



## Administration Department

**DATE:** March 26, 2024

**FROM:** Michael Connelly, Commissioner

**ITEM:** Home Rule Charter ½-Cent Sales Tax Request

**REQUEST:**

Consider the request from Commissioner Connelly to discuss the initiation of a Home Rule Charter Amendment to add an additional ½-cent sales, use, and gross receipts tax with the proceeds to be dedicated exclusively to public safety and public transportation needs.

**BACKGROUND INFORMATION:**

Commissioner Connelly directed staff to prepare a memorandum relating to the current citizen-initiated effort to collect the necessary signatures to cause this topic to be considered by the voters of the city of Bismarck. There are five citizens sponsoring a petition to collect an additional ½-cent on sales, use, and gross receipts collected in Bismarck city limits with the funds collected for use by public safety and public transportation needs.

**RECOMMENDED CITY COMMISSION ACTION:**

Consider the request by Commissioner Connelly and provide direction on how to get the petition added to the upcoming election ballot.

**STAFF CONTACT INFORMATION:**

Jason Tomanek, City Administrator, 701-355-1300, [jtomanek@bismarcknd.gov](mailto:jtomanek@bismarcknd.gov)

**ATTACHMENTS:**

1. Home Rule Charter Amendment



November 29, 2023

Diane Patterson

[REDACTED]  
Bismarck, ND 58504

Virginia Pedersen

[REDACTED]  
Bismarck, ND 58504

Carl Young

[REDACTED]  
Bismarck, ND 58504

Sharon Kromarek

[REDACTED]  
Bismarck, ND 58503

Randee Sailer

[REDACTED]  
Bismarck, ND 58503

Re: Initiation of Home Rule Charter Amendment

Dear Ms. Patterson and Sponsoring Committee:

Today, I received the last draft of the Petition regarding the above matter. As you know, per the City of Bismarck Home Rule Charter, the City Attorney shall “approve the petition for circulation if it is in proper form and contains the full text of the measure.” I do not comment on the content of the proposed amendment, nor on its constitutionality nor its enforceability.

Under Bismarck Home Rule Charter, a petition must be signed by at least equal in number to 15% of the number of electors who voted for all candidates for the Mayor in 2022. A total of 9,776 votes were cast for Mayor in 2022, of which 15% would be 1,466 signatures. Electors must be Bismarck city residents that sign the petition as well as list their address. State law also requires that the signed petitions must be accompanied by several affidavits under N.D.C.C. § 40-12-03 and N.D.C.C. § 40-12-04.

Best regards,

Jannelle Combs  
Bismarck City Attorney's Office

Cc: Keith Hunke, Bismarck City Administrator

I here sign that I approve of the revisions to the Home Rule Charter Measure for the INITIATION OF HOME RULE CHARTER AMENDMENT TO ADD AN ADDITIONAL ½ CENT SALES, USE AND GROSS RECEIPTS TAX WITH THE PROCEEDS TO BE DEDICATED EXCLUSIVELY TO PUBLIC SAFETY AND PUBLIC TRANSPORTATION NEEDS

SPONSORS

<p>Diane Patterson          [REDACTED]          Bismarck, ND 58504  <i>Diane Patterson</i>          01-02-2024</p>	<p>Carl Young          [REDACTED]          Bismarck, ND 58504  <i>Carl Young</i> 12-29-23</p>
<p>Virginia Pedersen          [REDACTED]          Bismarck, ND 58504  <i>Virginia Pedersen</i>          1-10-24</p>	<p>Sharon Kromarek          [REDACTED]          Bismarck, ND 58503  <i>Sharon Kromarek</i>          12-30-23</p>
<p>Randee Sailer          [REDACTED]          Bismarck, ND 58503  <i>Randee Sailer</i>          1/1/24</p>	

**INITIATION OF HOME RULE CHARTER AMENDMENT TO ADD AN  
ADDITIONAL ½ CENT SALES, USE AND GROSS RECEIPTS TAX  
WITH THE PROCEEDS TO BE DEDICATED EXCLUSIVELY TO PUBLIC  
SAFETY AND PUBLIC TRANSPORTATION NEEDS**

We the undersigned, being qualified electors of the City of Bismarck request that Board of City Commissioners for the City of Bismarck place the following proposed AMENDMENT TO THE HOME RULE CHARTER on the next city election ballot as provided by law for the creation of a half-cent sales tax to be dedicated exclusively to Public Safety and Public Transportation needs.

**SPONSORS**

Diane Patterson [REDACTED] Bismarck, ND 58504	Carl Young [REDACTED] Bismarck, ND 58504
Virginia Pedersen [REDACTED] Bismarck, ND 58504	Sharon Kromarek [REDACTED] Bismarck, ND 58503
Randee Sailer [REDACTED] Bismarck, ND 58503	

**FULL TEXT OF PROPOSED AMENDMENT**

EFFECTIVE UPON PASSAGE, AN AMENDMENT TO CREATE AND ENACT A NEW SUBSECTION TO ARTICLE 3 SECTION 17 OF THE HOME RULE CHARTER FOR THE CITY OF BISMARCK AS FOLLOWS:

c. To impose a retail sales, use and gross receipts tax of no more than one-half percent of those gross receipts taxed pursuant to Chapters 57-39.2, 57-39.4, 57- 40.2 57-39.5 and 57-39.6 N.D.C.C.

1. The proceeds of this one-half cent city sales, use and gross receipts tax shall be dedicated only to public safety and public transportation needs in the following proportions:

I. 3/10th of a cent dedicated to public safety:  
specifically costs associated with the building of police  
and fire stations, the acquisition of police and fire  
emergency vehicles, and the costs associated with the city's  
cost of utilizing the Burleigh/Morton Detention Center

II. 2/10th of a cent dedicated to public transportation needs: specifically costs associated with providing reliable service for disabled, elderly, and socio-economically challenged residents.

~~e~~ d. The sales, use and gross receipts tax....

### QUALIFIED ELECTORS

Month, Day, Year	Name of Qualified Elector	Residential Address	City, State, ZIP Code
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

STATE OF NORTH DAKOTA )  
 )  
 County of \_\_\_\_\_ )  
 (county where signed)

I, \_\_\_\_\_, being sworn, say that I am a qualified elector;  
 (Circulator)  
 that I reside at \_\_\_\_\_; and that to the best of my knowledge and  
 (Circulator Address)  
 belief each person whose signature appears on the attached petition is a qualified elector of the City of  
 Bismarck.

\_\_\_\_\_  
(Signature of Circulator)

Subscribed and sworn before me on \_\_\_\_\_, 2017, at \_\_\_\_\_, North Dakota.  
(City)

**(NOTARY SEAL/STAMP)**

\_\_\_\_\_  
(Signature of Notary)  
Notary Public  
My Commission Expires: \_\_\_\_\_