

HB 1133  
2/14/23  
Vetter

23.0389.02001

Sixty-eighth  
Legislative Assembly  
of North Dakota

HOUSE BILL NO. 1133

Introduced by

Representatives Vetter, Bosch, Dockter, Grueneich, Heinert, Louser, Sanford, Swiontek  
Senators Barta, Meyer, Patten, Vedaa

1 A BILL ~~for an Act to amend and reenact subsection 6 of section 11-18-02.2 of the North Dakota~~  
2 ~~Century Code, relating to statements of full consideration for an Act to amend and reenact~~  
3 ~~section 11-18-02.2 and paragraph 8 of subdivision a of subsection 3 of section 47-10-27 of the~~  
4 ~~North Dakota Century Code, relating to statements of full consideration filed with the state~~  
5 ~~board of equalization or recorder and the secrecy of information.~~

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

7 **~~SECTION 1. AMENDMENT.~~** ~~Subsection 6 of section 11-18-02.2 of the North Dakota~~  
8 ~~Century Code is amended and reenacted as follows:~~  
9 ~~6. This section does not apply to deeds transferring title to the following types of property,~~  
10 ~~or to deeds relating to the following transactions:~~  
11 ~~a. Property owned or used by public utilities.~~  
12 ~~b. Property classified as personal property.~~  
13 ~~c. A sale when the grantor and the grantee are of the same family or corporate~~  
14 ~~affiliate, if known.~~  
15 ~~d. A sale that resulted as a settlement of an estate.~~  
16 ~~e. All forced sales, mortgage foreclosures, and tax sales.~~  
17 ~~f. All sales to or from religious, charitable, or nonprofit organizations.~~  
18 ~~g. All sales when there is an indicated change of use by the new owners~~A transfer  
19 involving a change in use to and for surface minerals and use.  
20 ~~h. All transfer of ownership of property for which is given a quitclaim deed.~~  
21 ~~i. Sales of property not assessable by law.~~  
22 ~~j. Agricultural lands of less than eighty acres [32.37 hectares].~~  
23 ~~k. A transfer that is pursuant to a judgment.~~

1       **SECTION 1. AMENDMENT.** Section 11-18-02.2 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **11-18-02.2. Statements of full consideration to be filed with state board of**  
4 **equalization or recorder - Procedure - Secrecy of information - Penalty.**

- 5       1. Any grantee or grantee's authorized agent who presents a deed in the office of the  
6 county recorder shall certify on the face of the deed one of the following:
- 7       a. A statement that the grantee has filed with the state board of equalization a report  
8 of the full consideration paid for the property conveyed.
- 9       b. A statement that the grantee has filed with the recorder a report of the full  
10 consideration paid for the property conveyed.
- 11       ~~b.c.~~ A statement of the full consideration paid for the property conveyed.
- 12       d. A statement designating one of the exemptions in subsection 6Z which the  
13 grantee believes applies to the transaction.
- 14       2. Any party who presents an affidavit of affixation to real property of a manufactured  
15 home in the office of the county recorder in accordance with section 47-10-27 and who  
16 acquired the manufactured home before the affixation of the manufactured home to  
17 the real property shall either contain in or present in addition to the affidavit of  
18 affixation ~~a statement of the full consideration paid by the party for the manufactured~~  
19 ~~home before the affixation~~ any one of the following:
- 20       a. A statement that the party has filed with the state board of equalization a report of  
21 the full consideration paid for the manufactured home before the affixation.
- 22       b. A statement that the party has filed with the recorder a report of the full  
23 consideration paid for the manufactured home before the affixation.
- 24       c. A statement of the full consideration paid by the party for the manufactured home  
25 before the affixation.
- 26       3. The recorder may not record any deed unless the deed ~~complies with~~ contains one of  
27 the statements required by subsection 1 or record any affidavit of affixation unless the  
28 affidavit ~~complies with~~ contains or is accompanied by one of the statements required  
29 by subsection 2.

- 1       4. The recorder shall accumulate and at least monthly forward to the state board of  
2       equalization a report containing the information filed in the recorder's office pursuant to  
3       subsection 1 or 2.
- 4       5. The state board of equalization shall prescribe the necessary forms for the statements  
5       and reports to be used in carrying out this section, and the forms must contain a space  
6       for the explanation of special circumstances that may have contributed to the amount  
7       of the consideration.
- 8       ~~5-6.~~ For purposes of subsection 1, the word "deed" means an instrument or writing  
9       whereby any real property or interest therein is granted, conveyed, or otherwise  
10      transferred to the grantee, purchaser, or other person, except any instrument or writing  
11      that transfers any ownership in minerals or interests in minerals underlying land if that  
12      ownership has been severed from the ownership of the overlying land surface or any  
13      instrument or writing for the easement, lease, or rental of real property or any interest  
14      therein.
- 15      ~~6-7.~~ This section does not apply to deeds transferring title to the following types of property,  
16      or to deeds relating to the following transactions:
- 17      a. Property owned or used by public utilities.
- 18      b. Property classified as personal property.
- 19      c. A sale when the grantor and the grantee are of the same family or corporate  
20      affiliate, if known.
- 21      d. A sale that resulted as a settlement of an estate.
- 22      e. All forced sales, mortgage foreclosures, and tax sales.
- 23      f. All sales to or from religious, charitable, or nonprofit organizations.
- 24      g. ~~All sales when there is an indicated change of use by the new owners~~ A transfer  
25      involving a change in use for the use of surface minerals.
- 26      h. All transfer of ownership of property for which is given a quitclaim deed.
- 27      i. Sales of property not assessable by law.
- 28      j. Agricultural lands of less than eighty acres [32.37 hectares], except the grantee  
29      or grantee's agent shall provide a statement under subsection 1 to the state  
30      board of equalization which lists the sale price to satisfy the requirements of  
31      subsection 9.

1 k. A transfer that is pursuant to a judgment.

2 ~~7-8.~~ The state board of equalization shall guard the secrecy of information contained on  
3 statements filed with the board under subsection 1 or 2, and any information contained  
4 on statements and any information provided by local officials must be limited to data  
5 necessary to perform official duties and may not include the name of any grantors or  
6 grantees to deeds or of any party to affidavits of affixation. Any report made available  
7 to the public must be made in a manner that will not reveal the name of any grantor,  
8 grantee, or party. The recorder shall guard the secrecy of information contained on  
9 reports filed in the recorder's office under subdivision b of subsection 1 or  
10 subdivision b of subsection 2.

11 9. A licensed appraiser, real estate broker, or real estate agent may obtain the sale price  
12 for any property sold under subdivision j of subsection 7.

13 10. Any person that, in the statements provided for in subsection 1 or ~~subsection 2,~~  
14 willfully falsifies the consideration paid for the transferred real property or the  
15 manufactured home, as applicable, or interest therein is guilty of a class B  
16 misdemeanor.

17 **SECTION 2. AMENDMENT.** Paragraph 8 of subdivision a of subsection 3 of section  
18 47-10-27 of the North Dakota Century Code is amended and reenacted as follows:

19 (8) If the party executing the affidavit acquired the manufactured home before  
20 the affixation of the manufactured home to the real property, that party shall  
21 complete ~~the statement~~ one of the statements required by subsection 2 of  
22 section 11-18-02.2; and