

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

SENATE BILL NO. 2063
(Finance and Taxation Committee)
(At the request of the Tax Commissioner)

AN ACT to amend and reenact subsection 2 of section 11-09.1-05 and section 57-39.2-23 of the North Dakota Century Code, relating to sales and use tax levy powers of home rule counties and to confidentiality of city or county sales and use tax information; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 11-09.1-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. Control its finances and fiscal affairs; appropriate money for its purposes, and make payments of its debts and expenses; subject to the limitations of this section levy and collect property taxes, sales and use taxes, motor vehicle fuels and special fuels taxes, motor vehicle registration fees, and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law, and establish debt and mill levy limitations; provided, that all property in order to be subject to the assessment provisions of this subsection must be assessed in a uniform manner as prescribed by the state board of equalization and the state supervisor of assessments. A charter or ordinance or act of a governing body of a home rule county may not supersede any state law ~~which that~~ determines what property or acts are subject to, or exempt from, ad valorem ~~or sales and use~~ taxes. A charter or ordinance or act of the governing body of a home rule county may not supersede ~~the provisions of~~ section 11-11-55.1 relating to the sixty percent petition requirement for improvements and of section 40-22-18 relating to the barring proceeding for improvement projects.

SECTION 2. AMENDMENT. Section 57-39.2-23 of the North Dakota Century Code is amended and reenacted as follows:

57-39.2-23. Information deemed confidential - Certain releases of information authorized. Except as provided by law,:

1. ~~it is unlawful for the~~ The commissioner or ~~any~~ a person having an administrative duty under this chapter ~~to~~ may not divulge or ~~to~~ make known in any manner whatever the business affairs, operations, or information obtained by an investigation of any person, corporation, or limited liability company in the discharge of official duty, or the amount or sources of income, profits, losses, expenditures, or any particulars ~~thereof~~ set forth or disclosed in any return, or ~~to~~ permit any return or copy ~~thereof~~ or any book containing any abstract of particulars ~~thereof~~ to be seen or examined by any person.
2. The commissioner may authorize examination of those returns by other state officers and at the commissioner's discretion furnish to the tax officials of other states, the multistate tax commission, and the United States any information contained in the tax returns and reports and related schedules and documents filed under this chapter, and in the related report of an audit or investigation ~~made with respect thereto~~, if the information is furnished solely for tax purposes. The multistate tax commission may make the information available to the tax officials of any other state and the United States for tax purposes.
3. The commissioner may furnish to the workers compensation bureau, ~~the~~ job insurance division of job service North Dakota, and ~~the~~ secretary of state, upon request of the respective agency, a list or lists of holders of permits issued under this chapter or chapter

57-40.2, together with the addresses and tax department file identification numbers of those permitholders. The agency may use the list or lists only for the purpose of administering the duties of the agency.

4. The commissioner may furnish to ~~any~~ a state agency or ~~to a~~ private entity a list of names and addresses of holders of permits issued ~~pursuant to~~ under this chapter or chapter 57-40.2 for the purpose of jointly publishing or distributing publications or other information ~~pursuant to~~ under section 54-06-04.3. Any information ~~so~~ provided may only be used for the purpose of jointly publishing or distributing publications or other information as provided in section 54-06-04.3.
5. The commissioner may make information pertaining to city lodging taxes, city lodging and restaurant taxes, or city or county sales and use taxes, contained in tax returns, reports, related schedules and documents, and reports of an audit or investigation available upon request to no more than two duly elected or appointed members of the governing body of a city or county for which collection and administration of the tax is required by statute or a tax collection agreement administered under section 57-01-02.1. The governing body of the city or county or its members may not divulge or make known in any manner the business affairs, operations, or other information acquired from the commissioner under this subsection concerning any person, corporation, limited liability company, or other entity unless the disclosure is by judicial order and for tax administration purposes only.
6. The commissioner or any person having an administrative duty under this chapter may announce that a permit has been revoked.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2063 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 2 Absent 1

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 95 Nays 0 Absent 3

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,

at ___ o'clock _____ M.

Secretary of State