

**INITIATIVE PETITION  
TO THE SECRETARY OF STATE  
STATE OF NORTH DAKOTA**

Approved Copy  
**RECEIVED**

MAR 29 2010

SEC OF STATE

We, the undersigned, being qualified electors request the following initiated law be placed on the ballot as provided by law.

**SPONSORING COMMITTEE**

The following are the names and addresses of the qualified electors of the state of North Dakota who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law:

Charlene E. Nelson, Chairman 15703 31 <sup>st</sup> St. SE Casselton, ND 58012	Ronald E. Almquist 2700 74 <sup>th</sup> St. NW Minot, ND 58703	James Lee 7701 289 <sup>th</sup> Ave. SE Max, ND 58759
John Fjeldahl 301 254 <sup>th</sup> St. SW Berthold, ND 58718	Martin J. Riske 2901 27 <sup>th</sup> St. SE Fargo, ND 58103	Richard W. Ames 604 6 <sup>th</sup> St. N Wahpeton, ND 58075
Isaac E. Stegman 10329 County Road 2 Neche, ND 58265	Charles L. Walen 122 Golden Spike Rd. West Fargo, ND 58078	Del Ruff P.O. Box 247 826 8 <sup>th</sup> Ave. E West Fargo, ND 58078
Dan Ruby 4620 46 <sup>th</sup> Ave. NW Minot, ND 58703	Larry J. Miller 3326 113 <sup>th</sup> Ave. SE Valley City, ND 58072	LeRoy J. Neubauer 810 7 <sup>th</sup> St. SE Valley City, ND 58072
Sue Evans 1220 1 <sup>st</sup> Ave. W Williston, ND 58801	Keith Colville 3329 114 <sup>th</sup> Ave. SE Valley City, ND 58072	Jerome W. Behm 15500 11 <sup>th</sup> Ave. SW Burlington, ND 58722
Richard Allende 820 1 <sup>st</sup> Ave. SW Minot, ND 58701	Robert Drake 1155 6 <sup>th</sup> St. SE Valley City, ND 58072	Casey Colville 1013 Riverview Dr. Valley City, ND 58072
Vern Brossart 516 W. Broadway Williston, ND 58801	Robert L. Hale 5750 16 <sup>th</sup> Ave. SW Minot, ND 58701	Donald R. Worcester 1390 6 <sup>th</sup> St. E West Fargo, ND 58078
Rena Mitchell 2414 Lilac Lane Fargo, ND 58102	Gene Colville 3609 117 <sup>th</sup> Ave. SE Valley City, ND 58072	Charles Cartier 13532 62 <sup>nd</sup> St. NW Williston, ND 58801
	Dennis Stillings 2225 123 <sup>rd</sup> Ave. SE Valley City, ND 58072	

## PETITION TITLE

This initiated measure would amend sections 1, 4, 14, 15, and 16 of article X of the North Dakota Constitution and repeal sections 5, 6, 7, 9, and 10 of that same article, eliminating property taxes, poll taxes and acreage taxes, effective January 1, 2012. The measure would replace the lost revenues with allocations of various state-level taxes and other revenues, without restrictions on how these revenues may be spent.

## FULL TEXT OF THE MEASURE

**IF MATERIAL IS UNDERScoreD, IT IS NEW MATERIAL WHICH IS BEING ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS BEING DELETED. IF MATERIAL IS NOT UNDERScoreD OR OVERSTRUCK, THE MATERIAL IS EXISTING LAW THAT IS NOT BEING CHANGED.**

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

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

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

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

**SECTION 4.** ~~All taxable property except as hereinafter in this section provided, shall be assessed in the county, city, township, village or district in which it is situated, in the manner prescribed by law. The property, including franchises of all railroads operated in this state, and of all express companies, freight line companies, dining car companies, sleeping car companies, car equipment companies, or private car line companies, telegraph or telephone companies, the property of any person, firm or corporation used for the purpose of furnishing electric light, heat or power, or in distributing the same for public use, and the property of any other corporation, firm or individual now or hereafter operating in this state, and used directly or indirectly in the carrying of persons, property or messages, shall be assessed by the state board of equalization in a manner prescribed by such state board or commission as may be provided by law. But should any railroad allow any portion of its railway to be used for any purpose other than the operation of a railroad thereon, such portion of its railway, while so used shall be assessed in a manner provided for the assessment of other real property.~~

1. Taxes upon real property which were used before 2012 to fund the operations of counties, cities, townships, school districts, park districts, water districts, irrigation districts, fire protection districts, soil conservation districts, and other political subdivisions with authority to levy property taxes must be replaced with revenues from the proceeds of state sales taxes, individual and corporate income taxes, oil and gas production and extraction taxes, tobacco taxes, lottery revenues, financial institutions taxes, and other state resources.
2. The legislative assembly shall direct as much oil and gas production and extraction tax, tobacco tax, lottery revenue, and financial institutions tax as necessary to fund the share of elementary and secondary education not funded through state revenue sources before 2012. The state cannot condition the expenditure of this portion of elementary and secondary education funding in any manner and school boards have sole discretion in how to allocate the expenditure of this portion of the elementary and secondary funding provided.
3. The legislative assembly shall direct a share of sales taxes, individual and corporate income taxes, insurance premium taxes, alcoholic beverage taxes, mineral leasing fees, and gaming taxes and any oil and gas production and extraction taxes, tobacco taxes, lottery revenues, and financial institutions taxes not allocated to elementary and secondary schools to counties, cities, and other political subdivisions according to a formula devised by the legislative assembly to 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:

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

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

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

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

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

**SECTION 7. EFFECTIVE DATE.** If approved by the voters, this measure becomes effective on January 1, 2012.

### INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota thirty days, and you are a United States citizen. All signers must add their complete residential address or rural route or general delivery address and the date of signing. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition.

### QUALIFIED ELECTORS

MONTH, DAY, YEAR	NAME OF QUALIFIED ELECTOR	RESIDENTIAL ADDRESS OR COMPLETE RURAL ROUTE OR GENERAL DELIVERY ADDRESS	CITY, STATE, ZIP CODE
1.			
2.			
3.			
4.			

MONTH, DAY, YEAR	NAME OF QUALIFIED ELECTOR	RESIDENTIAL ADDRESS OR COMPLETE RURAL ROUTE OR GENERAL DELIVERY ADDRESS	CITY, STATE, ZIP CODE
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STATE OF NORTH DAKOTA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )  
(county where signed)

I, \_\_\_\_\_, being sworn, say that I am a qualified elector; that I reside at  
(circulator)  
\_\_\_\_\_ ; that each signature contained on the attached  
(address)  
petition was executed in my presence; and that to the best of my knowledge and belief each  
person whose signature appears on the attached petition is a qualified elector; and that each  
signature contained on the attached petition is the genuine signature of the person whose name it  
purports to be.

\_\_\_\_\_  
(signature of circulator)

Subscribed and sworn to before me on \_\_\_\_\_, 2010, at  
\_\_\_\_\_, North Dakota.  
(city)

**(NOTARY SEAL / STAMP)**

\_\_\_\_\_  
(signature of notary)

Notary Public

My commission expires \_\_\_\_\_