

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Cook

1 A BILL for an Act to amend and reenact subsection 4 of section 57-02-27.2 of the North Dakota
2 Century Code, relating to the capitalization rate used for the agricultural property valuation
3 formula for property tax purposes; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Subsection 4 of section 57-02-27.2 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 4. To find the "capitalized average annual gross return", the average annual gross
8 return must be capitalized by a rate that is a ten-year average of the gross
9 agribank mortgage rate of interest for North Dakota, but the rate used for
10 capitalization under this section may not be less than eight and nine-tenths percent
11 for taxable year 2005 and eight and three-tenths percent for taxable years after
12 2005. The ten-year average must be computed from the twelve years ending with
13 the most recent year used under subdivision a of subsection 3, discarding the
14 highest and lowest years, and the gross agribank mortgage rate of interest for each
15 year must be determined in the manner provided in section 20.2032A-4(e)(1) of the
16 United States treasury department regulations for valuing farm real property for
17 federal estate tax purposes, except that the interest rate may not be adjusted as
18 provided in section 20.2032A-4(e)(2).

19 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
20 December 31, 2008.