

Sixty-third  
Legislative Assembly  
of North Dakota

## REENGROSSED HOUSE BILL NO. 1210

Introduced by

Representatives Belter, Amerman, Silbernagel, Wall, J. Kelsh, Williams

Senators G. Lee, Luick, Dotzenrod

1 A BILL for an Act to create and enact a new section to chapter 61-02 of the North Dakota  
2 Century Code, relating to payments in lieu of taxes to a school district for which the property tax  
3 base was diminished by acquisition of property for a flood control project.

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

5 **SECTION 1.** A new section to chapter 61-02 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Flood control project funding - Allocation of payments in lieu of taxes for loss of tax**  
8 **base caused by reduced valuation of property in impacted school district.**

9 The flood control project authority annually shall make payments pursuant to this chapter to  
10 adversely affected school districts in which property subject to valuation is located.

11 1. The payments are in lieu of taxes that otherwise would be available to the school  
12 districts if the real property upon which these payments are based was not:

13 a. Acquired by the state, the United States, a political subdivision of this state, or  
14 other tax-exempt entity for a flood diversion channel project; or

15 b. Assigned a reduced true and full valuation from its 2011 true and full valuation  
16 which was done primarily because of the effects or anticipated effects of a flood  
17 diversion channel or flood control project.

18 2. For purposes of this section:

19 a. "Adversely affected school district" means a school district with average daily  
20 attendance of fewer than one thousand students which, by reason of the effect of  
21 events described in subsection 1, has had a significant reduction in taxable  
22 valuation of property within the school district.

23 b. "Flood control project authority" means the political subdivision or entity with land  
24 acquisition authority for execution of a diversion or flood control project.

1           c. "Property subject to valuation" means:

2               (1) The taxable valuation of property acquired by the state, the United States,  
3               or a political subdivision of this state, or other tax-exempt entity for use in a  
4               flood diversion channel project but does not include the taxable valuation of  
5               any of that property being assessed for ad valorem taxation to the owner or  
6               occupant; or

7               (2) The amount determined by subtracting the current taxable valuation of  
8               property described in subdivision b of subsection 1 from that property's  
9               taxable valuation for 2011.

10           3. In determining the mill rate for the adversely affected school district, for the taxable  
11           year, the taxable valuation for the district as otherwise determined by law must be  
12           increased by the taxable valuation determined for property subject to valuation as  
13           determined under subsection 2.

14           4. For the purpose of making payments in lieu of taxes under this section, all property  
15           subject to valuation under this section must be assessed and valued in the same  
16           manner as other real property in this state is assessed and valued for tax purposes.  
17           The county auditors of the counties in which the property is located, before June  
18           thirtieth of each year, shall give notice in writing to the flood control project authority  
19           and tax commissioner of the value placed upon the property subject to valuation as  
20           finally equalized for taxable year 2011 and the most recent subsequent taxable year.

21           5. Upon equalization by the state board of equalization, if requested by the flood control  
22           project authority, of the value placed upon the property subject to valuation, the flood  
23           control project authority shall compute the payments due to the school districts in  
24           which property subject to valuation is located by extending the mill levies which apply  
25           to other taxable property in the school districts in which the property is located. The  
26           mill levies must be extended against the property subject to valuation in the same  
27           manner as used for other taxable property in the school districts. The payments due to  
28           each school district are the amount determined as provided in this section.

29           6. After computing the payments due to each school district, the flood control project  
30           authority shall remit to the school districts the amounts due, on or before March first of  
31           the succeeding year after the assessments and valuations were made.