

HOUSE BILL NO. 1222

Introduced by

Representatives Brandenburg, Huether, Severson, Wikenheiser

Senators Erbele, Wanzek

1 A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota
2 Century Code, relating to reduction in taxable valuation of wind turbine electric generators that
3 are centrally assessed property; to amend and reenact section 57-02-27 of the North Dakota
4 Century Code, relating to determination of taxable valuation of property; and to provide an
5 effective date.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 57-02-27 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **57-02-27. Property to be valued at a percentage of assessed value - Classification**
10 **of property - Limitation on valuation of annexed agricultural lands.** All property subject to
11 taxation based on the value thereof must be valued as follows:

- 12 1. All residential property to be valued at nine percent of assessed value. If any
13 property is used for both residential and nonresidential purposes, the valuation
14 must be prorated accordingly.
- 15 2. All agricultural property to be valued at ten percent of assessed value as
16 determined pursuant to section 57-02-27.2.
- 17 3. All commercial, ~~air carrier transportation, and railroad~~ property to be valued at ten
18 percent of assessed value.
- 19 4. All centrally assessed property, ~~except air carrier transportation and railroad~~
20 ~~property, to be valued at fourteen percent of assessed value for the 1981 property~~
21 ~~tax year, thirteen percent of assessed value for the 1982 property tax year, twelve~~
22 ~~percent of assessed value for the 1983 property tax year, eleven percent of~~
23 ~~assessed value for the 1984 property tax year, and ten percent of assessed value~~

1 ~~for all property tax years beginning on or after January 1, 1985~~ except as provided
2 in section 2 of this Act.

3 The resulting amounts must be known as the taxable valuation. In determining the assessed
4 value of real and personal property, except agricultural property, the assessor may not adopt a
5 lower or different standard of value because the same is to serve as a basis of taxation, nor
6 may the assessor adopt as a criterion of value the price at which said property would sell at
7 auction, or at forced sale, or in the aggregate with all the property in the town or district, but the
8 assessor shall value each article or description by itself, and at such sum or price as the
9 assessor believes the same to be fairly worth in money. In assessing any tract, or lot of real
10 property, there must be determined the value of the land, exclusive of improvements, and the
11 value of all taxable improvements and structures thereon, and the aggregate value of the
12 property, including all taxable structures and other improvements, excluding the value of crops
13 growing upon cultivated lands. In valuing any real property upon which there is a coal or other
14 mine, or stone or other quarry, the same must be valued at such a price as such property,
15 including the mine or quarry, would sell for at a fair voluntary sale for cash. Agricultural lands
16 within the corporate limits of a city which are not platted constitute agricultural property and
17 must be so classified and valued for ad valorem property tax purposes until such lands are put
18 to another use. Agricultural lands, whether within the corporate limits of a city or not, which
19 were platted and assessed as agricultural property prior to March 30, 1981, must be assessed
20 as agricultural property for ad valorem property tax purposes until put to another use. Such
21 valuation must be uniform with the valuation of adjoining unannexed agricultural land.

22 **SECTION 2.** A new section to chapter 57-02 of the North Dakota Century Code is
23 created and enacted as follows:

24 **Taxable valuation of centrally assessed wind turbine electric generators.** A
25 centrally assessed wind turbine electric generation unit with a nameplate generation capacity of
26 one hundred kilowatts or more must be valued at three percent of assessed value to determine
27 taxable valuation of the property.

28 **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
29 December 31, 2000.