state board of public school education or issuing general obligation bonds, which contract or lease or bond issue requires the maintenance of the levy provided in this section, shall immediately file a certified copy of the contract, lease, or bond issue with the county auditor or auditors of the county or counties in which the school district is located. The county auditor or auditors shall

register the contract, lease, or bond issue in the bond register in substantially the manner provided in section 21-03-23. Upon the filing of the contract, lease, or bond issue with the county auditor or auditors, the school district may not discontinue the levy and the levy must automatically be included in the tax levy of the school district from year to year by the county auditor or auditors until a sufficient sum of money has been collected to pay to the state treasurer for the retirement of all obligations of the school district with the state board of public school education or to pay to the custodian of the bond sinking fund all amounts due or to become due on the bonds.

2. The school board of any school district, in levying taxes for a school building fund as provided for in subsection 1, shall specify on the ballot the ~~number of mills~~tax rate to be levied and may ~~in its discretion~~ submit a specific plan for which such fund shall be used. The plan shall designate the general area intended to be served by use of such fund. The area intended to be served shall be described in the plan but need not be described in the building fund ballot. After approval of the levy and the plan no change shall be made in the purpose of expenditure of the building fund except that upon a favorable vote of sixty percent of the qualified electors residing in any specific area intended to be served, material changes may be made in such plan as it affects such area to the extent such changes do not conflict with contractual obligations incurred. The provisions of this section and of subsection 1 of section 57-15-17 in regard to the purpose for which the building fund may be expended shall not apply to expenditures for major repairs.

SECTION 100. AMENDMENT. Section 57-15-17.1 of the North Dakota Century Code is amended and reenacted as follows:

57-15-17.1. (Effective for the first two taxable years beginning after December 31, 2012) Discontinuation of special funds - Required transfers.

On July 1, 2013, each school district shall transfer to its building fund or its general fund any moneys remaining in the mercury and hazardous substance abatement or removal fund, any moneys remaining in the required remodeling fund, any moneys remaining in the alternative education program fund, and any moneys remaining in the heating, ventilation, and air-conditioning upgrade fund.

(Effective after the first two taxable years beginning after December 31, 2012) School board levies - Multiyear mercury and hazardous substance abatement or removal - Required remodeling - Alternative education programs - Heating, ventilation, and air-conditioning systems.

1. The governing body of any public school district may by resolution adopted by a two-thirds vote of the school board dedicate a tax levy for purposes of this section of not exceeding ~~fifteen mills on the dollar~~a tax rate of seventy-five cents per one thousand dollars of taxable valuation of property within the district for a period not longer than fifteen years. The school board may authorize and issue general obligation bonds to be paid from the proceeds of this dedicated levy for the purpose of:
   a. Providing funds for the abatement or removal of mercury and other hazardous substances from school buildings in accordance with any method approved by the United States environmental protection agency and for any repair, replacement, or remodeling that results from the abatement or removal of such substances;
   b. Any remodeling required to meet specifications set by the Americans with Disabilities Act accessibility guidelines for buildings and facilities as contained in the appendix to 28 CFR 36;
   c. Any remodeling required to meet requirements set by the state fire marshal during the inspection of a public school;
   d. Providing alternative education programs; and
   e. Providing funds for the repair, replacement, or modification of any heating, ventilation, or air-conditioning systems and required ancillary systems to provide proper indoor air quality that meets American society of heating, refrigerating and air-conditioning engineers, incorporated standards.
2. All revenue accruing from the levy under this section, except revenue deposited as allowed by subsections 3, 4, and 5 must be placed in a separate fund known as the mercury and hazardous substance abatement or removal fund and must be accounted for within the capital projects fund group and disbursements must be made from such funds within this fund group for the purpose of mercury and hazardous substance abatement or removal.

3. All revenue accruing from up to ~~five mills~~twenty-five cents of the ~~fifteen-mill~~seventy-five cents per one thousand dollars of taxable valuation of property in the district levy under this section must be placed in a separate fund known as the required remodeling fund and must be accounted for within the capital projects fund group and disbursements must be made from such funds within this fund group for the purpose of required remodeling, as set forth in subsection 1.
4. All revenue accruing from up to ~~ten mills~~fifty cents of the ~~fifteen-mill~~seventy-five cents per one thousand dollars of taxable valuation of property in the district levy under this section may be placed in a separate fund known as the alternative education program fund. Disbursement may be made from the fund for the purpose of providing an alternative education program but may not be used to construct or remodel facilities used to accommodate an alternative education program.
5. All revenue accruing from the levy under this section, except revenue deposited as allowed by subsections 2, 3, and 4, must be placed in a separate fund known as the heating, ventilation, and air-conditioning upgrade fund and must be accounted for within the capital projects fund group and disbursements must be made from such funds within this fund group for the purpose of improving indoor air quality.
6. Any moneys remaining in the mercury and hazardous substance abatement or removal fund after completion of the principal and interest payments for any bonds issued for any school mercury and hazardous substance abatement or removal project, any funds remaining in the required remodeling fund after completion of the remodeling projects, any funds remaining in the alternative education program fund at the termination of the program, and any funds remaining in the heating, ventilation, and air-conditioning upgrade fund after completion of the principal and interest payments for any bonds issued for any indoor air quality project must be transferred to the general fund of the school district upon the order of the school board.

SECTION 101. AMENDMENT. Section 57-15-19.4 of the North Dakota Century Code is amended and reenacted as follows:

57-15-19.4. Township levy for roads.

1. The electors of each township at the annual meeting may levy a tax at a tax rate not to exceed the limitation in subsection 3 of section 57-15-20.2 for the purpose of

cooperating with the county in constructing and maintaining federal-aid farm-to-market roads within the township. This tax levy may be made only if notice of the question of the approval of such levy has been included with or upon the notice of the annual meeting provided for in section 58-04-01.

2. If no federal-aid farm-to-market roads are built within ten years of the date the first ~~mill~~ levy pursuant to subsection 1 was made, the board of township supervisors may by resolution authorize the expenditure of all such funds collected and accumulated and the earnings thereon for the construction, improvement, or maintenance of other roads or for any other township purpose.

SECTION 102. AMENDMENT. Section 57-15-20 of the North Dakota Century Code is amended and reenacted as follows:

57-15-20. Tax levy limitations in townships.

The total amount of the annual tax levy in a civil township, exclusive of levies to pay interest on any bonded debt and to provide a sinking fund to pay and discharge the principal thereof at maturity, may not exceed such amount as will be produced by a levy of ~~eighteen mills on the dollar of the taxable valuation thereof~~a tax rate of ninety cents per one thousand dollars of taxable valuation of property in the township.

SECTION 103. AMENDMENT. Section 57-15-20.2 of the North Dakota Century Code is amended and reenacted as follows:

57-15-20.2. Exceptions to tax levy limitations in townships.

The tax levy limitations specified in section 57-15-20 do not apply to the following ~~mill~~tax levies, which are expressed in ~~mills~~tax rate maximum levies in cents per ~~dollar~~one thousand dollars of taxable valuation of property in the township:

1. A township levying a tax for prevention and extinguishment of fires in accordance with section 18-06-10 may levy a tax not exceeding ~~one mill~~five cents.
2. A township levying a tax to establish a recreation system according to section 40-55-08 may levy a tax not exceeding ~~two and five-tenths mills~~twelve and one-half cents, except that a township may levy an amount not exceeding ~~eight and five-tenths mills~~forty-two and one-half cents if the provisions of section 40-55-09 are met.

3. A township levying a tax for the purpose of cooperating with the county in constructing and maintaining federal-aid farm-to-market roads in accordance with section 57-15-19.4 may levy a tax not exceeding ~~five mills~~twenty-five cents.

4. A township levying a tax for law enforcement in accordance with section 57-15-19.5 may levy a tax not exceeding ~~five mills~~twenty-five cents.

5. A township levying a tax for mowing or snow removal in accordance with section 57-15-19.6 may levy a tax not exceeding ~~three mills~~fifteen cents.

5.1. A township levying a tax for a legal contingency fund in accordance with section 57-15-22.2 may levy a tax not exceeding ~~ten mills~~fifty cents for not to exceed five years.

6. A township levying a tax for airport purposes in accordance with section 57-15-37.1 may levy a tax not exceeding ~~four mills~~twenty cents.

7. A township levying a tax for emergency medical service in accordance with section 57-15-51.1 may levy a tax not exceeding ~~ten mills~~fifty cents.

8. A township levying a tax for park purposes in accordance with section 58-17-02 may levy a tax not exceeding ~~two mills~~ten cents.

9. A township levying a tax for special assessment districts in accordance with chapter 58-18.

10. A township levying a tax for port purposes in accordance with section 57-15-20.3 may levy a tax not exceeding ~~four mills~~twenty cents.

11. A township levying a tax for commerce authority purposes may levy a tax not exceeding ~~four mills~~twenty cents.

Tax levy ~~or mill levy~~ limitations do not apply to any statute which expressly provides that taxes authorized to be levied therein are not subject to ~~mill~~ levy limitations provided by law.

SECTION 104. AMENDMENT. Section 57-15-22 of the North Dakota Century Code is amended and reenacted as follows:

57-15-22. Tax levy limitations in unorganized townships.

The total tax levied by the board of county commissioners in any unorganized township for the construction, maintenance, and improvement of any roads and bridges may not exceed ~~eighteen mills on the dollar of the~~a tax rate of ninety cents per one thousand dollars of taxable valuation of property in the township or the amount in dollars that the township would have been

entitled to levy under section 57-15-01.1 if the township had remained organized, but this does not prohibit the levy of general county road and bridge taxes in such unorganized township.

SECTION 105. AMENDMENT. Section 57-15-22.2 of the North Dakota Century Code is amended and reenacted as follows:

57-15-22.2. Levy of taxes for township legal contingency fund.

Upon presentation of a petition signed by twenty-five percent of the qualified electors in an organized or unorganized township voting in the last gubernatorial election, the governing body of an organized township or the board of county commissioners, for unorganized townships, may call a special election for the purpose of voting on the question of authorizing an excess levy on property within the township for the current year and not to exceed four succeeding years, or may submit the question to the qualified electors at the next regular township election, for organized townships, or at the next regular election, for unorganized townships. If a special election is called, the election must be held not later than September first of the year in which the tax is to be levied, and the election must be conducted as other elections of the political subdivision are conducted. The levy permitted by this section may not exceed the limitation in subsection 5.1 of section 57-15-20.2. Revenues from the levy must be deposited in a special fund in the township or county treasury known as the legal contingency fund. Revenue in the fund may be used only for purposes of expenses of legal actions authorized or entered into by the governing body of the township or the county, on behalf of unorganized townships. If sixty percent of all votes cast on the question of authorizing the excess levy of taxes for the legal contingency fund are in favor of the excess levy, it is authorized and the county auditor shall extend such excess levy upon the tax list with other taxes. Upon expiration of any ~~mill~~ levy authorized by this section, the governing body of the township or county may, by resolution, transfer any unobligated balance in the legal contingency fund to the general fund of the township or county.

SECTION 106. AMENDMENT. Section 57-15-26.1 of the North Dakota Century Code is amended and reenacted as follows:

57-15-26.1. General tax levy of recreation service districts.

The board of recreation service district commissioners of a recreation service district created under chapter 11-28.2 may, upon resolution of the board, levy a tax for general

purposes in addition to all other levies permitted by law, at a tax rate not exceeding ~~one mill on~~five cents per one thousand dollars of the taxable valuation of property in the district.

SECTION 107. AMENDMENT. Section 57-15-26.2 of the North Dakota Century Code is amended and reenacted as follows:

57-15-26.2. Limitations in vector control districts.

Vector control district levies are limited to a tax levy not exceeding ~~one mill on the dollar~~a tax rate of five cents per one thousand dollars of taxable valuation in the district in accordance with sections 23-24-08 and 23-24-09.

SECTION 108. AMENDMENT. Section 57-15-26.3 of the North Dakota Century Code is amended and reenacted as follows:

57-15-26.3. General tax levy of fire protection districts.

A rural fire protection district may levy a tax in accordance with chapter 18-10 not exceeding ~~five mills on the~~twenty-five cents per one thousand dollars of taxable valuation of property in the district except upon resolution adopted by the board of directors after receipt of a petition by not less than twenty percent of the qualified electors residing within the district, the levy may be made in an amount not exceeding ~~thirteen mills~~sixty-five cents per one thousand dollars of taxable valuation of property in the county.

SECTION 109. AMENDMENT. Section 57-15-26.4 of the North Dakota Century Code is amended and reenacted as follows:

57-15-26.4. General tax levy of hospital districts.

The board of directors of a hospital district may annually certify to the proper county auditor or county auditors the probable expense for operating the hospital district. The auditor or auditors may levy a tax not exceeding ~~five mills~~a tax rate of twenty-five cents per one thousand dollars on the taxable valuation of property within the district for the maintenance of the district for the fiscal year as provided in section 23-30-07.

SECTION 110. AMENDMENT. Section 57-15-26.5 of the North Dakota Century Code is amended and reenacted as follows:

57-15-26.5. General tax levy of rural ambulance service districts.

A rural ambulance service district may levy, in accordance with chapter 11-28.3, a tax not exceeding ~~ten mills on the~~a tax rate of fifty cents per one thousand dollars of taxable value of property within the district.

SECTION 111. AMENDMENT. Section 57-15-26.6 of the North Dakota Century Code is amended and reenacted as follows:

57-15-26.6. Water resource district's general tax levy.

The board of directors of a water resource district shall estimate expenses of the district and transmit them to the board of county commissioners according to section 61-16.1-06. The board of county commissioners may, by resolution, levy and authorize the county auditor to extend upon the county or portion of the county in the district a tax not exceeding ~~four mills on each dollar of~~a tax rate of twenty cents per one thousand dollars of taxable valuation in the county or portion of the county in the district.

SECTION 112. AMENDMENT. Section 57-15-26.8 of the North Dakota Century Code is amended and reenacted as follows:

57-15-26.8. Garrison Diversion Conservancy District general tax levy.

The board of directors of the Garrison Diversion Conservancy District may levy a tax not exceeding ~~one mill on the~~a tax rate of five cents per one thousand dollars of taxable valuation of property within the district according to sections 61-24-08 and 61-24-09.

SECTION 113. AMENDMENT. Section 57-15-27.1 of the North Dakota Century Code is amended and reenacted as follows:

57-15-27.1. Cemetery tax levies.

~~Organized townships and cities are hereby authorized to~~An organized township or a city may levy a tax, not exceeding ~~two mills on the dollar of the~~a tax rate of ten cents per one thousand dollars of taxable ~~valuations of the organized townships or cities~~valuation of property in the township or city, in addition to all levies now authorized by law, for the purpose and to be used exclusively for the care, maintenance, and improvement of established cemeteries, owned and maintained by ~~such organized townships or cities~~the township or city. In addition to all levies now authorized by law, ~~organized townships~~an organized township may levy a tax not exceeding ~~one-fourth of one mill on the dollar~~a tax rate of one and one-quarter cents per one thousand dollars of taxable valuation of property in the township for the care, maintenance, and improvement of established cemeteries maintained but not owned by the township.

SECTION 114. AMENDMENT. Section 57-15-27.2 of the North Dakota Century Code is amended and reenacted as follows:

57-15-27.2. Abandoned cemetery tax levies.

The governing body of any county may levy a tax, not exceeding ~~one-tenth of one mill on the dollar of the~~a tax rate of one-half of one cent per one thousand dollars of taxable valuations of the county, in addition to all levies now authorized by law, for the purpose of defraying the expenses incurred in the maintenance of abandoned cemeteries as provided by section 23-06-30.

SECTION 115. AMENDMENT. Section 57-15-28 of the North Dakota Century Code is amended and reenacted as follows:

57-15-28. Emergency fund - County.

The governing body of any county may levy a tax for emergency purposes not exceeding the limitation in subsection 22 of section 57-15-06.7. The emergency fund may not be considered in determining the budget or the amount to be levied for each fiscal year for normal tax purposes but must be shown in the budget as an "emergency fund" and may not be deducted from the budget as otherwise provided by law. Each county may create an emergency fund, and all taxes levied for emergency purposes by any county, when collected, must be deposited in the emergency fund, and must be used only for emergency purposes caused by the destruction or impairment of any county property necessary for the conduct of the affairs of the county, emergencies caused by nature, or by the entry by a court of competent jurisdiction of a judgment for damages against the county. The emergency fund may not be used for the purchase of road equipment. The emergency fund may not be used for any road construction or maintenance, except for repair of roads damaged by nature within sixty days preceding the determination to expend emergency funds; however, the emergency fund may be used to match federal funds appropriated to mitigate damage to roads related to a federally declared disaster that occurred more than sixty days preceding the determination. Any unexpended balance remaining in the emergency fund at the end of any fiscal year must be kept in the fund. When the amount of money in the emergency fund, plus the amount of money due the fund from outstanding taxes, equals the amount produced by a levy of ~~five mills on the~~twenty-five cents per one thousand dollars of taxable valuation of property in a county with a population of thirty thousand or more, ~~ten mills on the~~fifty cents per one thousand dollars of taxable valuation of property in a county with a population of less than thirty thousand but more than five thousand, or ~~fifteen mills on the~~seventy-five cents per one thousand dollars of taxable valuation

of property in a county with a population of five thousand or fewer, the levy authorized by this section must be discontinued, and no further levy may be made until required to replenish the emergency fund.

SECTION 116. AMENDMENT. Section 57-15-28.1 of the North Dakota Century Code is amended and reenacted as follows:

57-15-28.1. Exceptions to tax levy limitations in political subdivisions.

The tax levy limitations specified by law do not apply to levies within the following ~~mill levies~~tax rate limitations, expressed in ~~mills per dollar~~cents per one thousand dollars of taxable valuation of property in the political subdivision. For purposes of this section, "political subdivision" has the same meaning as in section 32-12.1-02.

1. A political subdivision, except a park district, levying a tax for the control of pests in accordance with section 4-33-11 may levy a tax not exceeding ~~one mill~~five cents.
2. A political subdivision, except a school district or park district, levying a tax for an insurance reserve fund according to section 32-12.1-08 may levy a tax not exceeding ~~five mills~~twenty-five cents. A political subdivision, except a school district or park district, may use all or part of the levy under this subsection and the insurance reserve fund for payment of workforce safety and insurance contributions, premiums, judgments, and claims of the political subdivision.
3. A political subdivision, except a school district, levying a tax for the payment of a judgment in accordance with section 32-12.1-11 may levy a tax not exceeding ~~five mills~~twenty-five cents.
4. A political subdivision levying a tax for railroad purposes in accordance with section 49-17.2-21 may levy a tax not exceeding ~~four mills~~twenty cents.
5. A political subdivision, except a school district or county, levying a tax for old-age and survivors' insurance according to section 52-09-08, for social security, or for an employee retirement program established by the governing body, or for any combination of those purposes, may levy a tax not exceeding ~~thirty mills~~one dollar and fifty cents.
6. A county levying a tax for comprehensive health care insurance employee benefit programs in accordance with section 52-09-08 may levy a tax not exceeding ~~eight mills~~forty cents and the limitation in subsection 36 of section 57-15-06.7.

SECTION 117. AMENDMENT. Section 57-15-31 of the North Dakota Century Code is amended and reenacted as follows:

57-15-31. (Effective for the first two taxable years beginning after December 31, 2012) Determination of levy.

The amount to be levied by any county, city, township, school district, park district, or other municipality authorized to levy taxes shall be computed by deducting from the amount of estimated expenditures for the current fiscal year as finally determined, plus the required reserve fund determined upon by the governing board from the past experience of the taxing district, the total of the following items:

1. The available surplus consisting of the free and unencumbered cash balance.
2. Estimated revenues from sources other than direct property taxes.
3. The total estimated collections from tax levies for previous years.
4. Such expenditures as are to be made from bond sources.
5. The amount of distributions received from an economic growth increment pool under section 57-15-61.
6. The estimated amount to be received from payments in lieu of taxes on a project under section 40-57.1-03.

Allowance may be made for a permanent delinquency or loss in tax collection not to exceed five percent of the amount of the levy.

(Effective after the first two taxable years beginning after December 31, 2012) Determination of levy. The amount to be levied by any county, city, township, school district, park district, or other municipality authorized to levy taxes shall be computed by deducting from the amount of estimated expenditures for the current fiscal year as finally determined, plus the required reserve fund determined upon by the governing board from the past experience of the taxing district, the total of the following items:

1. The available surplus consisting of the free and unencumbered cash balance.
2. Estimated revenues from sources other than direct property taxes.
3. The total estimated collections from tax levies for previous years.
4. Such expenditures as are to be made from bond sources.
5. The amount of distributions received from an economic growth increment pool under section 57-15-61.

6. The estimated amount to be received from payments in lieu of taxes on a project under section 40-57.1-03.
7. The amount reported to a school district by the superintendent of public instruction as the school district's ~~mill~~ levy reduction grant for the year under section 57-64-02.

Allowance may be made for a permanent delinquency or loss in tax collection not to exceed five percent of the amount of the levy.

SECTION 118. AMENDMENT. Section 57-15-38 of the North Dakota Century Code is amended and reenacted as follows:

57-15-38. ~~Tax levy for~~City construction fund ~~in cities~~levy.

The governing body of any city may levy annually for a period not to exceed ten successive years, for a construction fund, a tax not exceeding the limitation in subsection 19 of section 57-15-10, when authorized to do so by sixty percent of the electors voting upon the question at a regular or special election in any city which, at the time of making the annual levy, has no outstanding unpaid certificates of indebtedness, and in which the limitation of levy has not been increased from the basic ~~mill~~tax rate. The construction fund must be used for paying all or part of the construction of waterworks systems, sewage systems, public buildings, or any other public improvements for which cities are authorized by law to pay for from general tax levies, and 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 construction fund is to be used. The governing body of the city may create the building fund by appropriating and setting up in its budget, for 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 119. AMENDMENT. Section 57-15-42 of the North Dakota Century Code is amended and reenacted as follows:

57-15-42. City fire department reserve fund levy.

The governing body of any city, when authorized by sixty percent of the electors voting on the question in a regular or special election called by the governing body, may levy taxes annually, not exceeding the limitation in subsection 20 of section 57-15-10 for a fire department building or equipment reserve fund. The proceeds of the levy must be placed in a separate fund known as the fire department reserve fund and must be used exclusively for the purchase of

necessary firefighting equipment or fire department building. No levy may be made under this section during any period in which the moneys in the fund equal or exceed an amount equal to the sum that would be produced by a levy of ~~thirty mills upon the~~a tax rate of one dollar and fifty cents per one thousand dollars of taxable valuation of property in the city.

SECTION 120. AMENDMENT. Section 57-15-48 of the North Dakota Century Code is amended and reenacted as follows:

57-15-48. ~~Tax levy for~~City emergency ~~purposes~~conditions levy.

The governing body of any city by a two-thirds vote may levy a tax annually for snow removal, natural disaster, or other emergency conditions not exceeding the limitation in subsection 23 of section 57-15-10. No city may make this levy after the amount of the unexpended funds raised by this levy plus the amount of money due the fund from outstanding taxes equals the amount produced by a levy of ~~five mills on~~a tax rate of twenty-five cents per one thousand dollars of the taxable valuation of property within the city or five dollars per capita, whichever is greater.

SECTION 121. AMENDMENT. Section 57-15-50 of the North Dakota Century Code is amended and reenacted as follows:

57-15-50. ~~Levy authorized for county~~County emergency medical service levy.

Upon petition of ten percent of the number of qualified electors of the county voting in the last election for governor or upon its own motion, the board of county commissioners of each county shall levy annually a tax not exceeding the limitation in subsection 23 of section 57-15-06.7, for the purpose of subsidizing county emergency medical services~~; provided, that this~~. Levy of the tax must be approved by a majority of the qualified electors of the county voting on the question at a regular or special countywide election. The county may budget, in addition to its annual operating budget for subsidizing emergency medical service, no more than ten percent of its annual operating budget as a depreciation expense to be set aside in a dedicated emergency medical services sinking fund deposited with the treasurer for the replacement of equipment and ambulances. The ten percent emergency medical services sinking fund must be in addition to the annual operating budget for subsidization, but the total of the annual operating budget and the annual ten percent emergency medical services sinking fund may not exceed the approved ~~mill~~ levy. If the county contains a rural ambulance service district or rural fire protection district that levies for and provides emergency medical service, the property within

that district is exempt from the county tax levy under this section upon notice from the governing body of the district to the board of county commissioners of the existence of the district.

SECTION 122. AMENDMENT. Section 57-15-51 of the North Dakota Century Code is amended and reenacted as follows:

57-15-51. ~~Levy authorized for city~~City emergency medical service levy.

Upon petition of ten percent of the number of qualified electors of the city voting in the last election for governor or upon its own motion, the governing body of a city shall levy annually a tax of not to exceed ~~ten mills upon its~~a tax rate of fifty cents per one thousand dollars of taxable valuation of property in the city, for the purpose of subsidizing city emergency medical services~~; provided, that such~~. Levy of the tax under this section must be approved by a majority of the qualified electors of the city voting on the question at a regular or special city election. Whenever a tax for county emergency medical services is levied by a county, any city levying a tax for, or subsidizing city emergency medical services, shall upon written application to the county board of such county be exempted from such county tax levy. The city may set aside, as a depreciation expense, up to ten percent of its annual emergency medical service operating or subsidization budget in a dedicated emergency medical services sinking fund, deposited with the auditor for replacement of equipment and ambulances. The ten percent emergency medical services sinking fund may be in addition to the actual annual emergency medical services budget but the total of the annual emergency medical services budget and the annual ten percent emergency medical services fund may not exceed the approved ~~mill~~ levy.

SECTION 123. AMENDMENT. Section 57-15-53 of the North Dakota Century Code is amended and reenacted as follows:

57-15-53. ~~Tax levy for~~City police department stations levy.

Upon approval of a majority of the electors voting thereon at any regular election or special election called for such purpose, the governing body of any city may levy taxes annually, not exceeding the limitation in subsection 24 of section 57-15-10, for the purpose of providing additional funds to meet the operational, maintenance, and construction costs of establishing stations for police protection services and correctional facilities. The proceeds of this levy must be placed in a separate fund known as the police station and correctional facility fund. No levy may be made under this section during any period in which the moneys to the fund equal or

exceed an amount equal to the sum that would be produced by a levy of ~~ten mills upon the~~a tax rate of fifty cents per one thousand dollars of taxable valuation of the city making the levy.

SECTION 124. AMENDMENT. Section 57-15-56 of the North Dakota Century Code is amended and reenacted as follows:

57-15-56. ~~Authorization of tax levy for services and programs for senior~~Senior citizens programs and activities levy - Elections to authorize or remove the levy - State bonding fund coverage - State matching program for senior citizen services and programs.

1. The board of county commissioners of any county is hereby authorized to levy a tax, or if no levy is made by the board of county commissioners, the governing body of any city in the county is authorized to levy a tax, in addition to all levies now authorized by law, for the purpose of establishing or maintaining services and programs for senior citizens including the maintenance of existing senior citizen centers which will provide informational, health, welfare, counseling, and referral services for senior citizens, and assisting such persons in providing volunteer community or civic services. If the tax authorized by this section is levied by the board of county commissioners, any existing levy under this section by a city in the county becomes void for subsequent taxable years. The removal of the levy is not subject to the requirements of subsection 3. This tax may not exceed the limitation in subsection 25 of section 57-15-06.7 or subsection 26 of section 57-15-10. The proceeds of the tax must be kept in a separate fund and used exclusively for the public purposes provided for in this section. This levy must be in addition to any moneys expended by the board of county commissioners pursuant to section 11-11-58 or by the governing body of any city pursuant to section 40-05-16.
2. The levy authorized by this section may not be used to defray any expenses of any organization or agency until the organization or agency is incorporated under the laws of this state as a nonprofit corporation. Governing bodies may enter into contracts with county councils on aging or comparable representative groups in counties or cities that do not have a council on aging to determine jointly and to administer distribution of funds in accordance with the contract and the provisions of this section. To receive any funds under this section, an organization or agency must file with the governing body

from which funds are being requested a report of its program for the fiscal year for which the funds are requested. The report must show all financial resources available to the organization or agency and its program, how those resources are budgeted or intended to be used in that fiscal year or in the future, and the purposes for which funds being requested under this section are to be used. An organization or agency and its program which receives funds under the provisions of this section must be reviewed or approved annually by the board of county commissioners or the governing body of the city to determine its eligibility to receive funds under the provisions of this section.

3. The levy authorized by this section may be imposed or removed only by a vote of a majority of the qualified electors of the county or city voting on the question directing the governing body to do so. The levy authorized by this section may not be increased to a levy of more than ~~one mill~~a tax rate of five cents per one thousand dollars of taxable valuation of property in the county or city under the authority of this section unless approved by a vote of a majority of the qualified electors of the county or city voting on the question. The governing body shall put the issue before the qualified electors either on its own motion or when a petition in writing, signed by qualified electors of the county or city equal in number to at least ten percent of the total vote cast in the county or city for the office of governor of the state at the last general election, is presented to the governing body.

4. The officers or employees of a nonprofit corporation under contract with the board of county commissioners or the governing body of the city, in regard to the manner in which the funds shall be expended and the services are to be provided, are authorized to receive, and shall be eligible for, bonding coverage through the state bonding fund.

5. The state treasurer shall provide matching funds as provided in this subsection for counties for senior citizen services and programs funded as required by this section. The grants must be made on or before March first of each year to each eligible county. A county receiving a grant under this section which has not levied a tax under this section shall transfer the amount received to a city within the county which has levied a tax under this section. A grant may not be made to any county that has not filed with the state treasurer a written report verifying that grant funds received in the previous

year under this subsection have been budgeted for the same purposes permitted for the expenditure of proceeds of a tax levied under this section. The written report must be received by the state treasurer on or before February first of each year following a year in which the reporting county received grant funds under this subsection. A matching fund grant must be provided from the senior citizen services and programs fund to each eligible county equal to eighty-five percent of the amount levied in dollars in the county under this section for the taxable year, but the matching fund grant applies only to a levy of up to ~~one mill~~a tax rate of five cents per one thousand dollars of taxable valuation of property in the county under this section.

SECTION 125. AMENDMENT. Section 57-15-59 of the North Dakota Century Code is amended and reenacted as follows:

57-15-59. ~~Counties' and cities' authority to enter~~County or city leases for court, corrections, and law enforcement facilities ~~and dedicate mill levies~~- Tax levy.

Notwithstanding any other provision of law, counties and cities, including home rule counties and cities, may upon a two-thirds vote of the governing body enter into leases for court facilities, corrections centers, jails, and other law enforcement facilities for a term of one year or more but not exceeding twenty years. At the time of entering into such a lease, the governing body shall dedicate the necessary annual ~~mill~~ levies to fund the lease payments, and such dedicated ~~mill~~ levies are irrepealable for the length of the lease. The governing body may levy and dedicate a levy of up to ~~ten mills~~a tax rate of fifty cents per one thousand dollars of taxable valuation of property in the county or city for such purposes, and this levy is in addition to any ~~mill~~ levy limitations established by law or by a home rule charter. If a governing body enters into a lease with annual payments from revenue from a levy under this section, payments due under the lease are a general obligation of the county or city and backed by the full faith and credit of the county or city. A certified copy of the lease and resolution dedicating a levy under this section must be filed with the county auditor, who shall annually levy the ~~mills~~ tax set forth in the resolution for the entire term of the lease, unless the governing body provides the county auditor with a certified copy of a resolution providing that the county or city has funds available for all or part of the next year's lease payment and that no part or only a portion of the ~~mills~~levy originally dedicated to the lease payment need to be levied for that year.

SECTION 126. AMENDMENT. Section 57-15-61 of the North Dakota Century Code is amended and reenacted as follows:

57-15-61. Economic growth districts.

In counties that are part of a joint job development authority, an economic growth district may be established by resolution approved by the board of county commissioners of each county that will be part of the economic growth district. The resolution approved by each board of county commissioners must specify which of the counties in the economic growth district will have the responsibility to administer the economic growth increment pool, unless the boards of county commissioners otherwise agree in writing to different terms and conditions.

1. Upon establishment of an economic growth district, the auditor of each county in the economic growth district shall compute and certify the taxable value of each lot or parcel of commercial property, as defined in section 57-02-01, in that county as most recently assessed and equalized. In each subsequent year, the county auditor of each county in an economic growth district shall compute and certify the amount by which the taxable valuation of all commercial lots and parcels of real property in that county, as most recently assessed and equalized, has increased in comparison with the original taxable value of all commercial lots and parcels. <u>If the original taxable value was determined for a year before 2016, the original taxable value must be multiplied times twenty for purposes of determining the increase under this section for taxable years after 2015.</u> The amount of increase determined is the gross commercial growth of that county. If there is a decrease or no increase in gross commercial growth, the auditor shall certify the gross commercial growth as zero. The auditor shall compute and certify the net commercial growth of the county as thirty percent of the gross commercial growth.
2. The county auditor of each county in an economic growth district shall exclude the net commercial growth determined under subsection 1 from the taxable valuation upon which the auditor computes the ~~mill~~ rates of taxes levied in that year by the state and every political subdivision having power to levy taxes on the property. The auditor shall extend the aggregate ~~mill~~<u>tax</u> rate against the net commercial growth as well as the taxable valuation upon which the aggregate ~~mill~~<u>tax</u> rate was determined. The amount

of taxes received from application of the aggregate ~~mill~~tax rate against the net commercial growth is the economic growth increment revenue for that year.

3. The county auditor of each county in an economic growth district shall segregate all economic growth increment revenue in a special fund.

4. The county treasurer shall remit the economic growth increment revenue to the county auditor of the county that administers the economic growth increment pool when the county treasurer distributes collected taxes to the state and to political subdivisions.

5. Before annual certification of county tax levies to the county auditor, the county auditor in the county that administers the economic growth increment pool shall distribute to the county auditors of the other counties in the economic growth district the proportion of the economic growth increment pool which the population of the receiving county bears to the total population of all counties in the economic growth district. Revenue received by a county under this subsection must be deposited in the county general fund.

6. An economic growth district may be dissolved by discontinuation of a joint job development authority or by approval of a resolution by the board of county commissioners of each county in the economic growth district. Upon dissolution of an economic growth district, any funds remaining in the economic growth increment pool must be distributed in accordance with subsection 5.

SECTION 127. AMENDMENT. Section 57-19-01 of the North Dakota Century Code is amended and reenacted as follows:

57-19-01. (Effective through June 30, 2015) School district may establish special reserve fund.

Each school district in this state may establish and maintain a special reserve fund. The balance of moneys in the fund may not exceed that which could be produced by a levy of ~~fifteen mills~~seventy-five cents per one thousand dollars of taxable valuation of property in that district for that year.

(Effective after June 30, 2015) School district may establish special reserve fund. Each school district in this state may establish and maintain a special reserve fund which must be separate and distinct from all other funds now authorized by law and which may not exceed

in amount at any one time the sum which could be produced by a levy of the maximum ~~mill~~ levy allowed by law in that district for that year.

SECTION 128. AMENDMENT. Section 57-19-04 of the North Dakota Century Code is amended and reenacted as follows:

57-19-04. (Suspended through June 30, 2015) May levy tax beyond levy limitations.

In each year each school district may levy a tax sufficient in amount to establish, maintain, or replenish such special reserve fund, but the levy may not exceed the amount produced by a levy of ~~three mills on the~~a tax rate of fifteen cents per one thousand dollars of taxable valuation of property in the school district. The levy is in addition to tax levy limitations otherwise specified by law.

SECTION 129. AMENDMENT. Section 57-20-02 of the North Dakota Century Code is amended and reenacted as follows:

57-20-02. Tax list made out by county auditor.

As soon as practicable after the taxes are levied, and after the levies of the several taxing districts within the county have been certified, the county auditor shall make out the tax lists according to the prescribed form to correspond with the assessment districts of the county. The tax ~~percentage~~ rate necessary to raise the required amount of the various taxes must be calculated on the taxable valuation of property after equalization by the state board of equalization, but no rate may be used which results in any fraction of less than ~~one-half of one-tenth of a mill, and in extending any tax, it, whenever it amounts to the fractional part of a cent, must be made one cent~~a tax rate of one-quarter of one cent per one thousand dollars of taxable valuation of property in the county.

SECTION 130. AMENDMENT. Section 57-22-16 of the North Dakota Century Code is amended and reenacted as follows:

57-22-16. Procedure when personal property is about to be sold or removed without payment of tax.

If a township, city, or county officer learns or believes that there is danger that personal property which has been assessed and upon which any personal property taxes are due or will be due, will be sold, or removed from the county, without payment of the taxes and without leaving sufficient property to pay the whole of such taxes, the officer shall report such fact to the sheriff, who forthwith shall collect the taxes, or distrain and sell sufficient property to pay the

same, if they are not paid on demand, or require an undertaking from the owner in favor of the county treasurer, conditioned that all taxes levied upon such property will be paid when due. Such undertaking must be approved by the recorder, unless the board of county commissioners designates a different official. If the taxes involved have not been levied, they must be ascertained by the county auditor by applying the aggregate ~~mill levy~~tax rate of the previous year for the taxing district in which the property is assessed to the current taxable valuation, and if, after the tax for the current year is levied, there is any excess, it must be refunded to the taxpayer on order of the board of county commissioners. In case a bond has been given, and the taxes are not paid when due, the county treasurer shall bring an action for the taxes and costs in the district court of the county, and the state's attorney shall represent the treasurer in such action on the bond.

SECTION 131. AMENDMENT. Section 57-32-02 of the North Dakota Century Code is amended and reenacted as follows:

57-32-02. Assessment and computation of tax.

The tax commissioner, after the provisions of chapter 57-06 have been complied with and final assessment has been made by the state board of equalization, shall compute a tax upon the valuation fixed as is provided by law for the assessment of other utilities. Such a tax must be computed by applying to that portion of the valuation which by law is subject to tax the average ~~millage~~tax rate, which is obtained by dividing the total taxable valuation of all property within this state for the current year, into the total of all state and local taxes assessed within the state on a ~~millage~~tax rate basis for the current year. The tax for air transportation companies must be computed by applying, to that portion of the valuation which by law is subject to the tax, the average ~~millage~~tax rate which is obtained by dividing the total taxable valuation of all property for the current year, within all cities operating an airport served by scheduled airlines in North Dakota, into the total of all state and local taxes assessed within all such cities ~~on a millage basis~~ for the current year.

SECTION 132. AMENDMENT. Subdivision b of subsection 3 of section 57-33.2-19 of the North Dakota Century Code is amended and reenacted as follows:

b. Revenue from the generation taxes under section 57-33.2-04 from wind farms must be allocated to the county and among taxing districts in which the wind farm is located in proportion to their respective most recent property tax ~~mill~~ rates that

apply to the land on which the wind farm is located. For purposes of revenue allocation when generation turbines are located in more than one county or other taxing district, the capacity tax in subdivision a of subsection 1 of section 57-33.2-04 must be based on the capacity of the turbines within each county or taxing district. The electricity output for the kilowatt-hour tax in subdivision b of subsection 1 of section 57-33.2-04 must be allocated according to the proportionate share of wind generation capacity within each county or other taxing district in relation to the total capacity of the wind farm.

SECTION 133. AMENDMENT. Section 57-39.2-26.2 of the North Dakota Century Code is amended and reenacted as follows:

57-39.2-26.2. Allocation of revenues to senior citizen services and programs matching fund - Continuing appropriation.

Notwithstanding any other provision of law, a portion of sales, use, and motor vehicle excise tax collections equal to the amount of revenue that would have been generated by a levy of ~~eighty-five percent of one mill on the~~four and one-quarter cents per one thousand dollars of taxable valuation of all property in the state subject to a levy under section 57-15-56 in the previous taxable year must be deposited by the state treasurer in the senior citizen services and programs fund during the period from July first through December thirty-first of each year. The state tax commissioner shall certify to the state treasurer the portion of sales, use, and motor vehicle excise tax revenues which must be deposited in the fund as determined under this section. Revenues deposited in the senior citizen services and programs fund are provided as a standing and continuing appropriation for allocation as provided in subsection 5 of section 57-15-56. Any unexpended and unobligated amount in the senior citizen services and programs fund at the end of any biennium must be transferred by the state treasurer to the state general fund.

SECTION 134. AMENDMENT. Section 57-44-03 of the North Dakota Century Code is amended and reenacted as follows:

57-44-03. How tax computed and spread.

After the board of county commissioners has levied such tax, the county auditor shall apply the consolidated ~~mill~~tax rate levy for the year for which such levy is made to the taxable

valuation of property involved and shall spread the proper tax charges upon the tax list of the county.

SECTION 135. AMENDMENT. Section 57-47-04 of the North Dakota Century Code is amended and reenacted as follows:

57-47-04. Levy of tax to repay loan - Limitation.

Upon the issuance of the evidence of indebtedness, the board of county commissioners shall levy a general tax from year to year upon all of the general taxable property of the county, not exceeding the limitation in subsection 27 of section 57-15-06.7, for the purpose of providing funds sufficient to repay the amount of the loan, with interest, at the time of maturity. The tax may not exceed ~~three mills~~a tax rate of fifteen cents per one thousand dollars of taxable valuation of property in the county for any one year regardless of the number of loans outstanding under this chapter.

SECTION 136. AMENDMENT. Section 57-51-15 of the North Dakota Century Code is amended and reenacted as follows:

57-51-15. (Effective for taxable events occurring through June 30, 2015) Gross production tax allocation.

The gross production tax must be allocated monthly as follows:

1. First the tax revenue collected under this chapter equal to one percent of the gross value at the well of the oil and one-fifth of the tax on gas must be deposited with the state treasurer who shall:
   a. Allocate to each hub city a monthly amount that will provide a total allocation of three hundred seventy-five thousand dollars per fiscal year for each full or partial percentage point of its private covered employment engaged in the mining industry, according to data compiled by job service North Dakota;
   b. Allocate to each hub city school district a monthly amount that will provide a total allocation of one hundred twenty-five thousand dollars per fiscal year for each full or partial percentage point of the hub city's private covered employment engaged in the mining industry, according to data compiled by job service North Dakota;
   c. Credit revenues to the oil and gas impact grant fund, but not in an amount exceeding two hundred forty million dollars per biennium;

d. Credit four percent of the amount available under this subsection to the North Dakota outdoor heritage fund, but not in an amount exceeding fifteen million dollars in a state fiscal year and not in an amount exceeding thirty million dollars per biennium;

e. Credit four percent of the amount available under this subsection to the abandoned oil and gas well plugging and site reclamation fund, but not in an amount exceeding five million dollars in a state fiscal year and not in an amount that would bring the balance in the fund to more than seventy-five million dollars; and

f. Allocate the remaining revenues under subsection 3.

2. After deduction of the amount provided in subsection 1, annual revenue collected under this chapter from oil and gas produced in each county must be allocated as follows:

a. The first five million dollars is allocated to the county.

b. Of all annual revenue exceeding five million dollars, twenty-five percent is allocated to the county.

3. After the allocations under subsections 1 and 2, the amount remaining is allocated first to provide for deposit of thirty percent of all revenue collected under this chapter in the legacy fund as provided in section 26 of article X of the Constitution of North Dakota and the remainder must be allocated to the state general fund. If the amount available for a monthly allocation under this subsection is insufficient to deposit thirty percent of all revenue collected under this chapter in the legacy fund, the state treasurer shall transfer the amount of the shortfall from the state general fund share of oil extraction tax collections and deposit that amount in the legacy fund.

4. For a county that received less than five million dollars of allocations under subsection 2 in the most recently completed state fiscal year, revenues allocated to that county must be distributed by the state treasurer as follows:

a. Forty-five percent must be distributed to the county treasurer and credited to the county general fund. However, the allocation to a county under this subdivision must be credited to the state general fund if in a taxable year after 2012 the county is not levying a ~~total~~tax rate of at least ~~ten mills~~fifty cents per one

thousand dollars of taxable valuation of property in the county for combined levies for county road and bridge, farm-to-market and federal aid road, and county road purposes.

b. Thirty-five percent of all revenues allocated to any county for allocation under this subsection must be apportioned by the state treasurer no less than quarterly to school districts within the county, excluding consideration of and allocation to any hub city school district in the county, on the average daily attendance distribution basis, as certified to the state treasurer by the county superintendent of schools.

c. Twenty percent must be apportioned no less than quarterly by the state treasurer to the incorporated cities of the county. A hub city must be omitted from apportionment under this subdivision. Apportionment among cities under this subsection must be based upon the population of each incorporated city according to the last official decennial federal census. In determining the population of any city in which total employment increases by more than two hundred percent seasonally due to tourism, the population of that city for purposes of this subdivision must be increased by eight hundred percent.

5. For a county that received five million dollars or more of allocations under subsection 2 in the most recently completed state fiscal year, revenues allocated to that county must be distributed by the state treasurer as follows:

a. Sixty percent must be distributed to the county treasurer and credited to the county general fund. However, the allocation to a county under this subdivision must be credited to the state general fund if in a taxable year after 2012 the county is not levying a ~~total~~tax rate of at least ~~ten mills~~fifty cents per one thousand dollars of taxable valuation of property in the county for combined levies for county road and bridge, farm-to-market and federal aid road, and county road purposes.

b. Five percent must be apportioned by the state treasurer no less than quarterly to school districts within the county on the average daily attendance distribution basis for kindergarten through grade twelve students residing within the county, as certified to the state treasurer by the county superintendent of schools.

However, a hub city school district must be omitted from consideration and apportionment under this subdivision.

c. Twenty percent must be apportioned no less than quarterly by the state treasurer to the incorporated cities of the county. A hub city must be omitted from apportionment under this subdivision. Apportionment among cities under this subsection must be based upon the population of each incorporated city according to the last official decennial federal census. In determining the population of any city in which total employment increases by more than two hundred percent seasonally due to tourism, the population of that city for purposes of this subdivision must be increased by eight hundred percent.

d. Three percent must be apportioned no less than quarterly by the state treasurer among the organized and unorganized townships of the county. The state treasurer shall apportion the funds available under this subdivision among townships in the proportion that township road miles in the township bear to the total township road miles in the county. The amount apportioned to unorganized townships under this subdivision must be distributed to the county treasurer and credited to a special fund for unorganized township roads, which the board of county commissioners shall use for the maintenance and improvement of roads in unorganized townships.

e. Three percent must be allocated by the state treasurer among the organized and unorganized townships in all the counties that received five million dollars or more of allocations under subsection 2 in the most recently completed state fiscal year. The amount available under this subdivision must be allocated no less than quarterly by the state treasurer in an equal amount to each eligible organized and unorganized township. The amount allocated to unorganized townships under this subdivision must be distributed to the county treasurer and credited to a special fund for unorganized township roads, which the board of county commissioners shall use for the maintenance and improvement of roads in unorganized townships.

f. Nine percent must be allocated by the state treasurer among hub cities. The amount available for allocation under this subdivision must be apportioned by the

state treasurer no less than quarterly among hub cities. Sixty percent of funds available under this subdivision must be distributed to the hub city receiving the greatest percentage of allocations to hub cities under subdivision a of subsection 1 for the quarterly period, thirty percent of funds available under this subdivision must be distributed to the hub city receiving the second greatest percentage of such allocations, and ten percent of funds available under this subdivision must be distributed to the hub city receiving the third greatest percentage of such allocations.

6. Within thirty days after the end of each calendar year, the board of county commissioners of each county that has received an allocation under this section shall file a report for the calendar year with the commissioner, in a format prescribed by the commissioner, including:
   a. The county's statement of revenues and expenditures; and
   b. The amount allocated to or for the benefit of townships or school districts, the amount allocated to each organized township or school district and the amount expended from each such allocation by that township or school district, the amount expended by the board of county commissioners on behalf of each unorganized township for which an expenditure was made, and the amount available for allocation to or for the benefit of townships or school districts which remained unexpended at the end of the fiscal year.

   Within fifteen days after the time when reports under this subsection were due, the commissioner shall provide the reports to the legislative council compiling the information from reports received under this subsection.

(Effective for taxable events occurring after June 30, 2015) Gross production tax allocation. The gross production tax must be allocated monthly as follows:

1. First the tax revenue collected under this chapter equal to one percent of the gross value at the well of the oil and one-fifth of the tax on gas must be deposited with the state treasurer who shall:
   a. Allocate five hundred thousand dollars per fiscal year to each city in an oil-producing county which has a population of seven thousand five hundred or more and more than two percent of its private covered employment engaged in

the mining industry, according to data compiled by job service North Dakota. The allocation under this subdivision must be doubled if the city has more than seven and one-half percent of its private covered employment engaged in the mining industry, according to data compiled by job service North Dakota;

b. Credit revenues to the oil and gas impact grant fund, but not in an amount exceeding one hundred million dollars per biennium;

c. Credit four percent of the amount available under this subsection to the North Dakota outdoor heritage fund, but not in an amount exceeding fifteen million dollars in a state fiscal year and not in an amount exceeding thirty million dollars per biennium;

d. Credit four percent of the amount available under this subsection to the abandoned oil and gas well plugging and site reclamation fund, but not in an amount exceeding five million dollars in a state fiscal year and not in an amount that would bring the balance in the fund to more than seventy-five million dollars; and

e. Allocate the remaining revenues under subsection 3.

2. After deduction of the amount provided in subsection 1, annual revenue collected under this chapter from oil and gas produced in each county must be allocated as follows:

a. The first two million dollars is allocated to the county.

b. Of the next one million dollars, seventy-five percent is allocated to the county.

c. Of the next one million dollars, fifty percent is allocated to the county.

d. Of the next fourteen million dollars, twenty-five percent is allocated to the county.

e. Of all annual revenue exceeding eighteen million dollars, ten percent is allocated to the county.

3. After the allocations under subsections 1 and 2, the amount remaining is allocated first to provide for deposit of thirty percent of all revenue collected under this chapter in the legacy fund as provided in section 26 of article X of the Constitution of North Dakota and the remainder must be allocated to the state general fund. If the amount available for a monthly allocation under this subsection is insufficient to deposit thirty percent of all revenue collected under this chapter in the legacy fund, the state treasurer shall

transfer the amount of the shortfall from the state general fund share of oil extraction tax collections and deposit that amount in the legacy fund.

4. The amount to which each county is entitled under subsection 2 must be allocated within the county so the first five million three hundred fifty thousand dollars is allocated under subsection 5 for each fiscal year and any amount received by a county exceeding five million three hundred fifty thousand dollars is credited by the county treasurer to the county infrastructure fund and allocated under subsection 6.

5. a. Forty-five percent of all revenues allocated to any county for allocation under this subsection must be credited by the county treasurer to the county general fund. However, the allocation to a county under this subdivision must be credited to the state general fund if during that fiscal year the county does not levy a total of at least ten mills for combined levies for county road and bridge, farm-to-market and federal aid road, and county road purposes.

   b. Thirty-five percent of all revenues allocated to any county for allocation under this subsection must be apportioned by the county treasurer no less than quarterly to school districts within the county on the average daily attendance distribution basis, as certified to the county treasurer by the county superintendent of schools. However, no school district may receive in any single academic year an amount under this subsection greater than the county average per student cost multiplied by seventy percent, then multiplied by the number of students in average daily attendance or the number of children of school age in the school census for the county, whichever is greater. Provided, however, that in any county in which the average daily attendance or the school census, whichever is greater, is fewer than four hundred, the county is entitled to one hundred twenty percent of the county average per student cost multiplied by the number of students in average daily attendance or the number of children of school age in the school census for the county, whichever is greater. Once this level has been reached through distributions under this subsection, all excess funds to which the school district would be entitled as part of its thirty-five percent share must be deposited instead in the county general fund. The county superintendent of schools of each oil-producing county shall certify to the county treasurer by July first of each year

the amount to which each school district is limited pursuant to this subsection. As used in this subsection, "average daily attendance" means the average daily attendance for the school year immediately preceding the certification by the county superintendent of schools required by this subsection.

The countywide allocation to school districts under this subdivision is subject to the following:

(1) The first three hundred fifty thousand dollars is apportioned entirely among school districts in the county.

(2) The next three hundred fifty thousand dollars is apportioned seventy-five percent among school districts in the county and twenty-five percent to the county infrastructure fund.

(3) The next two hundred sixty-two thousand five hundred dollars is apportioned two-thirds among school districts in the county and one-third to the county infrastructure fund.

(4) The next one hundred seventy-five thousand dollars is apportioned fifty percent among school districts in the county and fifty percent to the county infrastructure fund.

(5) Any remaining amount is apportioned to the county infrastructure fund except from that remaining amount the following amounts are apportioned among school districts in the county:

(a) Four hundred ninety thousand dollars, for counties having a population of three thousand or fewer.

(b) Five hundred sixty thousand dollars, for counties having a population of more than three thousand and fewer than six thousand.

(c) Seven hundred thirty-five thousand dollars, for counties having a population of six thousand or more.

c. Twenty percent of all revenues allocated to any county for allocation under this subsection must be apportioned no less than quarterly by the state treasurer to the incorporated cities of the county. Apportionment among cities under this subsection must be based upon the population of each incorporated city according to the last official decennial federal census. In determining the

population of any city in which total employment increases by more than two hundred percent seasonally due to tourism, the population of that city for purposes of this subdivision must be increased by eight hundred percent. If a city receives a direct allocation under subsection 1, the allocation to that city under this subsection is limited to sixty percent of the amount otherwise determined for that city under this subsection and the amount exceeding this limitation must be reallocated among the other cities in the county.

6. a. Forty-five percent of all revenues allocated to a county infrastructure fund under subsections 4 and 5 must be credited by the county treasurer to the county general fund. However, the allocation to a county under this subdivision must be credited to the state general fund if during that fiscal year the county does not levy a ~~total~~tax rate of at least ~~ten mills~~fifty cents per one thousand dollars of taxable valuation of property in the county for combined levies for county road and bridge, farm-to-market and federal aid road, and county road purposes.

b. Thirty-five percent of all revenues allocated to the county infrastructure fund under subsections 4 and 5 must be allocated by the board of county commissioners to or for the benefit of townships in the county on the basis of applications by townships for funding to offset oil and gas development impact to township roads or other infrastructure needs or applications by school districts for repair or replacement of school district vehicles necessitated by damage or deterioration attributable to travel on oil and gas development-impacted roads. An organized township is not eligible for an allocation of funds under this subdivision unless during that fiscal year that township levies a tax rate of at least ~~ten mills~~fifty cents per one thousand dollars of taxable valuation of property in the township for township purposes. For unorganized townships within the county, the board of county commissioners may expend an appropriate portion of revenues under this subdivision to offset oil and gas development impact to township roads or other infrastructure needs in those townships. The amount deposited during each calendar year in the county infrastructure fund which is designated for allocation under this subdivision and which is unexpended and unobligated at the end of the calendar year must be transferred by the county

treasurer to the county road and bridge fund for use on county road and bridge projects.

c. Twenty percent of all revenues allocated to any county infrastructure fund under subsections 4 and 5 must be allocated by the county treasurer no less than quarterly to the incorporated cities of the county. Apportionment among cities under this subsection must be based upon the population of each incorporated city according to the last official decennial federal census. If a city receives a direct allocation under subsection 1, the allocation to that city under this subsection is limited to sixty percent of the amount otherwise determined for that city under this subsection and the amount exceeding this limitation must be reallocated among the other cities in the county.

7. Within thirty days after the end of each calendar year, the board of county commissioners of each county that has received an allocation under this section shall file a report for the calendar year with the commissioner, in a format prescribed by the commissioner, including:

a. The county's statement of revenues and expenditures; and

b. The amount available in the county infrastructure fund for allocation to or for the benefit of townships or school districts, the amount allocated to each organized township or school district and the amount expended from each such allocation by that township or school district, the amount expended by the board of county commissioners on behalf of each unorganized township for which an expenditure was made, and the amount available for allocation to or for the benefit of townships or school districts which remained unexpended at the end of the fiscal year.

Within fifteen days after the time when reports under this subsection were due, the commissioner shall provide the reports to the legislative council compiling the information from reports received under this subsection.

SECTION 137. AMENDMENT. Section 57-55-04 of the North Dakota Century Code is amended and reenacted as follows:

57-55-04. Taxes - How determined - Disbursement.

The director of tax equalization shall determine the tax for each mobile home by placing an evaluation on the mobile home based upon its ~~assessed~~true and full value and by adjusting the valuation of the mobile home by the percentage provided for residential property in section 57-02-27, to the extent it is used for residential purposes, to determine its taxable valuation under standards and guides determined by the state tax commissioner and applying that evaluation to the preceding year's total ~~mill levies~~tax rate applying to property within the taxing district in which the mobile home is located. The county treasurer shall provide a tax statement for each mobile home subject to taxation under this chapter, including three columns showing, for the taxable year to which the tax statement applies and the two immediately preceding taxable years, the property tax levy in dollars against the mobile home by the county and school district and any city or township that levied taxes against the mobile home. If a mobile home is acquired or moved into this state during the calendar year and a tax permit has not been previously issued for such mobile home in this state for such year, the tax is determined by computing the remaining number of months of the current year to the nearest full month and multiplying that number by one-twelfth of the amount which would be due for the full year. The taxes collected under this chapter must be disbursed in the same year they are collected and in the same manner as real estate taxes for the preceding year are disbursed.

SECTION 138. AMENDMENT. Section 57-64-01 of the North Dakota Century Code is amended and reenacted as follows:

57-64-01. (Suspended through the first two taxable years beginning after December 31, 2012) Definitions.

For purposes of this chapter:

1. "Combined education ~~mill~~tax rate" means the combined ~~number of mills~~tax rate levied by a school district for the general fund, high school tuition, and high school transportation.
2. "Qualifying school district" means a school district that meets the conditions and requirements of this chapter to receive a ~~mill~~tax levy reduction grant.

SECTION 139. AMENDMENT. Section 57-64-02 of the North Dakota Century Code is amended and reenacted as follows:

57-64-02. (Suspended through the first two taxable years beginning after December 31, 2012) ~~Mill~~Tax levy reduction allocation and grant.

Each qualifying school district in the state is entitled to a ~~mill~~tax levy reduction allocation and grant as provided in this chapter, subject to legislative appropriation to the superintendent of public instruction.

1. The ~~mill~~tax levy reduction allocation rate for each qualifying school district is equal to the payments to the school district based on the per student payment rate as determined for the school year under chapter 15.1-27.
2. The grant to a qualifying school district may not exceed the smallest of:
   a. The allocation determined under subsection 1;
   b. The taxable valuation of property in the school district in the previous taxable year times the ~~number of mills~~tax rate determined by subtracting ~~one hundred mills~~five dollars per one thousand dollars of taxable valuation of property in the district from the combined education ~~mill~~tax rate of the school district for taxable year 2008; or
   c. The taxable valuation of property in the school district in the previous taxable year times ~~seventy-five mills~~three dollars and seventy-five cents per one thousand dollars of taxable valuation of property in the district.
3. The grant to a qualifying school district may not be less than the grant to that school district in the preceding school year.
4. The grant to a qualifying school district may not exceed the grant to that school district in the preceding school year by a percentage that is more than the percentage increase in statewide taxable valuation which was determined for the previous taxable year.
5. For purposes of this section, "taxable valuation" means the valuation to which the ~~mill~~tax rate is applied to determine the amount of ad valorem taxes or payments in lieu of taxes, and includes taxable valuation determined for agricultural, residential, and commercial property; railroad property assessed by the state board of equalization under chapter 57-05; gas company property, pipeline property, and power company property assessed by the state board of equalization under chapter 57-06; mobile homes under chapter 57-55; land controlled by the game and fish department subject

to valuation under chapter 57-02.1; land owned by the board of university and school lands or the state treasurer subject to valuation under chapter 57-02.3; national guard land subject to valuation under chapter 37-07.3; farmland or ranchland owned by nonprofit organizations for conservation purposes subject to valuation under section 10-06.1-10; land acquired by the state water commission for the Devils Lake project subject to valuation under chapter 61-02; a workforce safety and insurance building and associated real property subject to valuation under section 65-02-32; and carbon dioxide pipeline property subject to valuation under section 57-06-17.2. For purposes of this section, "taxable valuation" includes the taxable valuation of the homestead credit reimbursed by the state under section 57-02-08.2 and the disabled veterans' credit reimbursed by the state under section 57-02-08.8.

6. The superintendent of public instruction shall report to each qualifying school district by July fifteenth of each year the ~~mill~~tax levy reduction grant in dollars available to that school district during the upcoming school year.

7. By December first, January first, February first, and March first of each school year, the superintendent of public instruction shall forward to each qualifying school district installments equal to twenty-five percent of the total ~~mill~~tax levy reduction grant the district is eligible to receive during that school year.

8. Allocations to a school district under this chapter are not considered per student payments or state aid for purposes of chapter 15.1-27.

9. For all purposes under law relating to allocation of funds among political subdivisions based on property tax levies, property taxes levied by a school district are the amount that would have been levied without the ~~mill~~tax levy reduction grant provided to the school district under this chapter.

SECTION 140. AMENDMENT. Section 57-64-03 of the North Dakota Century Code is amended and reenacted as follows:

57-64-03. (Suspended through the first two taxable years beginning after December 31, 2012) School district levy compliance.

1. To be eligible to receive a grant under this chapter, a qualifying school district must establish a spending level that does not result in a general fund ~~mill~~tax rate exceeding ~~one hundred ten mills~~five dollars and fifty cents per one thousand dollars of taxable

valuation of property in the district. The certificate of levy form filed with the county auditor by a qualifying school district must reflect the revenue to be received by the school district under this chapter and that the general fund ~~mill~~tax rate for the school district will not exceed ~~one hundred ten mills~~five dollars and fifty cents per one thousand dollars of taxable valuation of property in the district unless:

a. The district has approval of a majority of the electors of the school district for a higher levy;

b. The higher levy is the result of a school district reorganization in compliance with chapter 15.1-12;

c. The higher levy does not produce an amount in dollars exceeding the amount allowed under section 57-15-01.1 reduced by the amount of the school district's ~~mill~~tax levy reduction grant under section 57-64-02 for the budget year; or

d. The district has authority for a higher levy under subdivision b of subsection 2.

2. The authority under subdivision a or b of subsection 1 for a school district to levy a general fund ~~mill~~tax rate exceeding ~~one hundred ten mills~~five dollars and fifty cents per one thousand dollars of taxable valuation of property in the district applies for not more than ten taxable years at a time after taxable year 2008 unless a majority of the electors of the school district approve an extension of that authority. Approval by electors of extension of levy authority under subdivision a or b of subsection 1 is effective for not more than ten taxable years at a time. A ballot measure for approval by electors of extension of levy authority under subdivision a or b of subsection 1 is subject to the following:

a. The ballot measure must specify the ~~number of mills~~amount levied for the general fund ~~mill~~tax rate for which approval is sought.

b. If a ballot measure for approval of extension of levy authority under this subsection is not approved by a majority of the electors of the school district voting on the question, the school district general fund levy limitation for subsequent years is subject to the limitations as determined for the school district's budget year under section 57-15-01.1 or 57-15-14, whichever produces the higher levy limitation.

SECTION 141. AMENDMENT. Section 57-64-04 of the North Dakota Century Code is amended and reenacted as follows:

57-64-04. (Suspended through the first two taxable years beginning after December 31, 2012) Levy reduction priority.

In setting ~~mill~~tax rates for qualified school districts, the county auditor shall apply funds allocated to a school district under this chapter for ~~mill~~ levy reduction first to reduce the ~~number of mills~~amount levied for general fund purposes and, if allocation funds remain after the general fund ~~mill~~ rate is reduced to zero, the balance must be applied to reduce the high school tuition levy and, if allocation funds remain after the high school tuition levy ~~mill~~ rate is reduced to zero, then to reduce the high school transportation levy of the qualified school district.

SECTION 142. AMENDMENT. Subsection 18 of section 58-03-07 of the North Dakota Century Code is amended and reenacted as follows:

18. To authorize the expenditure of funds to pay membership fees in county, state, and national associations of township governments. This subsection may not be construed to authorize a ~~mill~~tax levy.

SECTION 143. AMENDMENT. Section 58-15-02 of the North Dakota Century Code is amended and reenacted as follows:

58-15-02. Tax levy for police officer - Certification - Extension.

If a petition filed under the provisions of section 58-15-01 is found sufficient, the board of township supervisors, at the time the general township tax levy is made, shall levy upon all the property within the unincorporated townsite from which the petition is received the specific amount fixed by the board as the compensation of the police officer. The amount so levied must be certified to the county auditor when other township taxes are certified. The county auditor shall calculate the ~~mill~~tax rate levy necessary to raise the sum and extend the same on the tax list of the township against the property within the unincorporated townsite in a column entitled "police tax".

SECTION 144. AMENDMENT. Section 61-04.1-24 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-24. Petition contents.

The petition for the creation of a weather modification authority and for appointment of commissioners shall contain:

1. A title with the heading: "Petition for Creation of (insert name of county) Weather Modification Authority".
2. The following paragraph: We, the undersigned qualified electors of (name of county), state of North Dakota, by this initiated petition request that the (name of county) board of county commissioners of said county create by resolution a (name of county) weather modification authority and appoint the following five qualified electors of the county to a ten-year term of office as commissioners for the (name of county) weather modification authority:

   (Here insert the name and address of each proposed commissioner for the (name of county) weather modification authority.)
3. The following paragraph: We, the undersigned qualified electors of the (name of county), state of North Dakota, are notified hereby that the creation of the (name of county) weather modification authority and the appointment of its commissioners by the (name of county) board of county commissioners will grant unto the authority by law the power to certify to the board of county commissioners a ~~mill~~tax levy ~~tax~~ not to exceed ~~seven mills upon the~~a tax rate of thirty-five cents per one thousand dollars of taxable valuation of property in said county for a weather modification fund, which tax may be levied in excess of the ~~mill~~tax levy limit fixed by law for taxes for general county purposes and that such fund shall be used for weather modification activities in conjunction with the state of North Dakota. We, the undersigned, understand that the authority requested in this petition expires ten years after the creation of the weather modification authority, except that the board of county commissioners may by resolution create a weather modification authority and all its powers, including the power to certify a tax levy as provided by section 61-04.1-26, for five-year periods in accordance with section 61-04.1-27.
4. A heading: "Committee for Petitioners", followed by this statement: The following qualified electors of (name of county), state of North Dakota, are authorized to represent and act for us, and shall constitute the "Committee for the Petitioners" in the matter of this petition and all acts subsequent thereto.

5. Petition details: All signatures to such petition shall be numbered and dated by month, day, and year. The name shall be written with residence address and post-office address, including the county of residence followed by state of North Dakota.
6. An affidavit to be attached to each petition and sworn to under oath before a notary public by the person circulating each petition attesting to the fact that the person circulated the petition and that each of the signatures to said petition is the genuine signature of the person whose name it purports to be, and that each such person is a qualified elector in the county in which the petition was circulated.
7. The petition must state the ~~mills~~tax rate to be levied by the county for the purposes of this chapter.

SECTION 145. AMENDMENT. Section 61-04.1-26 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-26. Tax may be certified by weather modification authority.

The weather modification authority may certify annually to the board of county commissioners a tax of not to exceed ~~seven mills upon the~~a tax rate of thirty-five cents per one thousand dollars of taxable valuation of the property in the county for a weather modification fund. If weather modification services are not provided to the entire county, the weather modification authority may certify annually to the board of county commissioners a tax for a weather modification fund of not to exceed ~~seven mills upon the~~a tax rate of thirty-five cents per one thousand dollars of taxable valuation of the property in the county designated to receive weather modification services. The tax shall be levied by the board of county commissioners and may be levied in excess of the ~~mill~~tax levy limit fixed by law for taxes for general county purposes. The weather modification fund shall be used only for weather modification activities in conjunction with the state of North Dakota. The tax certified by the weather modification authority is limited to the period of existence of the weather modification authority as provided for in this chapter.

SECTION 146. AMENDMENT. Section 61-04.1-32 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-32. County budget may be waived for first appropriation - Conditions.

The provisions of chapter 11-23 shall not apply to appropriations made under the provisions of this chapter. However, immediately after a weather modification authority has been created

by resolution of the board of county commissioners, and after certification of a ~~mill~~tax levy by the weather modification authority, and only for the initial or first appropriation for the authority, the board of county commissioners may appropriate from moneys, not otherwise appropriated, in the general fund, such moneys as are necessary for carrying out the provisions of this chapter. However, the appropriation shall not exceed an amount equal to what funds would be raised by a ~~seven-mill levy upon the~~tax rate of thirty-five cents per one thousand dollars of taxable valuation of the property in the county.

SECTION 147. AMENDMENT. Subsection 2 of section 61-16.1-11 of the North Dakota Century Code is amended and reenacted as follows:

2. The districts which are parties to such an agreement may provide for disbursements from their individual budgets to carry out the purpose of the agreement. In addition, a joint board established pursuant to this section may adopt, by resolution, on or before July first of each year, a budget showing estimated expenses for the ensuing fiscal year and the proposed contributions of each member district as determined by the agreement. The boards of the member districts then shall levy by resolution a tax not ~~to exceed two mills~~exceeding a tax rate of ten cents per one thousand dollars upon the taxable valuation of the ~~real~~ property within each district within the river basin or region subject to the joint agreement. The levy may be in excess of any other levy authorized for a district.

SECTION 148. AMENDMENT. Subsection 9 of section 61-24-08 of the North Dakota Century Code is amended and reenacted as follows:

9. In 1961 and each year thereafter to levy a tax of not to exceed ~~one mill annually on each dollar~~a tax rate of ten cents per one thousand dollars of taxable valuation of property in the district for the payment of the expenses of the district, including~~, but not limited to,~~ per diem, mileage and other expenses of directors, technical, administrative, clerical, operating and other expenses of the district office, and for the cumulation of a continuing fund through such levy for the performance of obligations entered into with the United States of America in connection with the construction, operation, and maintenance of works of the said Garrison diversion unit of the Missouri River basin project. All moneys collected pursuant to such levy shall be deposited in the Bank of North Dakota to the credit of the district and shall be disbursed only as herein

provided. The board may invest any funds on hand, not needed for immediate disbursement or which are held in reserve for future payments, in bonds of the United States, bonds and mortgages or other securities the payment of which is guaranteed by the United States or an instrumentality or agency thereof, or bonds or certificates of indebtedness of the state of North Dakota or any of its political subdivisions. The amount which may be levied in any one year for operating the district prior to authorization by Congress of the Garrison diversion project shall not exceed ten percent of the maximum permissible.

SECTION 149. AMENDMENT. Section 61-24-09 of the North Dakota Century Code is amended and reenacted as follows:

61-24-09. District budget - Determination of amount to be levied - Adoption of levy - Limitation.

In July of each year, the board of directors shall estimate and itemize all the expenses and obligations of the district, including expenses of directors, expenses of operating the office, debt service and retirement, and obligations and liabilities to the United States for which provision must be made. The board of directors may include in such budget funds deemed necessary to create reserve funds to meet future payments under district contracts. Upon the completion and adoption of such budget, the board of directors shall make a tax levy in an amount sufficient to meet such budget. Such levy shall be in the form of a resolution, adopted by a majority vote of the members of the board of directors of the district. Such resolution shall levy ~~in mills, but~~ not exceeding ~~one mill~~a tax rate of five cents per one thousand dollars of taxable valuation of property in the district, sufficient to meet all the expenses, obligations, and liabilities of the district as provided in the budget.

SECTION 150. AMENDMENT. Section 61-24.5-10 of the North Dakota Century Code is amended and reenacted as follows:

61-24.5-10. District budget - Tax levy.

For each taxable year through 2020, the authority may levy a tax of not to exceed ~~one mill annually on each dollar of taxable valuation~~a tax rate of five cents per one thousand dollars of taxable valuation of property within the boundaries of the authority for the payment of administrative expenses of the authority, including per diem, mileage, and other expenses of directors, expenses of operating the office, engineering, surveying, investigations, legal,

administrative, clerical, and other related expenses of the authority. All moneys collected pursuant to the levy must be deposited to the credit of the authority and may be disbursed only as herein provided. The board may invest any funds on hand, not needed for immediate disbursement or which are held in reserve for future payments, in bonds of the United States, certificates of deposit guaranteed or insured by the United States or an instrumentality or agency thereof, and bonds or certificates of indebtedness of the state of North Dakota or any of its political subdivisions. During the period of time in which the authority may levy ~~one mill~~a tax rate of five cents per one thousand dollars of taxable valuation of property within the boundaries of the authority annually as provided herein, any joint water resource board created pursuant to section 61-16.1-11, by or among one or more of the water resource districts in the counties which are included in the authority, must be limited to ~~one mill~~a tax rate of five cents per one thousand dollars of taxable valuation of property in each district under the authority of section 61-16.1-11.

SECTION 151. AMENDMENT. Section 61-24.5-11 of the North Dakota Century Code is amended and reenacted as follows:

61-24.5-11. District budget - Determination of amount to be levied - Adoption of levy - Limitation.

In July of each year, the board of directors shall estimate and itemize all the administrative expenses and obligations of the district, including expenses of directors, expenses of operating the office, and any other obligations and liabilities relating to administrative, clerical, engineering, surveying, investigations, legal, and other related expenses of the authority. Upon the completion and adoption of such budget, the board of directors shall make a tax levy in an amount sufficient to meet such budget. Such levy must be in the form of a resolution, adopted by a majority vote of the members of the board of directors of the district. Such resolution must levy ~~in mills, but may not exceed one mill~~not exceeding a tax rate of five cents per one thousand dollars of taxable valuation of property in the district, and must be sufficient to meet the administrative, engineering, surveying, investigations, legal and related expenses, obligations, and liabilities of the district as provided in the budget. The board shall also prepare and adopt an annual budget for operation, management, maintenance, and repayment of the southwest pipeline project. Revenues for operation, management, maintenance, and repayment of the southwest pipeline project must come from water service contract revenues.

SECTION 152. AMENDMENT. Section 61-24.5-12 of the North Dakota Century Code is amended and reenacted as follows:

61-24.5-12. Board to certify ~~mill~~tax levy to city auditors, county auditors, and state tax commissioner.

Upon the adoption of the annual ~~mill~~tax levy by the board of directors, but no later than October first, the secretary of the board shall send one certified copy of the ~~mill~~tax levy to the county auditor of each county which is a member of the authority. Copies of all such documents must be sent to the state tax commissioner.

SECTION 153. AMENDMENT. Section 61-24.5-13 of the North Dakota Century Code is amended and reenacted as follows:

61-24.5-13. County auditors to extend tax levy.

The county auditor of each county within the authority, to whom a ~~mill~~tax levy is certified in accordance with this chapter, shall extend the levy upon the tax lists for the current year against each description of taxable real ~~property~~ and ~~all~~ personal property within the county in the same manner and with the same effect as other taxes are extended.

SECTION 154. AMENDMENT. Section 61-24.5-14 of the North Dakota Century Code is amended and reenacted as follows:

61-24.5-14. County treasurer or city auditor to collect and remit district taxes - District fund established - ~~Nonreverter -~~ Disbursements.

The treasurer of each county in which a ~~mill~~tax levy has been certified shall collect the taxes, ~~together with interest and penalty thereon, if any,~~ in the same manner as the general taxes are collected, and shall pay over to the treasurer of the authority, on demand, all taxes, interest, and penalties so collected, and ~~shall forthwith~~ notify the secretary of the authority of such payment. Expenditures must be approved by the board of directors.

SECTION 155. AMENDMENT. Subsection 5 of section 61-41-02 of the North Dakota Century Code is amended and reenacted as follows:

5. That the state water commission and the southwest water authority shall begin the process of reviewing capital repayment and revenues being returned to the resources trust fund; payments necessary to meet obligations of existing bonds and other loans; ~~mill~~property tax levies; ownership of land and associated facilities; existing construction documents; liabilities; contracts with cities, bulk users, companies, and

other users; and other items, and shall report to the legislative assembly those steps necessary for the transfer of ownership and responsibility of the southwest pipeline project from the state water commission to the southwest water authority.

SECTION 156. LEGISLATIVE COUNCIL RECONCILIATION OF STATUTORY REFERENCES TO MILL LEVIES AND TAXABLE VALUATION. The legislative council may replace, where appropriate, statutory references to mill levies and taxable valuation, or any derivatives of those terms, which when used in context indicate an intention to refer to those terms, wherever they appear in the North Dakota Century Code or in legislation enacted and being prepared for inclusion in the North Dakota Century Code and to insert in lieu of each such reference an appropriate replacement of terms to harmonize the references with the changes made by this Act.

SECTION 157. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 2015.