

# INITIATED MEASURES DISAPPROVED

## CHAPTER 511

### PROPERTY TAXES ELIMINATED

This initiated measure would amend Sections 1, 4, 14, 15, and 16 of Article X of the Constitution of North Dakota 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.

#### 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 irrepealable 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.

Disapproved June 12, 2012

40,438 to 131,903

NOTE: This was measure No. 2 on the primary election ballot.

## CHAPTER 512

### BURDENING RELIGIOUS LIBERTY PROHIBITED

This initiated measure would add a new section to Article I, of the Constitution of North Dakota, preventing the government from burdening the sincere exercise of religious liberty by a person or religious organization, absent proof of a compelling governmental interest, and then only by use of the least restrictive means.

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

**SECTION 1.** A new section to article I of the Constitution of North Dakota is created and enacted as follows:

Government may not burden a person's or religious organization's religious liberty. The right to act or refuse to act in a manner motivated by a sincerely held religious belief may not be burdened unless the government proves it has a compelling governmental interest in infringing the specific act or refusal to act and has used the least restrictive means to further that interest. A burden includes indirect burdens such as withholding benefits, assessing penalties, or an exclusion from programs or access to facilities.

Disapproved June 12, 2012

60,611 to 107,831

NOTE: This was measure No. 3 on the primary election ballot.

## CHAPTER 513

### ANIMAL CRUELTY PREVENTION

This initiated measure would create new Section 36-21.1-02.1 to the North Dakota Century Code making it a Class C felony for an individual to maliciously and intentionally harm a living dog, cat, or horse and providing a court with certain sentencing options. The measure would not apply to production agriculture, or to lawful activities of hunters and trappers, licensed veterinarians, scientific researchers, or individuals engaged in lawful defense of life or property.

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

**SECTION 1.** Section 36-21.1-02.1 of the North Dakota Century Code is created and enacted as follows:

#### **36-21.1-02.1. Aggravated animal cruelty - Prevention of Extreme Cruelty to Dogs, Cats, and Horses Act.**

1. Any individual who maliciously and intentionally burns, poisons, crushes, suffocates, impales, drowns, blinds, skins, beats to death, drags to death, exsanguinates, disembowels, or dismembers any living dog, cat, or horse is guilty of a class C felony.
2. The prohibition in subsection 1 does not apply to:
  - a. Hunting, trapping, fishing, or any other activity that requires a license or permit under chapter 20.1-03;
  - b. The marking of an animal for identification, and any other activity that is a usual and customary practice in production agriculture;
  - c. Examination, testing, individual treatment, operation, or euthanasia performed by or under the supervision of a licensed veterinarian;
  - d. Lawful medical or scientific research conducted at a public or private facility or laboratory by or under the direction of a qualified researcher;
  - e. Any lawful activity undertaken to protect a person's life or property from a serious threat caused by a dog, cat, or horse; and
  - f. Any other lawful activity exempt from the definition of "'cruelty' or 'torture'" contained in section 36-21.1-01.
3. In addition to any imprisonment or fine, or both, ordered pursuant to chapter 12.1-32, any individual who violates subsection 1 also may, at the discretion of the court, be:
  - a. Ordered to undergo mandatory psychological or psychiatric evaluation and obtain psychological counseling, including counseling in responsible pet ownership or animal cruelty prevention, for which the person shall bear any costs incurred; and

- b. Ordered not to own or possess a dog, cat, or horse for up to five years after the date of the sentencing.

Disapproved November 6, 2012

109,401 to 206,547

NOTE: This was measure No. 5 on the general election ballot.