

Sixty-fourth
Legislative Assembly
of North Dakota

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; to
4 provide for a legislative management study of the consolidation of elections and a legislative
5 management study of statutory references to political subdivisions; and to provide an effective
6 date.

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

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

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

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

19 The tax may not exceed ~~the limitation in section 57-15-26.3a~~ tax rate of five mills per dollar
20 of the taxable valuation of property in the district except upon resolution adopted by the board of
21 directors ~~after receipt of a petition and~~ approval by a majority of the qualified electors ~~residing~~
22 within the district voting on the question at an annual or special meeting of electors called by the
23 board of directors, the levy may be made in an amount not exceeding thirteen mills. If an
24 election to approve or reauthorize an excess levy will be held at an annual or special meeting of

1 electors of the district called by the board of directors, notice of the meeting and the proposed
2 excess levy election must be provided by at least one publication in the official newspaper of
3 each county in which the district is located at least seven days, but not more than fourteen
4 days, before the date of the public meeting. The published notice must include the amount of
5 the proposed tax rate increase in mills and the duration for which elector approval of the
6 increase is sought and must include the location where, and hours during which, ballots may be
7 cast.

8 Votes to approve or disapprove the levy increase must be cast on the date of the meeting.
9 The polling place must remain open for at least six hours on the date of the meeting. The
10 secretary-treasurer of the district shall prepare and distribute to qualified electors at the polling
11 place paper ballots to conduct the election on the question of increased levy authority. Three
12 election judges to receive and count the ballots, who are qualified electors of the district but not
13 members of the board, must be selected at least seven days before the meeting by approval of
14 a majority of the members of the board. A marked ballot must be delivered to one of the judges,
15 folded to conceal its contents, the judge shall deposit it in the ballot box, and another judge shall
16 enter the name of the elector who cast the ballot in the poll book. When the election is closed,
17 the judges shall count the ballots and announce the result. Results of the election must be
18 certified by the secretary-treasurer of the district and each of the election judges to the tax
19 commissioner and to the county auditor of each county in which the district is located within ten
20 days after the election. The certificate must include a statement of the question as it appeared
21 on the ballot, together with the total number of votes cast in favor, and the number of votes cast
22 against, authorizing the excess levy.

23 After July 31, 2015, approval or reauthorization by ~~petition of~~ electors of increased levy
24 authority under this section may not be effective for more than ~~eight~~ten taxable years. ~~No~~
25 ~~signature on the petition may be considered valid if made more than ninety days prior to receipt~~
26 ~~of the petition.~~ Additional levy authority authorized by the board of directors after petition of
27 electors before August 1, 2015, remains in effect under the provisions of law at the time the levy
28 was authorized for the time period authorized by the electors but not exceeding five taxable
29 years. The tax must be:

- 30 1. Collected as other taxes are collected in the county.

- 1 2. Turned over to the secretary-treasurer of the rural fire protection district, who shall
- 2 have a surety bond in the amount of at least five thousand dollars.
- 3 3. Placed to the credit of the rural fire protection district so authorizing the same by its
- 4 secretary-treasurer in a state or national bank, except amounts to be carried over to a
- 5 future year for purchase of firefighting equipment, ambulances, or other emergency
- 6 vehicles may be invested to earn the maximum return available.
- 7 4. Paid out upon warrants drawn upon the fund by authority of the board of directors of
- 8 the district, bearing the signature of the secretary-treasurer and the countersignature
- 9 of the president of the rural fire protection district.

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

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

17 **SECTION 3. LEGISLATIVE MANAGEMENT STUDY- CONSOLIDATION OF ELECTIONS.**

18 During the 2015-16 interim, the legislative management shall consider studying the feasibility
19 and desirability of consolidating all political subdivision and school district elections with the
20 statewide primary election and the holding of all special elections on other specified dates
21 during any year. If the legislative management conducts the study, the legislative management
22 shall seek input and participation from the secretary of state; representatives of cities, counties,
23 school districts, and other political subdivisions; and representatives of political parties. The
24 legislative management shall report its findings and recommendations, together with any
25 legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

26 **SECTION 4. LEGISLATIVE MANAGEMENT STUDY - STATUTORY REFERENCES TO**
27 **POLITICAL SUBDIVISIONS.** During the 2015-16 interim, the legislative management shall
28 consider studying statutory usage of various references to political subdivisions and the
29 feasibility of differentiating references to political subdivisions based on whether the governing
30 body is elected or appointed. The legislative management shall report its findings and

1 recommendations, together with any legislation required to implement the recommendations, to
2 the sixty-fifth legislative assembly.

3 **SECTION 5. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
4 December 31, 2014.