

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3046

Introduced by

Representatives Ruby, Thoreson

Senator Miller

1 A concurrent resolution for the amendment of sections 1, 4, 14, 15, and 16 of article X of the
2 Constitution of North Dakota, relating to elimination of property taxes; to repeal sections 5, 6, 7,
3 9, and 10 of article X of the Constitution of North Dakota, relating to elimination of property
4 taxes, poll taxes, and acreage taxes; to provide for a legislative council study before placement
5 of this measure on the ballot; and to provide an effective date.

6 **STATEMENT OF INTENT**

7 This measure prohibits imposition of property taxes, poll taxes, and acreage taxes in the state
8 effective January 1, 2014.

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

11 That the following proposed amendments to sections 1, 4, 14, 15, and 16 of article X
12 and repeal of sections 5, 6, 7, 9, and 10 of article X of the Constitution of North Dakota are
13 agreed to and must be submitted to the qualified electors of North Dakota at the general
14 election to be held in 2012, in accordance with section 16 of article IV of the Constitution of
15 North Dakota.

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

18 **Section 1.** The legislative assembly ~~shall be~~ and all political subdivisions are prohibited
19 from raising revenue to defray the expenses of the state or political subdivisions through the
20 levying of a tax on the assessed value of real or personal property.

21 **SECTION 2. AMENDMENT.** Section 4 of article X of the Constitution of North Dakota
22 is amended and reenacted as follows:

23 **Section 4.** ~~All taxable property except as hereinafter in this section provided, shall be~~
24 ~~assessed in the county, city, township, village or district in which it is situated, in the manner~~
25 ~~prescribed by law. The property, including franchises of all railroads operated in this state, and~~

1 ~~of all express companies, freight line companies, dining car companies, sleeping car~~
2 ~~companies, car equipment companies, or private car line companies, telegraph or telephone~~
3 ~~companies, the property of any person, firm or corporation used for the purpose of furnishing~~
4 ~~electric light, heat or power, or in distributing the same for public use, and the property of any~~
5 ~~other corporation, firm or individual now or hereafter operating in this state, and used directly or~~
6 ~~indirectly in the carrying of persons, property or messages, shall be assessed by the state~~
7 ~~board of equalization in a manner prescribed by such state board or commission as may be~~
8 ~~provided by law. But should any railroad allow any portion of its railway to be used for any~~
9 ~~purpose other than the operation of a railroad thereon, such portion of its railway, while so used~~
10 ~~shall be assessed in a manner provided for the assessment of other real property.~~

- 11 1. Taxes upon real property which were used before 2014 to fund the operations of
12 counties, cities, townships, school districts, park districts, water districts, irrigation
13 districts, fire protection districts, soil conservation districts, and other political
14 subdivisions with authority to levy property taxes must be replaced with revenues
15 from the proceeds of state sales taxes, individual and corporate income taxes, oil
16 and gas production and extraction taxes, tobacco taxes, lottery revenues, financial
17 institutions taxes, and other state resources.
- 18 2. The legislative assembly shall direct as much oil and gas production and extraction
19 tax, tobacco tax, lottery revenue, and financial institutions tax as necessary to fund
20 the share of elementary and secondary education not funded through state
21 revenue sources before 2014. The state cannot condition the expenditure of this
22 portion of elementary and secondary education funding in any manner and school
23 boards have sole discretion in how to allocate the expenditure of this portion of the
24 elementary and secondary funding provided.
- 25 3. The legislative assembly shall direct a share of sales taxes, individual and
26 corporate income taxes, insurance premium taxes, alcoholic beverage taxes,
27 mineral leasing fees, and gaming taxes and any oil and gas production and
28 extraction taxes, tobacco taxes, lottery revenues, and financial institutions taxes
29 not allocated to elementary and secondary schools to counties, cities, and other
30 political subdivisions according to a formula devised by the legislative assembly to
31 fully and properly fund the legally imposed obligations of the counties, cities,

townships, and other political subdivisions. The allocation of the amount determined by the legislative assembly must be provided to the governing bodies of counties, cities, townships, and other political subdivisions. How counties, cities, townships, and other political subdivisions choose to allocate the expenditures of this revenue is at the sole direction of the governing bodies of counties, cities, townships, and other political subdivisions.

SECTION 3. AMENDMENT. Section 14 of article X of the Constitution of North Dakota is amended and reenacted as follows:

Section 14.

1. Notwithstanding any other provision in the constitution, and for the purpose of promoting the economic growth of the state, the development of its natural resources, and the prosperity and welfare of its people, the state may issue bonds and use the proceeds thereof to make loans to privately or cooperatively owned enterprises to plan, construct, acquire, equip, improve, and extend facilities for converting natural resources into power and generating and transmitting such power, and to acquire real and personal property and water and mineral rights needed for such facilities.
2. The state may issue general obligation bonds for this purpose to an amount which, with all outstanding general obligation bonds, less the amount of all money on hand and taxes in process of collection which are appropriated for their payment, will not exceed five percent of the ~~full and true~~ market value of all of the ~~taxable~~ property in the state, to be ascertained by the last assessment made for state and county purposes: ~~but nothing herein shall~~. The provision does not increase or diminish the limitations established by other provisions of the constitution on the amount of bonds therein authorized to be issued.
3. The state may also issue revenue bonds for the purpose of providing part or all of the funds required for any project undertaken under subsection 1, payable solely from sums realized from payments of principal and interest on money loaned for such project, and from other similar projects if so determined by the ~~legislature~~ legislative assembly, and from the liquidation of security given for such payments. Revenue bonds issued for any project shall not exceed the cost thereof, including

all expenses reasonably incurred to complete and finance the project, but shall not be subject to any other limitation of amount.

4. The full faith and credit of the state shall be pledged for the prompt and full payment of all bonds issued under subsection 2. Its obligation with respect to bonds issued under subsection 3 shall be limited to the prompt and full performance of such covenants as the ~~legislature~~ legislative assembly may authorize to be made respecting the enforcing of the provisions of underlying loan agreements and the segregation, accounting, and application of bond proceeds and of loan payments and other security pledged for the payment of the bonds. All bonds authorized by subsections 1 to 3, inclusive, shall mature within forty years from their respective dates of issue, but may be refunded at or before maturity in such manner and for such term and upon such conditions as the ~~legislature~~ legislative assembly may direct. Any such bonds may, but need not be, secured by mortgage upon real or personal property acquired with the proceeds of the same or any other issue of general obligation or revenue bonds, or upon other property mortgaged by the debtor. Pledges of revenues and mortgages of property securing bonds of any issue may be prior or subordinate to or on a parity with pledges and mortgages securing any other issue of general obligation or revenue bonds, as determined by the ~~legislature~~ legislative assembly from time to time in conformity with any provisions made for the security of outstanding bonds.
5. The ~~legislature~~ legislative assembly shall pass such laws as are appropriate to implement this amendment.
6. If any subsection of this amendment, or any part of a subsection, or any application thereof to particular circumstances should be held invalid for any reason, such invalidity shall not affect the validity of all remaining provisions of this amendment which may be given effect without that which is declared invalid, as applied to any circumstances and for this purpose all subsections and parts of subsections and applications thereof are declared to be severable.

SECTION 4. AMENDMENT. Section 15 of article X of the Constitution of North Dakota is amended and reenacted as follows:

1 **Section 15.** The debt of any county, township, city, ~~town~~, school district, or any other
2 political subdivision, shall never exceed five per centum upon the ~~assessed~~ market value of the
3 ~~taxable~~ property therein; provided that any incorporated city may, by a two-thirds vote, increase
4 such indebtedness three per centum on such ~~assessed~~ market value beyond said five per
5 centum limit, and a school district, by a majority vote may increase such indebtedness five
6 percent on such ~~assessed~~ market value beyond said five per centum limit; provided also that
7 any county or city by a majority vote may issue bonds upon any revenue-producing utility
8 owned by such county or city, or for the purchasing or acquiring the same or building or
9 establishment thereof, in amounts not exceeding the physical value of such utility, industry or
10 enterprise.

11 In estimating the indebtedness which a city, county, township, school district, or any
12 other political subdivision may incur, the entire amount, exclusive of the bonds upon said
13 revenue-producing utilities, whether contracted prior or subsequent to the adoption of this
14 constitution, shall be included; provided further that any incorporated city may become indebted
15 in any amount not exceeding four per centum of such ~~assessed~~ market value without regard to
16 the existing indebtedness of such city for the purpose of constructing or purchasing waterworks
17 for furnishing a supply of water to the inhabitants of such city, or for the purpose of constructing
18 sewers, and for no other purposes whatever. All bonds and obligations in excess of the
19 amount of indebtedness permitted by this constitution, given by any city, county, township,
20 ~~town~~, school district, or any other political subdivision shall be void.

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

23 **Section 16.** Any city, county, township, ~~town~~, school district, or any other political
24 subdivision incurring indebtedness shall, at or before the time of so doing, provide for ~~the~~
25 ~~collection of an~~ annual ~~tax~~ revenues sufficient to pay the interest and also the principal thereof
26 when due, and all laws or ordinances providing for the payment of the interest or principal of
27 any debt shall be irrevocable until such debt be paid.

28 **SECTION 6. REPEAL.** Sections 5, 6, 7, 9, and 10 of article X of the Constitution of
29 North Dakota are repealed.

30 **SECTION 7. LEGISLATIVE COUNCIL STUDY.** During the 2009-10 interim, the
31 legislative council shall study all aspects of the consequences of enactment of this measure,

1 including fiscal and administrative analysis and statutory changes that would be required by
2 enactment of this measure. If the legislative council determines that elimination of property
3 taxes is not feasible or desirable, the study directed by this section must focus on property tax
4 reform issues, including all aspects of the fiscal and administrative components of the property
5 tax system. The legislative council shall report its findings and recommendations, together with
6 any legislation required to implement the recommendations, to the sixty-second legislative
7 assembly.

8 **SECTION 8. EFFECTIVE DATE.** If approved by the voters, sections 1 through 6 of
9 this measure become effective on January 1, 2014.