

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED HOUSE BILL NO. 1056**

Introduced by

Legislative Management

(Taxation Committee)

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

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

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

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

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

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

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

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

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

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

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

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

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

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