

Introduced by

Representatives Streyle, Owens

1 A concurrent resolution to amend and reenact sections 3, 5, 12, and 18 of article X of the  
2 Constitution of North Dakota, relating to statement of the public purpose of a tax, uniform  
3 assessment of taxes among classes of property, and state ownership of an industry, enterprise,  
4 or business.

5 **STATEMENT OF INTENT**

6 This measure requires laws to contain a statement of the public purpose of a tax, requires  
7 uniform assessment of taxes among classes of property, and provides for state ownership of an  
8 industry, enterprise, or business.

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

11 That the following proposed amendment to sections 3, 5, 12, and 18 of article X of the  
12 Constitution of North Dakota is agreed to and must be submitted to the qualified electors of  
13 North Dakota at the general election to be held in 2014, in accordance with section 16 of  
14 article IV of the Constitution of North Dakota.

15 **SECTION 1. AMENDMENT.** Section 3 of article X of the Constitution of North Dakota is  
16 amended and reenacted as follows:

17 **Section 3.** No tax shall be levied except in pursuance of law, and every law imposing a tax  
18 shall state ~~distinctly the object of the same~~ the public purpose of the tax, to which only it shall be  
19 ~~applied~~ appropriated. A public purpose is a governmental function that serves all citizens of this  
20 state equally and as further defined in section 16 of article I. Notwithstanding the foregoing or  
21 any other provisions of this constitution, the legislative assembly, in any law imposing a tax or  
22 taxes on, in respect to or measured by income, may define the income on, in respect to or by  
23 which such tax or taxes are imposed or measured or may define the tax itself by reference to  
24 any provision of the laws of the United States as the same may be or become effective at any  
25 time or from time to time, and may prescribe exceptions or modifications to any such provision.

1       **SECTION 2. AMENDMENT.** Section 5 of article X of the Constitution of North Dakota is  
2 amended and reenacted as follows:

3       **Section 5.** Taxes shall be ~~uniform~~assessed uniformly upon the ~~same~~each class of property  
4 including franchises within the territorial limits of the authority levying the tax. The legislative  
5 assembly may by law exempt any or all classes of personal property from taxation and within  
6 the meaning of this section, fixtures, buildings and improvements of every character,  
7 whatsoever, upon land shall be deemed personal property. The property of the United States, to  
8 the extent immunity from taxation has not been waived by an act of Congress, property of the  
9 state, county, and municipal corporations, to the extent immunity from taxation has not been  
10 waived by an act of the legislative assembly, and property used exclusively for schools,  
11 religious, cemetery, charitable or other public purposes shall be exempt from taxation. Real  
12 property used for conservation or wildlife purposes is not exempt from taxation unless an  
13 exemption is provided by the legislative assembly. Except as restricted by this article, the  
14 legislative assembly may provide for raising revenue and fixing the situs of all property for the  
15 purpose of taxation. Provided that all taxes and exemptions in force when this amendment is  
16 adopted shall remain in force until otherwise provided by statute.

17       **SECTION 3. AMENDMENT.** Section 12 of article X of the Constitution of North Dakota is  
18 amended and reenacted as follows:

19       **Section 12.**

20       1. All public moneys, from whatever source derived, shall be paid over monthly by the  
21 public official, employee, agent, director, manager, board, bureau, or institution of the  
22 state receiving the same, to the state treasurer, and deposited by ~~him~~the state  
23 treasurer to the credit of the state, and shall be paid out and disbursed only pursuant  
24 to appropriation first made by the ~~legislature~~legislative assembly and only for a public  
25 purpose; provided, however, that there is hereby appropriated the necessary funds  
26 required in the financial transactions of the Bank of North Dakota, and required for the  
27 payment of losses, duly approved, payable from the state hail insurance fund, state  
28 bonding fund, and state fire and tornado fund, and required for the payment of  
29 compensation to injured employees or death claims, duly approved, payable from the  
30 ~~workmen's~~worker's compensation fund, and required for authorized investments made  
31 by the board of university and school lands, and required for the financial operations of

1 the state mill and elevator association, and required for the payment of interest and  
2 principal of bonds and other fixed obligations of the state, and required for payments  
3 required by law to be paid to beneficiaries of the teachers' insurance and retirement  
4 fund, and required for refunds made under the provisions of the Retail Sales Tax Act,  
5 and the State Income Tax Law, and the State Gasoline Tax Law, and the Estate and  
6 Succession Tax Law, and the income of any state institution derived from permanent  
7 trust funds, and the funds allocated under the law to the state highway department  
8 and the various counties for the construction, reconstruction, and maintenance of  
9 public roads.

10 This constitutional amendment shall not be construed to apply to fees and  
11 moneys received in connection with the licensing and organization of physicians and  
12 surgeons, pharmacists, dentists, osteopaths, optometrists, embalmers, barbers,  
13 lawyers, veterinarians, nurses, chiropractors, accountants, architects, hairdressers,  
14 chiropodists, and other similarly organized, licensed trades and professions; and this  
15 constitutional amendment shall not be construed to amend or repeal existing laws or  
16 Acts amendatory thereof concerning such fees and moneys.

17 2. No bills, claims, accounts, or demands against the state or any county or other political  
18 subdivision shall be audited, allowed, or paid until a full itemized statement in writing  
19 shall be filed with the officer or officers whose duty it may be to audit the same, and  
20 then only upon warrant drawn upon the treasurer of such funds by the proper officer or  
21 officers.

22 3. ~~This amendment shall become effective on July 1, 1939.~~

23 **SECTION 4. AMENDMENT.** Section 18 of article X of the Constitution of North Dakota is  
24 amended and reenacted as follows:

25 **Section 18.** The state, any county or city may make internal improvements and may  
26 ~~engage in own and operate~~ any industry, enterprise or business, ~~not prohibited by article XX of~~  
27 ~~the constitution, but neither.~~ Neither the state nor any political subdivision thereof shall  
28 otherwise loan or give its credit or make donations to or in aid of any individual, association or  
29 corporation except for reasonable support of the poor; ~~nor.~~ The state or any governmental entity  
30 may not subscribe to or become the owner of capital stock in any association or corporation.