

Sixty-third
Legislative Assembly
of North Dakota

**ENGROSSED SENATE CONCURRENT
RESOLUTION NO. 4030**

Introduced by

Senator Cook

1 A concurrent resolution to amend and reenact sections 5 and 15 of article X of the Constitution
2 of North Dakota, relating to uniformity of property taxation among classes of property and
3 requiring use of assessed value as the actual value of property for property tax purposes; and
4 to provide an effective date.

5 **STATEMENT OF INTENT**

6 This measure requires the legislative assembly to restrict the variance of effective property tax
7 rates among classes of property and requires use of assessed value as the actual value of
8 property for property tax purposes and requires necessary statutory provisions to be in place by
9 taxable year 2016.

10 **BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF
11 REPRESENTATIVES CONCURRING THEREIN:**

12 That the following proposed amendments to sections 5 and 15 of article X of the
13 Constitution of North Dakota are agreed to and must be submitted to the qualified electors of
14 North Dakota at the general election to be held in 2014, in accordance with section 16 of
15 article IV of the Constitution of North Dakota.

16 **SECTION 1. AMENDMENT.** Section 5 of article X of the Constitution of North Dakota is
17 amended and reenacted as follows:

18 **Section 5. Taxes shall**

- 19 1. Property taxes must be uniform upon the same class of property including franchises
- 20 within the territorial limits of the authority levying the tax.
- 21 2. The assessed value must be determined for all property. For purposes of this
- 22 subsection, "assessed value" means the actual value of property, determined by
- 23 market value, earning or productive capacity, and any other circumstances affecting
- 24 the actual value. The legislative assembly may provide by law for determination of
- 25 assessed value for agricultural property through a formula devised to measure

1 productivity. The legislative assembly may provide by law for application of an
2 assessment ratio for a class of property that is less than one hundred percent of its
3 actual value.

4 3. The legislative assembly may by law exempt any or all classes of personal property
5 from taxation ~~and within the meaning of this section.~~ For purposes of this subsection,
6 fixtures, buildings and improvements of every character, whatsoever, upon land ~~shall~~
7 ~~be~~are deemed personal property.

8 4. The property of the United States, to the extent immunity from taxation has not been
9 waived by an act of Congress, property of the state, county, and municipal
10 corporations, to the extent immunity from taxation has not been waived by an act of
11 the legislative assembly, ~~and property must be exempt from taxation.~~

12 5. Property used exclusively for schools, religious, cemetery, charitable or other public
13 purposes ~~shall be~~is exempt from taxation.

14 6. Real property used for conservation or wildlife purposes is not exempt from taxation
15 unless an exemption is provided by the legislative assembly.

16 7. Except as restricted by this article, the legislative assembly may provide for raising
17 revenue and fixing the situs of all property for the purpose of taxation. ~~Provided that all~~
18 ~~taxes and exemptions in force when this amendment is adopted shall remain in force~~
19 ~~until otherwise provided by statute.~~

20 **SECTION 2. AMENDMENT.** Section 15 of article X of the Constitution of North Dakota is
21 amended and reenacted as follows:

22 **Section 15.** The debt of any county, township, city, town, school district or any other political
23 subdivision, shall never exceed ~~five~~two and one-half per centum upon the assessed value of
24 the taxable property therein; ~~provided that any.~~ However, an incorporated city may, by a
25 two-thirds vote, increase ~~such indebtedness three~~its debt limit to four per centum on such
26 assessed value ~~beyond said five per centum limit,~~ and a school district, by a majority vote, may
27 increase ~~such indebtedness~~its debt limit to five percent on such assessed value ~~beyond said~~
28 ~~five per centum limit;~~ provided also that any. In addition, a county or city by a majority vote may
29 issue bonds upon any revenue-producing utility owned by such county or city, or for the
30 purchasing or acquiring the same or building or establishment thereof, in amounts not
31 exceeding the physical value of such utility, industry or enterprise.

1 In estimating the indebtedness which a city, county, township, school district or any other
2 political subdivision may incur, the entire amount, exclusive of the bonds upon said
3 revenue-producing utilities, ~~whether contracted prior or subsequent to the adoption of this-~~
4 ~~constitution, shall~~must be included; ~~provided further that any.~~ Any incorporated city may become
5 indebted in any amount not exceeding ~~four~~two per centum of such assessed value without
6 regard to the existing indebtedness of such city for the purpose of constructing or purchasing
7 waterworks for furnishing a supply of water to the inhabitants of such city, or for the purpose of
8 constructing sewers, and for no other purposes whatever. All bonds and obligations in excess of
9 the amount of indebtedness permitted by this constitution, given by any city, county, township,
10 town, school district, or any other political subdivision shall be void.

11 **SECTION 3. EFFECTIVE DATE.** If approved by the electors, this measure is effective for
12 taxable years and indebtedness incurred after December 31, 2015.