2021 SENATE FINANCE AND TAXATION
SCR 4014

### 2021 SENATE STANDING COMMITTEE MINUTES

### **Finance and Taxation Committee**

Fort Totten Room, State Capitol

SCR 4014 3/3/2021

A concurrent resolution directing the Legislative Management to consider studying the apportionment of voting rights in relation to a voter's ability to approve or protest a tax increase, bond issuance, or the formation of an improvement district and whether the current manner of apportioning voting rights is equitable and appropriate.

**Chair Bell** calls the meeting to order. Chair Bell, Vice Chair Kannianen, Senators Meyer, J. Roers, Patten, Piepkorn, Weber are present. [10:48]

### **Discussion Topics:**

- Equitable/weighted voting rights
- Property tax increases
- Out of state property ownership
- Constitutionality
- Centrally assessed property
- School and jail bonds
- Income surtax

Senator Wobbema [10:48] introduces bill in favor #7223.

Arvid Winkler [11:06] former Assessor, Cuba Township in favor #7233.

John Ertelt [11.26] orally in favor.

Chair Bell adjourns the hearing. [11:28]

Meeting adjourned [11:33]

Joel Crane, Committee Clerk

#7223

SCR 4014: A concurrent resolution directing the Legislative Management to consider studying the apportionment of voting rights as it pertains to Property Tax, to determine whether current apportioning voting rights is equitable and appropriate.

Chair Bell, and the Senate Finance and Taxation Committee,

When North Dakota was settled, the land was apportioned to each person in 160-acre parcels, or quarter-sections. During that time, each landowner lived on their land, farming it for their own subsistence and financial gain. During that time then, each person had an equitable and appropriate basis of value when it came to the levying of any tax. One vote per quarter-section of land.

Times have changed, and land ownership has gone through a significant evolution. Large farming operations and small farming operations exist. Much of the land has come into the hands of family members generations removed from the original settlers, who in turn have left farming to pursue other interests, while renting out the land to the aforementioned farming operations. And much of the population of North Dakota has become urbanized, living in large and small communities.

What hasn't changed is how the voting rights of the current landowners remains the same. Basically, one voter per quarter-section of land. Much of the finances of our counties rely on the levying of property taxes, and the majority of those finances coming from the tax levied on farmland. This has resulted in what I believe to be an inequity in how much tax is levied on a single individual, as it relates to the other taxpayers in the taxing district. What has evolved is a situation where those with lower assessed property values, or those with no assessed property values, can compel significant costs to those with larger assessed property values. This inequity becomes especially pronounced when a bond issuance, an improvement district or other major project is being considered.

This consideration is not without precedent in North Dakota. When drainage projects are being considered. Assessed value of the land is considered in the weighting of the consideration of proceeding with the project. I believe a study such as this is due to happen, and consideration of how taxing districts pursue projects, and how the citizens' votes are considered for these projects should be evaluated for being appropriate and equitable.

I stand for any questions.

Senator Mike Wobbema

District 24

SCR 4014

My name is Arvid Winkler. I reside at 12232 40<sup>th</sup> St SE, Valley City, ND 58072-9575 in Cuba Township of Barnes which is in District 24 under the current legislative districting plan.

I am educated at NDSU as a civil engineer. I am registered as a retired Professional Engineer in the State of Colorado.

I was the assessor for Cuba Township for 33 cycles beginning in 1977.

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SCR 4014
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Taxation without representation

George Washington vote after tax receipt

One man, one vote

Nortwest Ordinance about 1787

West of Mississippi

**Townships** 

Sections

Railroad land grant

Every other section

Quarter sections

Homestead by quarter section

Purchase railroad grant quarter section

Quarter section across the section line

Women's Sufferage

Tax statements by quarter section maximum

Freeholder vote

Drainage districts

Bonding vote by quarter section?

One quarter, one vote?

John Q Quarter Section

Ag Land matters

Taking my ag land credit card and go shopping in bonding votes

Taxation enslavement

Not moveable

Unlike residential which is moveable

Unlike commercial business which is moveable

Similar to CD as an asset

CD not taxed annually on value

Representation votes

One man, one vote

Valuation votes

Protest petition option available when no bond vote

School bond votes

Form of student enslavement until open enrollment

Lease Purchase and building authority virus moving south

**Griggs County Courthouse** 

**Barnes County North School** 

Barnes County Jail

Evolution

Ship began sinking in steps

Right ship in steps

Study the problem

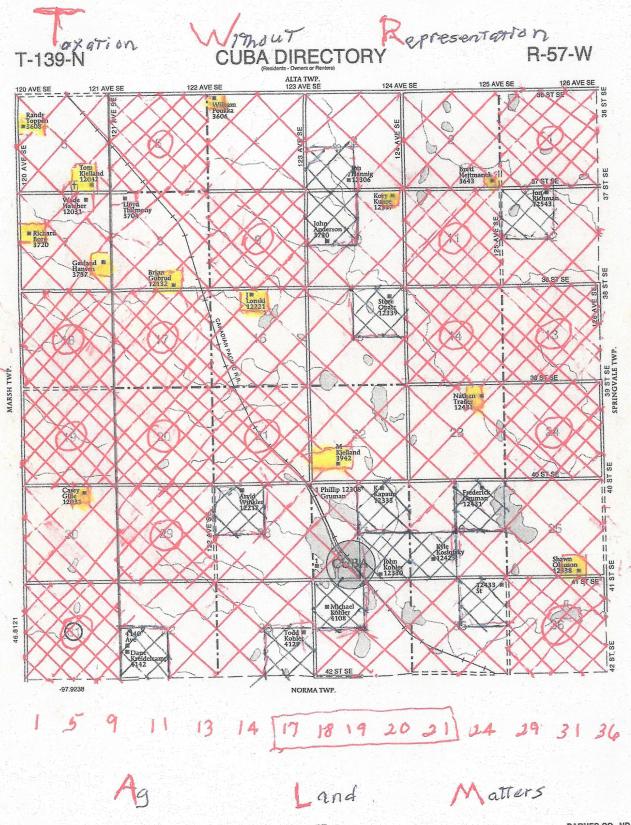
Form a solution

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**Subject:** Fw: [EXTERNAL] Fw: Jail Bond Resolution **From:** "Arvid Winkler" <a winkler@bektel.com>

Date: 1/14/2021 5:50 AM

To: "John W Ertelt" <carlton\_esrude@yahoo.com>

The attached e-mail was rather troubling.

I am of the opinion that the rules for processing the petition need to be established before any petition is circulated.

Chapter 11 provides for authority to do a vast number of things, but if the project is to be financed with some form of bonds, then the rules of chapter 21 should apply. Revenue bonds under chapter 40 should also meet the requirements of the initial resolution required in chapter 21. Certificates of participation seem to indicate participation in some form of bonds.

Any proceedings without a bond vote should allow enough time for a valuation protest petition before any work is commenced.

Bond votes could also provide for a form of valuation protest at the time of the bond vote through an absentee vote type of thing while providing the type of information required of a protest petition. That way the entity would know where they stand immediately after a vote.

Residents get to vote in bond votes with varying degrees of valuation on any property or properties they may own. Hopefully they are casting their vote from only one property and we do not have the tail wagging the dog.

Each entity should know the value of one mill at the time of the election.

Tax statements are broken down into quarter section or smaller parcels.

It should be possible to calculate the average valuation behind each voting, or possible voting, resident. It should also be possible to calculate the average valuation of non-voting parcels which have no residents.

Only residents can vote, but some residents may have some, or considerable, non-voting valuation in their name.

Residents with non-resident parcels in their name should have the opportunity to achieve some super resident status based on their valuation relative to that of the average voting resident. That would mean that the accumulated non-resident valuation should have additional voting status relative to the average voting resident. Thus, if the ratio of the accumulated non-resident valuation compared to average voting resident valuation exceeded one, additional voting power should be extended to such resident voter based the number of whole units of the calculated ratio, after dropping any fractional units.

Only units held in the name of the voting resident should be considered. Thus, property held in another commercial or trust type name should not be considered. If the nursing home can attach your property, it should also have some level of voting power.

Any calculated super resident status would apply equally in yes or no votes.

The freeholders (valuation holders who are not residents) should have some say in the matter.

### 2021 SENATE STANDING COMMITTEE MINUTES

### **Finance and Taxation Committee**

Fort Totten Room, State Capitol

SCR 4014 3/9/2021

A concurrent resolution directing the Legislative Management to consider studying the apportionment of voting rights in relation to a voter's ability to approve or protest a tax increase, bond issuance, or the formation of an improvement district and whether the current manner of apportioning voting rights is equitable and appropriate.

**Chair Bell** calls the meeting to order. Chair Bell, Vice Chair Kannianen, Senators J. Roers, Patten, Piepkorn, Weber are present. Senator Meyer is absent. [10:36]

### **Discussion Topics:**

- Disparity between profitability and taxation
- Income surtax

**Senator Weber [10:37]** introduces an amendment [LC 21.3082.01003] as testimony #8353.

Senator Weber [10:53] introduces an amendment [LC 21.3082.01004] as testimony #8354.

**Senator Weber [10:54]** motions to adopt the amendment [LC 21.3082.01004]. **Senator J. Roers [10:54]** seconds.

Voice vote, motion passes and amendment [LC 21.3082.01004] is adopted. [10:55]

**Senator Meyer [11:00]** returns to the committee room.

**Senator Weber [11:04]** motions DO PASS AS AMENDED. **Senator Patten [11:04]** seconds.

Senators	Vote
Senator Jessica Bell	Y
Senator Jordan Kannianen	Y
Senator Scott Meyer	Y
Senator Dale Patten	Y
Senator Merrill Piepkorn	N
Senator Jim Roers	Y
Senator Mark Weber	Y

Motion passes 6-1-0. [11:05] **Senator Weber** will carry.

Senate Finance and Taxation Committee SCR 4014 3/10/2021 Page 2

Chair Bell adjourns the meeting. [11:06]

Joel Crane, Committee Clerk

March 9, 2021



### PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4014

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "directing the Legislative Management to consider studying the feasibility and desirability of using an income tax surtax to fund a school district bond issuance.

WHEREAS, school districts may seek approval of the qualified electors in the school district to issue bonds and, if approved by the electors, may expend bond proceeds for school purposes and levy property tax for the payment of principal and interest on bonds; and

WHEREAS, the property tax burden born by owners of commercial property, agricultural property, or other property in addition to their personal residence generally is not proportionate to their voting rights as compared to the voting rights of individuals renting property or individuals who own only a single personal residence; and

**WHEREAS**, the use of an income tax surtax to fund a school district bond issuance approved by the voters might provide a more equitable distribution of the burden of funding school district projects;

# NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Management consider studying the feasibility and desirability of using an income tax surtax to fund a school district bond issuance; and

**BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-eighth Legislative Assembly."

Module ID: s\_stcomrep\_40\_004
Carrier: Weber

Insert LC: 21.3082.01004 Title: 02000

#### REPORT OF STANDING COMMITTEE

SCR 4014: Finance and Taxation Committee (Sen. Bell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4014 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "directing the Legislative Management to consider studying the feasibility and desirability of using an income tax surtax to fund a school district bond issuance.

**WHEREAS**, school districts may seek approval of the qualified electors in the school district to issue bonds and, if approved by the electors, may expend bond proceeds for school purposes and levy property tax for the payment of principal and interest on bonds; and

**WHEREAS**, the property tax burden born by owners of commercial property, agricultural property, or other property in addition to their personal residence generally is not proportionate to their voting rights as compared to the voting rights of individuals renting property or individuals who own only a single personal residence; and

**WHEREAS**, the use of an income tax surtax to fund a school district bond issuance approved by the voters might provide a more equitable distribution of the burden of funding school district projects;

### NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Management consider studying the feasibility and desirability of using an income tax surtax to fund a school district bond issuance; and

**BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-eighth Legislative Assembly."

21.3082.01003 Title. Prepared by the Legislative Council staff for Senator Weber

Mariel 9, 2004

March 8, 2021

### PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4014

Page 1, line 4, after "appropriate" insert ", and the use of an income tax surtax to fund a school district bond issuance"

Page 1, line 15, after the semicolon insert "and

WHEREAS, the property tax burden born by owners of commercial property, agricultural property, or other property in addition to their personal residence generally is not proportionate to their voting rights as compared to the voting rights of individuals renting property or individuals who own only a single personal residence; and

WHEREAS, the use of an income tax surtax to fund a school district bond issuance approved by the voters might provide a more equitable distribution of the burden of funding school district projects;"

Page 1, line 21, after "appropriate" insert ", and the use of an income tax surtax to fund a school district bond issuance"

21.3082.01004 Title. Prepared by the Legislative Council staff for Senator Weber

March 9, 2021

### PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4014

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "directing the Legislative Management to consider studying the feasibility and desirability of using an income tax surtax to fund a school district bond issuance.

WHEREAS, school districts may seek approval of the qualified electors in the school district to issue bonds and, if approved by the electors, may expend bond proceeds for school purposes and levy property tax for the payment of principal and interest on bonds; and

WHEREAS, the property tax burden born by owners of commercial property, agricultural property, or other property in addition to their personal residence generally is not proportionate to their voting rights as compared to the voting rights of individuals renting property or individuals who own only a single personal residence; and

**WHEREAS**, the use of an income tax surtax to fund a school district bond issuance approved by the voters might provide a more equitable distribution of the burden of funding school district projects;

## NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Management consider studying the feasibility and desirability of using an income tax surtax to fund a school district bond issuance; and

**BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-eighth Legislative Assembly."

**2021 HOUSE FINANCE AND TAXATION** 

SCR 4014

### 2021 HOUSE STANDING COMMITTEE MINUTES

### **Finance and Taxation Committee**

Room JW327E, State Capitol

SCR 4014 3/24/2021

A concurrent resolution directing the Legislative Management to consider studying the feasibility and desirability of using an income tax surtax to fund a school district bond issuance.

**Chairman Headland** opened the hearing at 9:00am.

Representatives	Present				
Representative Craig Headland	Υ				
Representative Vicky Steiner	Υ				
Representative Dick Anderson	Υ				
Representative Glenn Bosch	Υ				
Representative Jason Dockter	Υ				
Representative Sebastian Ertelt	Υ				
Representative Jay Fisher	Υ				
Representative Patrick Hatlestad	Υ				
Representative Zachary Ista	Υ				
Representative Tom Kading	Υ				
Representative Ben Koppelman	Υ				
Representative Marvin E. Nelson	Υ				
Representative Nathan Toman	Υ				
Representative Wayne A. Trottier	Υ				

### **Discussion Topics:**

- Study of funding school districts with income tax surtax
- Property tax on commercial, ag, or other property
- Bond issuance
- Study of new funding mechanism for education

Senator Wobbema introduced bill (no written testimony).

**Senator Weber** testified in support (no written testimony).

Arvid Winkler, Cuba Township in Barnes County, testified in support (no written testimony).

John Ertelt, Barnes County, testified in support (no written testimony).

**Chairman Headland** closed the hearing at 9:45am.

House Finance and Taxation Committee SCR 4014 March 24, 2021 Page 2

Representative Ertelt made a motion to adopt an amendment to revert back to the original language in the bill version 21.3082.01000.

Vice Chairman Steiner seconded the motion.

Voice vote-motion carried

Representative Ertelt made a motion for a DO PASS AS AMENDED AND PLACE ON CONSENT CALENDAR.

Representative D. Anderson seconded the motion.

### Roll call vote:

Representatives	Vote
Representative Craig Headland	Υ
Representative Vicky Steiner	Υ
Representative Dick Anderson	Υ
Representative Glenn Bosch	Υ
Representative Jason Dockter	Υ
Representative Sebastian Ertelt	Υ
Representative Jay Fisher	Υ
Representative Patrick Hatlestad	Υ
Representative Zachary Ista	Υ
Representative Tom Kading	Υ
Representative Ben Koppelman	Υ
Representative Marvin E. Nelson	Υ
Representative Nathan Toman	Υ
Representative Wayne A. Trottier	AB

Motion carried 13-0-1

Representative Ertelt is the bill carrier.

Chairman Headland closed the discussion at 10:07am.

Mary Brucker, Committee Clerk

21.3082.02001 Title.03000

### Adopted by the House Finance and Taxation Committee

March 24, 2021

### PROPOSED AMENDMENTS TO ENGROSSED SENATE CONCURRENT RESOLUTION NO. 4014

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "directing the Legislative Management to consider studying the apportionment of voting rights in relation to a voter's ability to approve or protest a tax increase, bond issuance, or the formation of an improvement district and whether the current manner of apportioning voting rights is equitable and appropriate.

WHEREAS, the apportionment of voting rights in relation to approval of political subdivision levy authority generally is apportioned one vote per qualified elector; and

WHEREAS, the apportionment of voting rights in relation to an individual's ability to protest the formation of a special assessment improvement district includes the apportionment of one vote for each dollar of the proposed special assessment against the owner's property and the apportionment of votes based on the total number of acres a property owner owns which are subject to assessment; and

WHEREAS, the apportionment of voting rights in relation to approval of a bond issuance generally is apportioned one vote per qualified elector, but the apportionment of voting rights in relation to protesting a bond issuance is measured in terms of assessed valuation in certain instances;

# NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Management consider studying the apportionment of voting rights in relation to a voter's ability to approve or protest a tax increase, bond issuance, or the formation of an improvement district and whether the current manner of apportioning voting rights is equitable and appropriate; and

**BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-eighth Legislative Assembly."

Module ID: h\_stcomrep\_51\_005
Carrier: Ertelt

Insert LC: 21.3082.02001 Title: 03000

#### REPORT OF STANDING COMMITTEE

SCR 4014, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SCR 4014 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "directing the Legislative Management to consider studying the apportionment of voting rights in relation to a voter's ability to approve or protest a tax increase, bond issuance, or the formation of an improvement district and whether the current manner of apportioning voting rights is equitable and appropriate.

**WHEREAS**, the apportionment of voting rights in relation to approval of political subdivision levy authority generally is apportioned one vote per qualified elector; and

**WHEREAS**, the apportionment of voting rights in relation to an individual's ability to protest the formation of a special assessment improvement district includes the apportionment of one vote for each dollar of the proposed special assessment against the owner's property and the apportionment of votes based on the total number of acres a property owner owns which are subject to assessment; and

**WHEREAS**, the apportionment of voting rights in relation to approval of a bond issuance generally is apportioned one vote per qualified elector, but the apportionment of voting rights in relation to protesting a bond issuance is measured in terms of assessed valuation in certain instances;

### NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Management consider studying the apportionment of voting rights in relation to a voter's ability to approve or protest a tax increase, bond issuance, or the formation of an improvement district and whether the current manner of apportioning voting rights is equitable and appropriate; and

**BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-eighth Legislative Assembly."

### **2021 CONFERENCE COMMITTEE**

**SCR 4014** 

### 2021 SENATE STANDING COMMITTEE MINUTES

### **Finance and Taxation Committee**

Fort Totten Room, State Capitol

HCR 4014 4/14/2021 Conference Committee

A concurrent resolution directing the Legislative Management to consider studying the apportionment of voting rights in relation to a voter's ability to approve or protest a tax increase, bond issuance, or the formation of an improvement district and whether the current manner of apportioning voting rights is equitable and appropriate.

**Chair Kannianen** calls the meeting to order. Senators Kannianen, Weber, Piepkorn and Representatives Ertelt, B. Koppelman, and Fisher [3:30]

### **Discussion Topics:**

- Voting apportionment study
- State income tax surtax
- Bond issuances
- Improvement districts
- Common school trust fund
- Special assessments
- Capital infrastructure improvements
- One person one vote
- Property tax relief

**Committee Discussion** [3:31]

Chair Kannianen adjourns the meeting. [4:00]

Joel Crane. Committee Clerk

### 2021 SENATE STANDING COMMITTEE MINUTES

### **Finance and Taxation Committee**

Fort Totten Room, State Capitol

HCR 4014 4/16/2021 Conference Committee

A concurrent resolution directing the Legislative Management to consider studying the apportionment of voting rights in relation to a voter's ability to approve or protest a tax increase, bond issuance, or the formation of an improvement district and whether the current manner of apportioning voting rights is equitable and appropriate.

**Chair Kannianen** calls the meeting to order. Senators Kannianen, Weber, Piepkorn and Representatives Ertelt, B. Koppelman, and Fisher [10:30]

### **Discussion Topics:**

- Alternative funding methods
- Special assessments
- Interim tax committee
- Local taxing authority

### **Committee Discussion** [10:31]

**Representative B. Koppelman** [10:43] moved Senate accede to House Amendments. **Representative Ertelt** seconds

Motion failed 4-2-0 [See below #1]

**Senator Weber** [10:53] moved Senate accede to House Amendments **Representative Ertelt** seconds

Motion passed 5-1-0 [See below #2]

Senator Weber and Representative Ertelt carry

Chair Kannianen adjourns the meeting. [10:58]

Joel Crane, Committee Clerk

Date: 4/16/2021 Roll Call Vote #: 1

## 2021 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SCR 4014 as engrossed

Action Taken	and Taxation Committee  ☑ SENATE accede to House Amendments  ☐ SENATE accede to House Amendments and further amend  ☐ HOUSE recede from House amendments  ☐ HOUSE recede from House amendments and amend as follows											
	committe	e be appoin	ted	ends that the committee			and a n	ew				
Motion Made by:	Representati	ve B Koppeln	nan S	Seconded by: Represen	<u>ıtative Erte</u>	lt						
Senators		Yes	No	Representatives			Yes	No				
Chair Kannianen		Υ		Ertelt			Υ					
Weber			N	B. Koppelman			Υ					
Piepkorn			N	Fisher			Y					
Total Senate Vote				Total Rep. Vote								
Vote Count	Yes: <u>4</u>			No: <u>2</u>	Absent:	0						
Senate Carrier				House Carrier								
LC Number				of amendment								
LC Number				·		of en	ıgrossm	nent				
Emergency claus	se added or d	eleted										
Statement of pur	pose of amen	dment										

Date: 4/16/2021 Roll Call Vote #: 2

## 2021 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SCR 4014 as engrossed

Senate Finance a Action Taken	⊠ SEN □ SEN □ HOU □ HOU	Ind Taxation Committee												
		nmittee b	•								J			
Motion Made by:	Senato	or Weber			5	Se	conded by: R	epresent	ative	Erte	elt			
Senators					No		Represen	tatives						No
Chair Kannianen				/			Ertelt						Υ	
Veber			\ \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	′			B. Koppelman						Υ	
Piepkorn					N		Fisher						Υ	
Total Senate Vote				2	1		Total Rep. Vote						3	0
Vote Count	Ye	s: <u>5</u>					No: <u>1</u>		Abse	ent:	0			
Senate Carrier	We	ber				Н	ouse Carrier	Ert	telt					
LC Number								of amendment						
LC Number											_ of	engros	sm	ent
Emergency claus	se addeo	d or dele	ted											
Statement of pur	pose of	amendm	nent											

Module ID: s\_cfcomrep\_67\_001
Senate Carrier: Weber
House Carrier: Ertelt

### REPORT OF CONFERENCE COMMITTEE

**SCR 4014, as engrossed:** Your conference committee (Sens. Kannianen, Weber, Piepkorn and Reps. Ertelt, B. Koppelman, Fisher) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1315-1316 and place SCR 4014 on the Seventh order.

Engrossed SCR 4014 was placed on the Seventh order of business on the calendar.