

**HOUSE BILL NO. 1290**

Introduced by

Representatives Kasper, Brabandt, Grande, Headland, Heller, Rohr, Ruby, Streyle, Thoreson  
Senators Miller, Sitte

1 A BILL for an Act to create and enact section 57-15-01.2 of the North Dakota Century Code,  
2 relating to property tax levy dollar increase limitations; and to provide an effective date.

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

4 **SECTION 1.** Section 57-15-01.2 of the North Dakota Century Code is created and enacted  
5 as follows:

6 **57-15-01.2. Limitation on levies by taxing districts.**

7 1. Notwithstanding that a taxing district may have unused or excess levy authority under  
8 any other provision of law, this section limits that authority. This section may not be  
9 interpreted as authority to increase any levy limitation otherwise provided by law and  
10 may be applied only to limit any unused or excess levy authority that a taxing district  
11 may otherwise be entitled to use. Property taxes levied in dollars by a taxing district  
12 may not exceed the amount the taxing district levied in dollars in the preceding taxable  
13 year by more than three percent, except:

14 a. When improvements to property have been made which were not taxable in the  
15 previous taxable year, the amount levied in dollars in the previous taxable year by  
16 the taxing district must be adjusted to reflect the taxes that would have been  
17 imposed against the additional taxable valuation attributable to the  
18 improvements.

19 b. When a property tax exemption existed in the previous taxable year which has  
20 been reduced or no longer exists, the amount levied in dollars in the previous  
21 taxable year by the taxing district must be adjusted to reflect the taxes that would  
22 have been imposed against the portion of the taxable valuation of the property  
23 which is no longer exempt.

- 1           c. When temporary mill levy increases authorized by the electors of the taxing  
2           district or mill levies authorized by state law existed in the previous taxable year  
3           but are no longer applicable or have been reduced, the amount levied in dollars  
4           in the previous taxable year by the taxing district must be adjusted to reflect the  
5           expired temporary mill levy increases and the reduced or eliminated mill levies  
6           authorized by state law before the percentage increase allowable under this  
7           subsection is applied.
- 8           2. The limitation on the total amount levied by a taxing district under subsection 1 does  
9           not apply to:
- 10           a. New or increased mill levies authorized by state law or the electors of the taxing  
11           district which did not exist in the previous taxable year.
- 12           b. Any irrevocable tax to pay bonded indebtedness levied under section 16 of  
13           article X of the Constitution of North Dakota.
- 14           c. Levies for a building fund or capital improvements.
- 15           d. Levies for fire protection, law enforcement, or emergency services.
- 16           e. Budget expenditures for substantial equipment purchases for infrastructure  
17           maintenance, repair, or construction such as road equipment, mowers,  
18           equipment for collection of solid waste, and similar equipment but not including  
19           office or computer equipment.
- 20           3. The mill rate applied to property or improvements to property that was not taxed in the  
21           previous taxable year may not exceed the mill rate determined by law for the current  
22           taxable year for property that was taxed in the previous taxable year.
- 23           4. Application of the percentage increase limitation under this section may be suspended  
24           upon approval of the dollar amount and percentage of the tax levy increase by sixty  
25           percent or more of the qualified electors of the taxing district voting on the question at  
26           a regular or special election of the taxing district. Suspension of the percentage  
27           increase limitation under this subsection may be approved by electors for not more  
28           than one taxable year at a time.

29           **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after  
30           December 31, 2012.