

SENATE BILL NO. 2285

Introduced by

Senators Lyson, Cook

Representatives Onstad, Rennerfeldt

1 A BILL for an Act to amend and reenact section 23-11-29 of the North Dakota Century Code,
2 relating to payments in lieu of taxes on certain housing authority property; to provide an
3 appropriation; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 23-11-29 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **23-11-29. Tax exemptions and payments in lieu of taxes.**

8 1. The property of an authority, including an authority created under Indian laws
9 recognized by the federal government, is declared to be public property used for
10 essential public and governmental purposes and is exempt from all taxes and
11 special assessments of the city, the county, the state, or any political subdivision
12 thereof. In lieu of such taxes or special assessments, an authority may agree to
13 make payments to the city, county, state, or any such political subdivision for
14 improvements, services, and facilities furnished thereby for the benefits of a
15 housing project, but in no event may such payments exceed the estimated cost to
16 such city, county, or political subdivision of the improvements, services, or facilities
17 to be so furnished.

18 2. a. By March first of each year, the county auditor of each county shall certify to
19 the tax commissioner, on forms prescribed by the tax commissioner, the
20 following information:

21 (1) The name and address of each housing authority providing housing
22 within the county for which the exemption provided for in subsection 1
23 was allowed for the preceding year, other than a housing authority
24 established pursuant to section 23-11-03.

- 1 (2) The amount of property taxes that would have been payable but for the
2 exemption of property of each housing authority certified under
3 paragraph 1 for the preceding year.
- 4 (3) The total amount of payments in lieu of taxes received for property
5 included in the exemption computation under paragraph 2.
- 6 (4) Other information that the tax commissioner requires.
- 7 b. The tax commissioner shall audit the certifications, make such corrections as
8 may be required, and certify to the state treasurer for payment to each county
9 by June first of each year the sum of the corrected amounts certified under
10 paragraph 2 of subdivision a minus the amounts certified under paragraph 3
11 of subdivision a.
- 12 c. The county treasurer upon receipt of the payment from the state treasurer
13 shall forthwith apportion and distribute the payment to each political
14 subdivision in the county according to the exemption amount allowed for each
15 respective housing authority properties for such housing authority which
16 operates within a political subdivision but which was not established under
17 section 23-11-03.
- 18 d. Supplemental certifications by the county auditor and by the state tax
19 commissioner and supplemental payments by the state treasurer may be
20 made after the dates prescribed for payments under subdivision b to make
21 such corrections as may be necessary because of errors discovered after
22 those payments were made.

23 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the
24 general fund in the state treasury, not otherwise appropriated, the sum of \$44,680, or so much
25 of the sum as may be necessary, to the state treasurer for the purpose of payments in lieu of
26 taxes to political subdivisions under section 23-11-29, for the biennium beginning July 1, 2005,
27 and ending June 30, 2007.

28 **SECTION 3. EFFECTIVE DATE.** Section 1 of this Act is effective for taxable years
29 beginning after December 31, 2004.