

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1474

2007 HOUSE POLITICAL SUBDIVISIONS

HB 1474

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1474

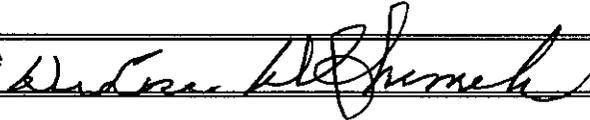
House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: February 2, 2007

Recorder Job Number: 2692

Committee Clerk Signature



Minutes:

Chairman Herbel opened the hearing on HB 1474.

Rep. Glassheim: Is a bill to allow a vote of the people for county contract for domestic violence services or one mill for cities. In any county where cities uses its one mill the county could only go one mill above that so the county would have a total of two or one by a majority vote of the people. The idea for this bill came from the major of Grand Forks and counsel and in a way I am here representing them on this bill. The idea arose from a conflict on the city counsel as to whether we should include in our funding moneys for domestic violence to contract with them to perform services. About half the counsel believed the job of the city is to do streets, fire and police. Especially in times, as you all know, the pressure on the mills is great. The other half of the counsel believed the domestic violence was providing services that were queasy governmental. They thought these services would have to be provided by police, courts human services centers etc and were already funded. This bill is asking that the state set up a process and structure by which we can go to the alternate providers to see if they want to tax themselves for these services. Section one establishes the county as not exceeding 2 mills. Section 2 limits city mills to one mill. Section 3 1 allows only 10% of electors to put it on the ballot or by motion of city or county. Section 2 allows a majority vote

and I requested he put the language imposed or eliminated so once he puts it in it doesn't just stay there forever. Section 2 basically says the city or county is authorized by a vote of the people to levy the tax. Section 4 described who is eligible and talks about line 15 contracting with eligible organizations that are authorized to provide these services. These organizations with have to negotiate with the cities or county to provide for specific services. Discussed the all of these services have to be approved by the people.

Rep. Kari Conrad : What about home rule cities?

Rep. Glassheim: Some home rule cities possibly could. I think our council folks would feel better if there were a state wide system. We would be authorized to do it under these guidelines and rules that are set up by the state.

Rep. Steve Zaiser: If one city in the county has a one mill and the county has one mill, would that eliminate the rest of the cities from getting any tax levy?

Rep. Glassheim: Yes, I think that is right. I think it would within any county because that is the maximum you can have within a county.

Rep. Steve Zaiser Then the other cities would be prevented from having those services?

Rep. Glassheim: That is right.

Rep. Kim Koppelman Don't marriage license fees go to domestic violence; how much of it comes in through that?

Rep. Glassheim: I don't know if the folks would have that information. I know the domestic violence people get money from the in Grand Forks. Federal funding has been going down and so I am looking for a stable local source of funding for them. They have a number of sources of funding and the marriage license tax is one of them. I don't think it covers even half of funding the operation.

Rep. Kim Koppelman; Is one of those sources gambling?

Rep. Glassheim: I think some do use this as funding and some don't due to moral issues.

Rep. Lee Kaldor: I think on the mill levy question of Rep. Steve Zaiser asked. I am wondering if the city of Grand Forks levies a mill the city of Larimore levies a mill, that it doesn't allow the county to levy one mill too. Because it is the tax levy within that city must be reduced by that number of mills. In other words if the county decides to levy two mills county wide the city of Larimore could levy the county mill levy would be reduced by one mill for that city.

Rep. Glassheim: It is only within the city of Grand Forks levy; then Grand Forks could do one and one in Grand Forks for the county. In unincorporated places the county could go two for itself.

Rep. William Kretschmar: As I read the bill they would not have to give anyone this money.

Rep. Glassheim: The vote of the people would be authorizing. They could do whatever they wanted to. They do not have to do one mill.

Rep. Kari Conrad Could they keep funds for their own cities for domestic violence activities.

Rep. Glassheim: No, I believe they would have to contract with agencies according to 14.07.

Bonnie Palececk: (see testimony #1). The issue of the county services and the city mill levy. The list of cities are listed on my testimony; however all of them provide services at least county wide and a number of them multi-county. In response to Rep. Kim Koppelman Question, \$280,000 for the biennium so obviously that \$140,000 is anticipated by the Department of Health. That money is divided among the 20 member agencies all of which meet the definition in 1407.1. They are spent for direct services for victims of domestic violence and sexual assault. Gaming funds have not been a source of revenue for us. We are aware that this is a tax and so we know what we are asking for. Discussed the many types of funding that they get, but they are not enough with rising costs. I did learn from the association of counties on what mill levies are all about. One of the reasons this legislation is

necessary is that there are 74 other kinds of mill levies available is that one of the problems is that most counties have already meet their 23 mill max for human services. So they need this legislation to go over that if they want to. I also ran the idea by the League of Cities and Connie Sprynczynatyk in terms of the concept of this bill. There we no issues there either.

Rep. Louis Pinkerton: Would it prohibit some organizations from providing services.

Bonnie Palececk: No in Fargo the Rape Crisis Center contract. They don't have their own shelter with the YWCA so they pay them per night for that shelter.

Rep. Lee Kaldor Can you tell us a little about the incidence of domestic violence.

Bonnie Palececk: I have given you the overview of the 4300 there. The incidence has stabilized. The number of sexual assaults is increasing at about 7% a year for the last several years.

Rep. Steve Zaiser Do you think this awareness has been helpful? Before people probably did not call anyone?

Bonnie Palececk: We do believe that and we have spent more time on prevention.

Rep. Pat Hatlestad: You indicated county government do provide for some funds. Do all counties do that?

Bonnie Palececk: It is county by county. Mill levy with be more stable. We certainly need this over and above what counties can do.

Jennifer Gladden: (see testimony #2)

Mary Dosafivick: Director of the Division of Injury Prevention Control there are numerous funds that are administered statewide for domestic violence prevention fund. Out of the marriage license fee we also have some state general funds from the health department that are also administered statewide. There are numerous grants which we release to the

domestic violence agencies. Some are on a formula basis and some are on a competitive basis. Depends on what they ask for.

Rep. Kim Koppelman: how much does the marriage license fee generate?

Mary Dosafivick: the marriage license is an estimate that we do for about \$280,000 per biennium. State general funds are about \$105,000 per year that we give out. It is pretty close to \$250,000 per biennium then.

Diane Zainhofsky: (see testimony #3).

Opposition: None

Hearing closed.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1474

House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: 3237

Committee Clerk Signature



Minutes:

Chairman Herbel reopened the hearing on HB 1474.

Do Pass Motion Made By Rep. Kari Conrad Seconded by Rep. Louis Pinkerton

Discussion:

Rep. Kari Conrad I attended for forum in Minot and I had allot of people willing to start a petition to show people support for this bill.

Rep. Lawrence Klemin Over 50% of the counties now provide some funding for domestic violence programs.

Chairman Herbel Is that through a mill levy?

Rep. Lawrence Klemin No

Chairman Herbel This is a mill levy for domestic violence if the vote is approved.

Rep. Dwight Wrangham I will not be supporting the do pass because this is the broadening of property tax and we have heard nothing except property taxes are too high.

Rep. Kari Conrad In Ward County they give \$20,000 a year and have for almost 15 years.

We have in our home rule charter 1 mill which generates \$127,000 so the difference between what they might give in their budget and what a mill would generate is significant. In our home rule charter we have a maximum of 85 mills.

Rep. Lawrence Klemin Can the home rule limitation be increased by the people by voting to amend it?

Rep. Kari Conrad: Yes that is correct. This bill allows it to dedicate this mill levy.

Rep. Lee Kaldor: Discussion on mill levy and their limitations. I asked that questions and the response that in that city the county would be one mill and the city would only be one mil so no city would have more than two mills. If there were two cities in the same county they would both be treated the same way. If you had Fargo and West Fargo, each one would pay one to the county and the city.

Rep. Kim Koppelman What we really dealing with here is whether the mill levy and their caps. There is a provision in the law where an election in the county can change that.

Rep. William Kretschmar If they want to raise their general fund mill levy they can do that an election by the people. This bill would let the people dedicate the two mill for domestic violence.

Rep. Kari Conrad: They can do this now, but if the commissioners change then policy changes and that is why they want to have a dedicated mill levy.

Rep. Lee Kaldor The elimination of the levy can also be done by the people.

Rep. William Kretschmar: The county commissioners can do what they want if the commissioners change it is the will of the people electing them.

Rep. Kim Koppelman How many dedicated mill levies do they allow now?

Chairman Herbel 78 now.

Vote 12 yes 1 No 1 Absent Carrier: Rep. Lee Kaldor

Hearing closed.

Date: 2-8-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1474

House Political Subdivisions Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do PASS

Motion Made By Rep. Conrad Seconded By Rep. Pinkerton

Representatives	Yes	No	Representatives	Yes	No
Rep. Gil Herbel-Chairman	✓		Rep. Kari Conrad	✓	
Rep. Dwight Wrangham-V. Chair		✓	Rep. Chris Griffin	✓	
Rep. Donald Dietrich	✓		Rep. Lee Kaldor	✓	
Rep. Patrick Hatlestad	✓		Rep. Louis Pinkerton	✓	
Rep. Nancy Johnson	✓		Rep. Steve Zaiser	✓	
Rep. Lawrence Klemin	✓				
Rep. Kim Koppelman	✓				
Rep. William Kretschmar	✓				
Rep. Vonnie Pietsch	✓				

Total (Yes) 12 No 1

Absent 1

Floor Assignment Rep. Kaldor

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 8, 2007 4:38 p.m.

Module No: HR-27-2611
Carrier: Kaldor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1474: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends DO PASS (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1474 was placed on the Eleventh order on the calendar.

2007 SENATE POLITICAL SUBDIVISIONS

HB 1474

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1474

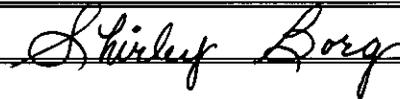
Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: March 9, 2007

Recorder Job Number: 4801

Committee Clerk Signature



Minutes:

Chairman Cook called the Senate Political Subdivisions Committee to order. Four members present and one absent.

Chairman Cook opened the hearing on HB 1474 relating to a county or city property tax levy for support of services of nonprofit organizations eligible for grants from the domestic violence and sexual assault prevention fund.

Representative Glasheim, District 18, Grand Forks, ND introduced HB 1474. This bill would allow cities or counties to put on the ballot for public vote up to two mills in the county or one mill in the city for domestic violence organizations. It came out of some discussions in Grand Forks (I am on the city council there) where the city council was in conflict; one half of the councils thought that these domestic violence organizations were really governmental and were performing services that would otherwise have to be performed by police and others that thought that city government should just do streets and fire. Everybody on the council felt that this could be resolved by a vote of the people. If the public would support one mill for this purpose this would be fine. I will go through the bill. Section one allows two mills for the county upon vote of the people and section two allows up to one mill by vote of the people. On page two, this can be put on the ballot by ten per cent petition of the public or by the governing

body. One important thing that I made sure was in there, clearly talked about those two methods of public vote being both for starting the tax and eliminating it if it turns out to be something the public or the government doesn't want to pay it. The majority of electors in number four, starting line thirteen, if this were approved by the vote of the people, the governing body would contract with domestic violence organizations which are defined in code to provide specified service in furtherance of the objectives of the organization. The budgets would be audited annually by the governing body of the county or city. The Grand Forks Police Department is very supportive. We would like to have the state set up this process so that it is clear and the cities would know that they can do this and how it is to be done.

Senator Olafson: What problem does this bill address, what are the current sources of funding for these organizations and is there is a problem for them to secure funding for their mission?

Representative Glassheim: Our community violence budget needs city help. The federal funding is going down so they need a stable source of funding.

Bonnie Palecek, North Dakota Council on Abused Women's Services testified in support of HB 1474. (Attachment #1)

Chairman Cook: We have twenty domestic violence centers in the state. You need to raise three million dollars to balance your budget. I would like to see the budget. If you fall short of dollars whose responsibility is it?

Bonnie Palecek: I will get the break down for you. If we fall short it should be a shares responsibility by the counties and cities. I feel we are lessening the burden of government by providing training, by visitation center, court services that are provided in the court room, judges and prosecutors now have services of victim witness advocates. We get four percent from the state and that is not enough.

Senator Warner: Do you have some interface with the tribal domestic violence systems.

Bonnie Palecek: We certainly do. Three of the members of our coalition are tribal programs and there is a very close working relationship.

Jennifer Gladden, Executive Board of Abused Adult Resource Center, Bismarck ND testified in support of HB 1474. (Attachment #2)

Diane Zainhofsky, Director of the Abused Adult Resource Center, Bismarck, ND testified in support of 1474. (Attachment # 3)

Jerry Hjelmstad, North Dakota League of Cities testified in support of HB 1474. We see this as an option for local citizens to help meet needs in their community.

No further testimony in support, opposed or neutral on HB 1474.

Chairman Cook closed the hearing on HB 1474.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1474**

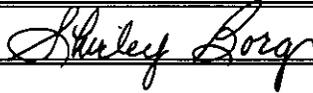
Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: **March 23, 2007**

Recorder Job Number: **5507**

Committee Clerk Signature



Minutes:

Chairman Cook called the Senate Political Subdivisions Committee to order. All members (5) present.

Chairman Cook asked the committee to look at HB 1474 relating to domestic violence. It sets up another tax category for counties. We have forty five now.

Senator Olafson: As worthy as the cause is and great as the need may be, I don't think putting it on a county or city tax is the best funding source for this. If the need is there and it is a worthy cause I think it should be something the state should be involved in. I would like to see it supported in some other way.

Senator Warner: I would like to create the analogy that this is another menu item for county and cities. It is a buffet of options available to voters in the district. There does eventually become a point where the appetite of the voters won't take it any more but that does not mean the buffet doesn't have the option. I think they should still have that option.

Chairman Cook: For years I would have agreed with that option or made it my self. The time I have spent now trying to find out what we can do to relieve voters of higher property taxes, I believe that list of items on the buffet needs to be looked at. I think they need to be looked at and removed from local governments and looked at by the state.

Senator Anderson: I don't have a problem with putting it on the buffet.

Senator Warner moved a Do Pass on HB 1474

Senator Anderson seconded the motion.

Discussion

Roll call vote: Yes 3 No 2 Absent 0

Carrier: **Senator Warner**

Date: 3-23-07
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1474

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Warner Seconded By Senator Anderson

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman		X	Senator Arden C. Anderson	X	
Senator Curtis Olafson, ViceChair		X	Senator John M. Warner	X	
Senator Nicholas P. Hacker	X				

Total Yes 3 No 2

Absent 0

Floor Assignment Senator Warner

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1474: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1474 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1474

NORTH DAKOTA COUNCIL ON ABUSED WOMEN'S SERVICES
COALITION AGAINST SEXUAL ASSAULT IN NORTH DAKOTA

101st Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Fax 255-1904 • Toll Free 1-888-255-6240 • ndcaws@ndcaws.org

Representative Gil Herbel
Chair, House Political Subdivisions Committee
February 2, 2007
Testimony supporting HB1474

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to Senak*

Chair Herbel and Members of the Committee:

My name is Bonnie Palecek and I am speaking this morning on behalf of the N.D. Council on Abused Women's Services in support of HB1474.

Thank you for the opportunity to present to you an old concept in a new context. Obviously, especially to those of you on this committee, the concept of a mill levy is not new. Certainly the concept of people deciding how they might best pool their resources to pay for things they all need is quite old; the concept of the mill as a unit to tax property goes back at least to the 1890's.

We are keenly aware that we are presenting this idea to you in an anti-tax environment, but we appreciate the chance to try to convince you to let the people involved decide.

Our coalition is comprised of 20 community based agencies which provide direct services to victims of domestic violence and sexual assault, and much more. Direct services of crisis intervention, shelter, and advocacy are provided to over 4300 victims of domestic violence and nearly 900 victims of sexual assault each year. Over 5000 children are impacted by the domestic violence incidents, and over half of the sexual assault victims served were under 18 at the time of the assault.

We also do much more. The IRS tells us that the primary reason we exist as a non-profit, the reason we ourselves enjoy certain tax benefits, is that we "lessen the burden of government." Allow me to identify just a few areas in which we do that, and why, I respectfully assert, government needs us so much.

For example,

- Law Enforcement: As training budgets for law enforcement shrink around the state, we as a coalition, and local member agencies, have written grants and used our own resources to send officers to trainings around the country and in state. We provide free instruction at the Law Enforcement Training Academy for each basic training class. We have brought trainers from the International Association of Chiefs of Police to the state and have just been asked by the National Sheriffs' Association to coordinate a training in N.D.
- Courts: Since 1979, when the first ND Protection Order statute was passed, we have assisted victims of domestic violence in a pro se protection order process;

since 1992, when the Supreme Court adopted AR34, our coalition has coordinated a certification process which provides free training to advocates assisting in court, and has provided a list of certified advocates for the Court to distribute to district judges.

We have also facilitated the development of standards for a network of visitation centers statewide and sought funding to keep them viable. These centers allow the courts to order visitation relying on the safe, child-centered environment this service provides.

- Prosecutors: As a coalition, we initiated the network of victim/witness Coordinators which now covers the state. Several of those coordinators, who allow states' attorneys to meet the mandates of the V/W Fair Treatment Standards, still operate out of dv/sa agencies.
- Social Services: And finally, by providing services free of charge to adult victims of domestic violence, we fill the gap that would otherwise be there because sadly North Dakota has no statewide, funded, Adult Protective Services system. In some cases, we have taken on responsibilities formerly borne by county social services such as facilitating custody exchanges and supervising visitation, and even the provision of professional counseling services to child witnesses of domestic violence and child sexual abuse victims.

As I said at the onset, we realize what we are asking for here. But I would like to leave you with three reasons we should be granted the opportunity to pursue the county mill levy option.

1. Our other funding sources are dwindling. State and federal dollars have shrunk and even foundation, corporate, and individual donations are down. In spite of all the assistance we do receive from those sources, our 20 member agencies still project they will need to raise \$3 million over and above state and federal sources.
2. We have already tried just about everything else: a fee on marriage licenses; additional fines on certain offenses that go into a county victim/witness account; county general fund appropriations, and a wide variety of other options. They simply haven't been enough.
3. And finally, we believe we have proven our importance in lessening the burden of government in all the areas mentioned above and many more we haven't had the time to detail.

I have learned from the Association of Counties that most counties have already reached their maximum of 23 mills for human services and so this legislation is necessary for them to continue to see to the welfare of their citizens. I have also spoken with the Director of the League of Cities and they have no objection to this attempt. And so,

representatives, it is up to you. We ask that you look favorably on HB 1474. We pledge to use the opportunity wisely.

Thank you.

Same given to Senate

Representative Gil Herbel
Chair, House Political Subdivisions Committee
February 2, 2007
Testimony supporting HB1474

Chair Herbel and Members of the Committee:

My name Jennifer Gladden and I am speaking this morning as a member of the Executive Board of the Abused Adult Resource Center in Bismarck. We are one of 20 community based agencies around the state organized to provide direct services to victims of domestic violence and sexual assault.

The reports I hear as a board member overwhelm me with the depth of the needs we are trying to meet. For example, last year our advocates assisted with 204 protection orders, a 9% rise over the previous year. Our visitation center facilitated 892 safe exchanges of children, a 32% rise, and 685 supervised visits represented a 20% increase in services. And I know this kind of dramatic increase is not unique to our center. Unfortunately we are typical of what is happening statewide.

Our shelter is almost always full. Last year we sheltered 30 more families than the year before. This represented a 41% increase from 2005, 104 families overall and 226 individuals.

In addition to these direct services, we have also become more and more involved in community work. For example, we coordinate a Sexual Assault Response Team (SART) involving a law enforcement officer, advocate, and medical professional, which responded to every one of the 42 medical forensic exam procedures last year. In Addition, we coordinate the only community based Sexual Assault Nurse Examiner (SANE) program in the state.

All of the programs mentioned above are possible only because we write grants and file reports, continually set goals and document outcomes, and take advantage of every chance we can to hold silent auctions, raffles, solicit donations, sponsor performances and on and on. And yet after all of the federal and state contributions, we still face the year ahead needing to raise nearly \$900,000 from "somewhere else".

I know something about government, and believe in its role. I think I probably share the belief that many of you hold that the role of the government should be limited. But I am also keenly aware that we all do our best work for the citizens of ND when we make decisions on a community level and forge partnerships to get things done. I am convinced that this is the most effective and efficient way to make progress.

And so I ask you to consider favorably the opportunity provided in HB 1474. It would provide the AARC and 19 other agencies like us another tool to stabilize our funding base so we can free staff to spend more time with the most vulnerable people in our state. Initially, it would take a tremendous amount of work to implement a mill levy county by county, but we are willing to take that on. We just need your help with the first step.

Thank you.

Rep. Gil Herbel
Chair, House Political Subdivisions Committee
Re: Testimony in support of HB1474
February 2, 2007

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Senate*

Chair Herbel and Members of the Committee:

My name is Diane Zainhofsky and I am the director of the Abused Adult Resource Center in Bismarck. I would like to share with you why I support HB1474.

It's pretty amazing to think about how far we have come as domestic violence and sexual assault advocates over the last 30 years. With your help as legislators we have crafted some of the best laws for victims in the nation. We have also formed strong partnerships with both state agencies and community organizations. We think we have learned to do our work very well.

One piece of this work continues to escape us, however. After 25 years, it is often the piece that keeps me awake at night and sometimes makes my mind wander at meetings: how are we going to continue to meet payroll for the crisis advocates on call 24 hours a day for victims of personal violence? How will we fund the sprinkler system at the shelter so we can meet building code regulations? How will we pay for safety glass and a metal detector in our visitation center so the children are safe?

I realize that paying the bills is a basic issue for all small businesses, but we are a bit different. If we fail it is not just a personal loss; we fail the vulnerable people who come to us expecting help and safety. There is a lot at stake.

When this mill levy concept was first proposed to our legislative committee, I was a skeptic. How would we ever find the time to launch a campaign to convince the citizens of Burleigh County to vote us a fraction of a mill or a mill to support these services? Should we even bother? But then I was convinced that this was really enabling legislation. Some domestic violence agencies would choose to move forward with it; others would not. Just as some counties would decide to put it on the ballot, and others would not. It would give us all another tool, and that is important. In fact, in our world, that is crucial.

I can assure you that we already explore every possible avenue for funding. We used to have a cotton candy machine that we brought to any summer event we could find. We contact merchants for donations for the silent auction held at our annual conference. Car dealers have given us part of their profits. Volunteers help at the McQuade Softball Tournament, and on and on. We work at these things because we need the money, but also because we are part of the community.

After awhile, however, we really have to weigh whether we can afford to continue these activities because many are so time consuming. And the time we spend raising money is time we are not spending with women and men and children hurting from domestic violence and sexual assault.

And so proposals like HB1474 are presented and we are given hope that maybe this could be an avenue to help stabilize our funding. Perhaps then we won't have to spend quite so much time with all the grants and reports and statistics and special events and be able to work more with the 16 women and many children currently in the shelter. Maybe then we can work on more prevention campaigns rather than fundraising campaigns.

We hope you will help us. We hope you will partner with us in this new way for the sake of all those victims of violence who can't speak for themselves. We will not let you down.

Thank you.

MILL LEVY PROVISIONS REQUIRING VOTER APPROVAL

This memorandum was requested to identify statutes allowing mill levies for designated purposes upon approval by the qualified electors of the taxing district. The following table provides a brief description of such provisions:

	Fund or Purpose	Maximum Rate or Amount	Citation	Vote
Garrison Diversion Conservancy District	Plant pest control	1.00 mill for one year	4-33-11; 57-15-28.1(1)	Upon approval of 60 percent of voters voting on the question for reimbursing general fund for expenditures for plant pest control
County	Extraordinary outlay	5.00 mills	11-11-24; 57-15-06.8(2)	Upon vote of electors
	Excess levy	50 percent of basic legal limitations	57-17-02	For one year and not to exceed one succeeding year; upon approval by 60 percent of votes cast at the election
	Farm-to-market and federal-aid roads	Levy established by ballot	57-15-06.3(1); 57-15-06.7(17)	Upon vote of electors, board of county commissioners may prepare a proposed construction program, general description of roads to be constructed, location of bridges, approximate total mileage, and priority of construction. Approval by Department of Transportation. Board shall levy a tax not in excess of levy established by the ballot.
	Extension service	2.00 mills	4-08-15; 57-15-06.7(4)	Upon vote of electors maximum may be increased
	Extension service	2.00 mills	4-08-15.1; 57-15-06.7(5)	Additional levy upon vote of electors
	Aid to county fair	1.50 mills	4-02-27; 57-15-06.7(31)	For subsequent years upon vote of electors or county board approval
	Additional aid to county fair	.50 mill	4-02-27.1; 57-15-06.7(32)	Upon majority vote of qualified electors
	Tourism	1.00 mill	11-11.1-03; 11-11.1-04; 57-15-06.7(29)	Upon approval by majority of electors. If city also levies for job development, combined city and county levies cannot exceed 5 mills.
	Tourism	1.00 mill	57-15-06.7(29)	Upon approval by majority of electors. If city also levies for support of an industrial development organization, combined city and county levies cannot exceed 5 mills.
	Programs and activities for older persons	2.00 mills	57-15-56; 57-15-06	Upon a majority vote of qualified electors voting on the question
	County welfare	2.00 mills	57-15-57; 57-15-06.7(26)	Upon 60 percent of qualified electors voting on question
	Emergency medical service	10.00 mills	57-15-50; 57-15-06	Upon a majority of qualified electors of the county voting on the question
	County road fund	5.00 mills	24-05-01; 57-15-06.7(14)	Up to 5 mills may be approved by 60 percent majority vote of electors
	County or community clinic association	8.00 mills for 5 years or 5.00 mills for 15 years	23-18.1-01	Upon two-thirds vote of electors
County hospital association	8.00 mills for 5 years or 5.00 mills for 15 years	23-18-01; 23-18-03; 57-15-06.7(12)	Upon two-thirds vote of electors	

Fund or Purpose	Maximum Rate or Amount	Citation	Vote
✓ County fair, purchase or lease of not more than 240 acres of land and construction thereon of buildings or other improvements	2.00 mills	4-02-27.2; 57-15-06.7(2)	Upon petition by and majority vote of qualified electors, not to exceed 10 years
✓ Economic, industrial, and planning surveys and career and technical education and on-the-job training	1.00 mill	40-57.2-04; 57-15-06.7(16)	Upon 60 percent vote of electors
✓ Plant pest control	1.00 mill for one year	4-33-11; 57-15-28.1(1)	Upon approval of 60 percent of voters voting on the question of reimbursing general fund for expenditures for plant pest control
✓ Planning purposes	3.00 mills	57-15-06.5; 57-15-06.7(19)	Upon approval of 60 percent of electors voting on question
✓ Television UHF booster station	2.00 mills	11-11-60; 57-15-06.7(9)	Upon approval of 60 percent of voters voting on question
✓ Weed and grass control	2.00 mills	57-15-54; 57-15-06.7(24)	In entire county or a county commissioner district upon vote of electors
✓ Library and reading room	4.00 mills or as increased by 60 percent majority vote of electors	40-38-02; 40-38-11(5); 57-15-06.7(15)	Upon petition of 51 percent of voters or upon majority vote of electors. A joint library board may levy taxes within the service area which is outside city limits within the limitations and according to procedures provided by law for a county library fund levy and may levy taxes within the service area that is within city limits within the limitations and according to the procedures provided by law for a city library fund levy.
✓ Programs and activities for handicapped persons	.50 mill	57-15-06.7(33); 57-15-60	If levied by this section, any existing levy by city or park district in county is void. May be imposed or removed by majority vote of qualified voters voting on the question.
County parks and recreation areas	1.00 mill	11-28-06; 67-15-06.7(10)	Levy based upon amount of money certified by board of park commissioners. Levy in excess of 1 mill may not be made without approval of the eligible voters in the county at a special or general election.
Joint county park	3.00 mills	11-28-16(11); 11-28-17	Upon vote of electors
Excess levy	50 percent of basic legal limitation	57-17-02; 57-15-20.1	Not to exceed five years upon approval by 60 percent of votes cast at the election
Recreation center	2.50 mills	40-55-08; 57-15-20.2(2)	Upon vote of electors
Mowing or snow removal	3.00 mills	57-15-19.6; 57-15-20.2(5)	Annually approved by electors
Legal contingency fund	10.00 mills	57-15-22.2	Upon vote of qualified electors, levy for maximum of five years
Drainage ditches	\$3,000.00	61-22-02	Upon vote of electors
Emergency medical service	10.00 mills	57-15-51.1; 57-15-20.2(7)	Upon 60 percent of majority vote of qualified electors
Plant pest control	1.00 mill for one year	4-33-11; 57-15-28.1(1)	Upon approval of 60 percent of voters voting on the question of reimbursing general fund for plant pest control
Law enforcement services	5.00 mills	57-15-19.5; 57-15-20.2(4)	Requires that question of the levy be included in the annual meeting notice and that the levy be approved by 60 percent of electors

Civil township

Fund or Purpose	Maximum Rate or Amount	Citation	Vote
Port authority	4.00 mills	18-36-14; 57-15-20.2	Upon approval of voters. Does not apply to any city, park district, or other taxing district that already has a commerce authority levy.
City			
General	38.00 mills	57-15-08	General city purposes, in cities having a population of over 5,000 an additional one-half mill for each additional 1,000, but not to exceed 40 mills; plus, upon majority vote by qualified electors voting on the question, an additional levy not to exceed 10 mills
Excess levy	50 percent of basic legal limitation	57-17-02	For one year and not to exceed one succeeding year; upon approval by 60 percent of votes cast in the election
Public library service	4.00 mills or as increased by 60 percent majority vote of electors	40-38-02; 70-38-11(5); 57-15-10(5)	Upon petition of 51 percent of voters or upon majority vote of electors
Public recreation system	2.50 mills	40-55-08; 40-55-09	May be increased to 8.50 mills upon vote of electors
Construction fund	5.00 mills	57-15-38	Upon vote of electors, not to exceed 10 successive years
Fire department building or equipment reserve fund	5.00 mills	57-15-42; 57-15-10(20)	Upon approval of 60 percent of voters voting on the question. Amount in fund cannot exceed amount produced by a 30-mill levy.
Fire department station	5.00 mills	21-03-07(5); 40-05-09.1	Upon vote of electors
Band	1.00 mill	57-15-10; 40-37-03	Band established upon 60 percent majority vote of electors
Armory or memorial hall maintenance, repair, alteration, and reconstruction	2.00 mills	40-59-01	Upon vote of electors
Emergency medical service	10.00 mills	57-15-51	Upon majority of qualified electors of the city voting on the question
Programs and activities for older persons	2.00 mills	57-15-56	Only if county does not levy for this purpose. Upon a majority vote of qualified electors voting on the question.
Forestry purposes	2.00 mills	57-15-12.1	By board action. Additional 3 mills upon approval of majority of voters. Service charge alternative upon approval of majority of qualified electors voting on the question.
Aid for public transportation system	5.00 mills		Upon majority vote of qualified electors voting on the question
Transportation of public school students	5.00 mills or difference between estimated state transportation payment to school district and actual cost incurred by district	57-15-55.1	Majority vote of qualified electors voting on the question
Economic, industrial, and planning surveys and career and technical education and on-the-job training	1.00 mill	40-57.2-04; 57-15-10(15)	Upon 60 percent vote of electors

	Fund or Purpose	Maximum Rate or Amount	Citation	Vote
	Contracting for fire protection service	15.00 mills	40-05-09.2	Upon 60 percent vote of electors
✓	Plant pest control	1.00 mill for one year	4-33-11; 57-15-28.1(1)	Upon approval of 60 percent of voters voting on question of reimbursing general fund for expenditures for plant pest control
✓	Municipal art council	5.00 mills	40-38.1-02; 57-15-10	Upon vote of electors
✓	Animal shelter	.50 mill	57-15-10(27)	Upon vote of the electors
✓	Program and activities for handicapped persons	.50 mill	57-15-10(29); 57-15-60	Levy may be imposed or removed by majority of qualified voters voting on the question
City park district	General Included in general fund: Public recreation system Insurance reserve Employee health care program Forestry purposes Handicapped persons programs and activities Pest control General-Additional	35.00 mills	57-15-12; 4-33-11(1); 32-12.1-08	General purposes. Forestry - Additional 3 mills upon approval of electors in addition to and not restricted by any mill levy limit. May not exceed mills levied in taxable year 2000, including any additional levy approved by electors; the insurance reserve fund; employee health care programs; public recreation system, including any additional levy approved by electors; pest forestry purposes except any additional levy approved by electors; pest control; and handicapped persons programs and activities. May increase to any number of mills approved by a majority of the electors up to a maximum of 35 mills.
	Forestry purposes (additional levy only)	11.00 mills	57-15-12(3)	Upon majority vote of qualified electors voting on the question. Total levy, including the additional levy, cannot exceed 46 mills.
	General	3.00 mills	57-15-12.1; 57-15-12.2(3)	By board action, upon approval of majority of voters - Service charge alternative upon approval of majority of qualified electors voting on the question
Rural ambulance service district	General	10.00 mills	11-28.3-03; 11-28.3-04; 11-28.3-09; 57-15-26.5	Requires majority vote to form or dissolve an ambulance district or to increase mills (Attorney General opinion 2002-L-43). Local area levying for ambulance service is exempt from county levy.
Rural fire protection district	Plant pest control	1.00 mill for one year	4-33-44; 57-15-28.1(1)	Upon approval of 60 percent of voters voting on the question of reimbursing general fund for expenditures for plant pest control
School district	General fund	Up to 18 percent annual increase in dollars to a maximum of 185.00 mills; option of larger specific mill levy in districts of less than 4,000 population, if approved by 55 percent majority vote of electors; option	57-15-14; 57-15-42.2	Majority or 55 percent vote for increased or unlimited levy

Fund or Purpose	Maximum Rate or Amount	Citation	Vote
Excess levy	of larger specific mill levy or of no limitation in districts of over 4,000 population, if approved by majority vote of electors	57-16	Upon vote of qualified electors
Building fund	75 percent of basic; legal limitation 20.00 mills	57-15-16	Upon approval of 60 percent of qualified electors voting on question. Reorganization plan may include building fund levy up to 10 mills. If plan is approved by majority vote of electors residing within boundaries of proposed new district, building fund levy becomes effective, notwithstanding any other voter approval requirements in Section 57-15-16.
Junior college	16.00 mills	15-18-03	First 8 mills may be levied upon resolution of school board; any levy above 8 mills must be approved by school district voters
Off-campus educational center	16.00 mills	15-18-04.2	First 8 mills may be levied upon resolution of school board; any levy above 8 mills must be approved by 60 percent of those voting on the question
Plant pest control	1.00 mill for one year	4-33-11; 57-15-28.1(1)	Upon approval of 60 percent of voters on the question of reimbursing the general fund for expenditures for plant pest control
Long-distance learning and education technology	5.00 mills	57-15-14.5	Approval by majority vote of qualified electors voting on the question
School district reorganization	None	15-27.6-08; 15-27.6-10	Approval by majority of electors residing within each school district vote in favor of formation of new district