

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1246**

Introduced by

Representatives Weisz, Belter

Senator Hogue

- 1 A BILL for an Act to amend and reenact subsection 9 of section 57-02-08 of the North Dakota
2 Century Code, relating to the property tax exemption for church property; to provide for a
3 legislative management study; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Subsection 9 of section 57-02-08 of the North Dakota Century
6 Code is amended and reenacted as follows:

- 7 9. All real property, ~~not exceeding two acres [.81 hectare] in extent, owned by any~~
8 ~~religious corporation or organization, upon which there is a building used for the~~
9 ~~religious services of the organization, or upon which there is a dwelling with usual~~
10 ~~outbuildings, intended and ordinarily used for the residence of the bishop, priest,~~
11 ~~rector, or other minister in charge of services,~~ buildings owned by any religious
12 corporation or organization and used for the religious services of the organization, or if
13 on the same parcel, dwellings with usual outbuildings, intended and ordinarily used for
14 the residence of the bishop, priest, rector, or other minister in charge of services, land
15 directly under and within the perimeter of those buildings, and up to a maximum of five
16 additional acres [2.02 hectares] of area used for parking or reasonable landscaping or
17 sidewalk area adjoining the main church building must be deemed to be property used
18 exclusively for religious services, and exempt from taxation, whether the real property
19 consists of one tract or more. If the residence of the bishop, priest, rector, or other
20 minister in charge of services is located on property not adjacent to the church, that
21 residence with usual outbuildings and land on which it is located, up to two acres
22 [.81 hectare], is exempt from taxation. The exemption for a building used for the
23 religious services of the owner continues to be in effect if the building in whole, or in
24 part, is rented to another otherwise tax-exempt corporation or organization, provided

1 no profit is realized from the rent. ~~All real property owned by any religious corporation-~~
2 ~~or organization and used as a parking lot by persons attending religious services is~~
3 ~~exempt from taxation. All taxes assessed or levied on any of the property, while the~~
4 ~~property is used for religious purposes, are void.~~

5 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - SALES TAX EXEMPTION FOR**
6 **CHARITABLE NONPROFITS.** During the 2011-12 interim, the legislative management shall

7 consider studying the feasibility and desirability of extending the sales tax exemption on
8 purchases of tangible property to all charitable nonprofit organizations so that all such
9 organizations are treated equally and fairly under state law. The legislative management also
10 may undertake a comparative analysis of the efficacy of sales tax exemptions and rate
11 reductions, including, for each exemption or reduction, a detailed analysis of the fiscal impact to
12 the state; benefits to the state economy from eliminating or retaining the exemption or rate
13 reduction; the relationship of the exemption or rate reduction to tax policies of other states and
14 to federal or state laws or regulations; and who are the beneficiaries of each exemption or rate
15 reduction, specifically including the extent to which the benefits flow to out-of-state concerns.
16 The legislative management shall report its findings and recommendations, together with any
17 legislation required to implement the recommendations, to the sixty-third legislative assembly.

18 **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
19 December 31, 2010.