

Sixty-fifth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1361

Introduced by

Representatives Carlson, Headland, Kasper, Louser

Senators Armstrong, Casper

1 A BILL for an Act to create and enact section 57-15-02.2 of the North Dakota Century Code,  
2 relating to limitations of property tax levies by taxing districts without voter approval; to amend  
3 and reenact subsection 4 of section 15.1-27-04.1 of the North Dakota Century Code, relating to  
4 determination of school district state aid payments; to provide an effective date; and to provide  
5 an expiration date.

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

7 **SECTION 1. AMENDMENT.** Subsection 4 of section 15.1-27-04.1 of the North Dakota  
8 Century Code is amended and reenacted as follows:

- 9 4. After determining the product in accordance with subsection 3, the superintendent of  
10 public instruction shall:
  - 11 a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the  
12 school district, provided that after ~~2013~~2019, the amount in dollars subtracted for  
13 purposes of this subdivision may not exceed the previous year's amount in  
14 dollars subtracted for purposes of this subdivision by more than ~~twelve~~three  
15 percent or the percentage increase approved by a majority of the qualified  
16 electors of the school district pursuant to subsection 3 of section 57-15-02.2; and
  - 17 b. Subtract an amount equal to seventy-five percent of all revenues listed in  
18 paragraphs 1 through 5, and 7 of subdivision f of subsection 1 and one hundred  
19 percent of all revenues listed in paragraphs 6, 8, and 9 of subdivision f of  
20 subsection 1.

21 **SECTION 2.** Section 57-15-02.2 of the North Dakota Century Code is created and enacted  
22 as follows:

1       **57-15-02.2. Limitation on levies by taxing districts without voter approval.**

2       1. Notwithstanding that a taxing district may have unused or excess levy authority under  
3       any other provision of law, this section supersedes and limits that authority. For  
4       purposes of this section, "taxing district" means any political subdivision empowered to  
5       levy taxes, with the exception of school districts. This section may not be interpreted  
6       as authority to increase any property tax levy authority otherwise provided by law and  
7       must be applied to limit any property tax levy authority to which a taxing district may  
8       otherwise be entitled. Property taxes levied in dollars by a taxing district may not  
9       exceed the amount the taxing district levied in dollars in the preceding taxable year by  
10       more than three percent, except:

11       a. When property and improvements to property which were not taxable in the  
12       preceding taxable year are taxable in the current year, the amount levied in  
13       dollars in the preceding taxable year by the taxing district must be increased for  
14       purposes of this section to reflect the taxes that would have been imposed  
15       against the additional taxable valuation attributable to that property at the mill rate  
16       applied to all property in the preceding taxable year.

17       b. When a property tax exemption existed in the preceding taxable year which has  
18       been reduced or no longer exists for the current taxable year, the amount levied  
19       in dollars in the preceding taxable year by the taxing district must be increased  
20       for purposes of this section to reflect the taxes that would have been imposed  
21       against the portion of the taxable valuation of the property which is no longer  
22       exempt at the mill rate applied to all property in the preceding taxable year.

23       c. When property that was taxable in the preceding taxable year is not taxable for  
24       the current taxable year, the amount levied in dollars in the preceding taxable  
25       year by the taxing district must be reduced for purposes of this section by the  
26       amount of taxes that were imposed against the taxable valuation of that property  
27       in the preceding taxable year.

28       d. When a temporary mill levy increase, excluding an increase under this section,  
29       authorized by the electors of the taxing district or mill levy imposition authority  
30       under state law existed in the previous taxable year but is no longer applicable or  
31       has been reduced, the amount levied in dollars in the previous taxable year by

1           the taxing district must be adjusted to reflect the expired temporary mill levy  
2           increase and the eliminated or reduced mill levy under state law before the  
3           percentage increase allowable under this subsection is applied.

4        2. The limitation on the total amount levied by a taxing district under subsection 1 does  
5        not apply to:

6        a. New or increased property tax levy authority that was not available to the taxing  
7        district in the preceding taxable year, including property tax levy authority  
8        provided by state law or approved by the electors of the taxing district.

9        b. Any irrevocable tax to pay bonded indebtedness levied under Article X,  
10       Section 16, of the Constitution of North Dakota. Any tax levied for this purpose  
11       must be excluded from the mill rate applied under subdivisions a through c of  
12       subsection 1.

13       c. The one-mill levy for the state medical center authorized by Article X, Section 10,  
14       of the Constitution of North Dakota. Any tax levied for this purpose must be  
15       excluded from the mill rate applied under subdivisions a through c of  
16       subsection 1.

17       3. A levy exceeding the percentage increase limitation under subsection 1 may be  
18       imposed upon approval of a ballot measure, stating the percentage of the proposed  
19       property tax levy increase percentage compared to the percentage limitation under  
20       subsection 1, by a majority of the qualified electors of the taxing district voting on the  
21       question at a regular or special election of the taxing district. A levy exceeding the  
22       percentage increase limitation under subsection 1 may be approved by electors for not  
23       more than one taxable year at a time.

24       4. A city or county may not supersede or modify the application of the provisions of this  
25       section under home rule authority.

26       **SECTION 3.** Section 57-15-02.2 of the North Dakota Century Code is created and enacted  
27 as follows:

28       **57-15-02.2. Limitation on levies by taxing districts without voter approval.**

29       1. Notwithstanding that a taxing district may have unused or excess levy authority under  
30       any other provision of law, this section supersedes and limits that authority. For  
31       purposes of this section, "taxing district" means any political subdivision empowered to

1 levy taxes. This section may not be interpreted as authority to increase any property  
2 tax levy authority otherwise provided by law and must be applied to limit any property  
3 tax levy authority to which a taxing district may otherwise be entitled. Property taxes  
4 levied in dollars by a taxing district may not exceed the amount the taxing district  
5 levied in dollars in the preceding taxable year by more than three percent, except:

6 a. When property and improvements to property which were not taxable in the  
7 preceding taxable year are taxable in the current year, the amount levied in  
8 dollars in the preceding taxable year by the taxing district must be increased for  
9 purposes of this section to reflect the taxes that would have been imposed  
10 against the additional taxable valuation attributable to that property at the mill rate  
11 applied to all property in the preceding taxable year.

12 b. When a property tax exemption existed in the preceding taxable year which has  
13 been reduced or no longer exists for the current taxable year, the amount levied  
14 in dollars in the preceding taxable year by the taxing district must be increased  
15 for purposes of this section to reflect the taxes that would have been imposed  
16 against the portion of the taxable valuation of the property which is no longer  
17 exempt at the mill rate applied to all property in the preceding taxable year.

18 c. When property that was taxable in the preceding taxable year is not taxable for  
19 the current taxable year, the amount levied in dollars in the preceding taxable  
20 year by the taxing district must be reduced for purposes of this section by the  
21 amount of taxes that were imposed against the taxable valuation of that property  
22 in the preceding taxable year.

23 d. When a temporary mill levy increase, excluding an increase under this section,  
24 authorized by the electors of the taxing district or mill levy imposition authority  
25 under state law existed in the previous taxable year but is no longer applicable or  
26 has been reduced, the amount levied in dollars in the previous taxable year by  
27 the taxing district must be adjusted to reflect the expired temporary mill levy  
28 increase and the eliminated or reduced mill levy under state law before the  
29 percentage increase allowable under this subsection is applied.

30 2. The limitation on the total amount levied by a taxing district under subsection 1 does  
31 not apply to:

- 1           a. New or increased property tax levy authority that was not available to the taxing  
2           district in the preceding taxable year, including property tax levy authority  
3           provided by state law or approved by the electors of the taxing district.  
4           b. Any irrevocable tax to pay bonded indebtedness levied under section 16 of  
5           article X of the Constitution of North Dakota. Any tax levied for this purpose must  
6           be excluded from the mill rate applied under subdivisions a through c of  
7           subsection 1.  
8           c. The one-mill levy for the state medical center authorized by section 10 of article X  
9           of the Constitution of North Dakota. Any tax levied for this purpose must be  
10          excluded from the mill rate applied under subdivisions a through c of  
11          subsection 1.  
12          3. A levy exceeding the percentage increase limitation under subsection 1 may be  
13          imposed upon approval of a ballot measure, stating the percentage of the proposed  
14          property tax levy increase percentage compared to the percentage limitation under  
15          subsection 1, by a majority of the qualified electors of the taxing district voting on the  
16          question at a regular or special election of the taxing district. A levy exceeding the  
17          percentage increase limitation under subsection 1 may be approved by electors for not  
18          more than one taxable year at a time.  
19          4. A city or county may not supersede or modify the application of the provisions of this  
20          section under home rule authority.

21           **SECTION 4. EFFECTIVE DATE - EXPIRATION DATE.** Section 2 of this Act is effective for  
22   the first two taxable years beginning after December 31, 2017, and is thereafter ineffective.  
23   Sections 1 and 3 of this Act are effective for taxable years beginning after December 31, 2019.