

**HOUSE BILL NO. 1025**

Introduced by

Legislative Council

(Advisory Commission on Intergovernmental Relations)

1 A BILL for an Act to amend and reenact section 57-15-06.10 of the North Dakota Century Code,  
2 relating to consolidation of county mill levies; and to provide an effective date.

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

4 **SECTION 1. AMENDMENT.** Section 57-15-06.10 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **57-15-06.10. Optional consolidation of county mill levies.**

- 7 1. In lieu of determining its general fund levy limitation under section 57-15-01.1 or  
8 57-15-06, a county may determine its general fund levy authority as provided in  
9 this section. A county may consolidate the levies provided for under sections  
10 4-02-26, 4-02-27, 4-02-27.1, 4-02-27.2, 4-02-37, 4-08-15, 4-08-15.1, 4-16-02,  
11 4-33-11, 11-11-24, 11-11-53, 11-11-60, 11-11-65, ~~41-11-1-06, 41-28-06,~~ 18-07-01,  
12 24-05-01, 32-12.1-08, ~~40-38-02,~~ 40-57.2-04, 49-17.2-21, 52-09-08, 57-15-06.4,  
13 57-15-06.5, 57-15-06.6, ~~57-15-06.9,~~ 57-15-10.1, 57-15-27.2, ~~57-15-54,~~ 57-15-59,  
14 57-15-60, and 57-47-04, ~~61-04.1-26, and 63-01.1-06~~ with its general fund levy  
15 under section 57-15-06 to provide for a county general fund levy which may not  
16 exceed one hundred ~~thirty-four~~ eighteen mills on the dollar of taxable valuation of  
17 the county. A county that elects to determine its general fund levy authority under  
18 this section may not impose separate levies under the sections listed in this  
19 subsection ~~and may not increase the number of mills levied in any one year over~~  
20 ~~the number levied in the previous year by more than the increase in the consumer~~  
21 ~~price index for all urban consumers, all items, United States city average, as~~  
22 ~~completed by the United States department of labor, bureau of labor statistics.~~  
23 2. The consolidation of mill levies under subsection 1 may be accomplished by  
24 resolution of the board of county commissioners, subject to the right of referendum

1 by the county electors. The board of county commissioners may by majority vote  
2 adopt a preliminary resolution providing for the consolidated levy. The board shall  
3 publish the preliminary resolution in the official newspaper of the county, at least  
4 once during two different weeks within the thirty-day period immediately following  
5 the adoption of the preliminary resolution. The board of county commissioners  
6 shall hold at least one public hearing and receive comments regarding the  
7 consolidation of mill levies. The preliminary resolution may be referred to the  
8 qualified electors of the county by a petition protesting the consolidation. The  
9 petition must be signed by ten percent or more of the total number of qualified  
10 electors of the county voting for governor at the most recent gubernatorial election,  
11 and filed with the county auditor before four p.m. on the ninetieth day after the  
12 preliminary resolution is adopted. If the petition contains the signatures of a  
13 sufficient number of qualified electors, the board of county commissioners shall  
14 rescind the preliminary resolution or submit the resolution to a vote of the qualified  
15 electors of the county at the next regular election or at a special election called by  
16 the board of county commissioners to address the question. If a majority of the  
17 qualified electors voting on the question approve the resolution, the consolidation  
18 becomes effective for the next tax year and subsequent tax years. If a petition  
19 protesting the consolidation is not submitted within ninety days, the board of county  
20 commissioners shall consider the comments received regarding the consolidation  
21 and either adopt a final resolution implementing the consolidation or rescind the  
22 preliminary resolution. The consolidation of mill levies may be reversed by  
23 resolution of the board of county commissioners following the same procedure  
24 provided for implementation of the consolidation or by a majority vote of the  
25 qualified electors of the county voting on the question pursuant to submission of a  
26 petition to reverse the consolidation signed by ten percent or more of the total  
27 number of qualified electors of the county voting for governor at the most recent  
28 gubernatorial election.

29 3. A contractual obligation entered by a county with respect to a dedicated mill levy  
30 may not be impaired as a result of consolidation of levies under this section.

1           **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after  
2   December 31, 2004.