

HOUSE BILL NO. 1401

Introduced by

Representatives Headland, Pollert

Senator Wanzek

1 A BILL for an Act to amend and reenact section 57-15-06.3 of the North Dakota Century Code,
2 relating to a limited opportunity for county imposition of a levy for farm-to-market and federal aid
3 roads without voter approval; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 57-15-06.3 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **57-15-06.3. County road program of farm-to-market and federal-aid federal aid roads -**
8 **Tax levy - Use of excess funds.**

- 9 1. The board of county commissioners of any county may prepare a proposed county
10 construction program of farm-to-market and ~~federal-aid~~ federal aid roads on the county
11 road system, setting forth a general description of the roads to be constructed, the
12 location of bridges constituting a part of the program, the approximate total mileage,
13 and the priority of construction. After approval of the program by the state department
14 of transportation, the board may submit the program to the electors of the county with
15 the question of levying a tax not exceeding the limitation in subsection 17 of section
16 57-15-06.7 for the completion of the program by matching, from the proceeds of the
17 tax, federal funds available for ~~federal-aid~~ federal aid roads, secondary and feeder
18 roads, farm-to-market roads, and all roads as provided for under ~~federal-aid~~ federal aid
19 highway Acts. If the majority of the electors voting on the question approved the
20 program and levy, the board shall levy a tax not in excess of the levy established by
21 the ballot.
- 22 2. A board may impose a levy by board action without voter approval under
23 subsection 1. A levy under this subsection may be initially imposed only during taxable

1 year 2011 and if it is imposed, it may be continued in subsequent years. A levy under
2 this subsection may not exceed twelve and sixty-five hundredths mills.

3 3. If the board of county commissioners determines that a substantial change is
4 necessary in the details of the program of farm-to-market and ~~federal-aid~~federal aid
5 roads previously approved by the electors of the county or the board of county
6 commissioners, the board shall set a date for a public hearing on the proposed
7 amendment to the program. Notice must be published in the official newspaper of the
8 county once a week for three consecutive weeks before the date of public hearing.
9 The board, after approval of the amendment by the state department of transportation,
10 may officially amend the program. The program, as amended by the board, becomes
11 the official county road program.

12 ~~3.4.~~ The board of county commissioners may change the program if the program has not
13 been completed within ten years of the election establishing the program and the
14 board complies with the requirements specified for changes in the original designation
15 of a county road system under section 24-05-16.

16 4.5. Upon resolution of the board of county commissioners, any proceeds of a tax levy in
17 excess of the amount needed to match federal funds in any year may be used by the
18 county, at any time the proceeds may become available, for providing paved or any
19 other type of road surfacing on, or for maintenance of, roads included within the
20 county road program for which the tax levy was originally made or for any new project
21 included in an amended program.

22 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
23 December 31, 2010.