

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2053

Introduced by

Legislative Council

(Tribal and State Relations Committee)

1 A BILL for an Act to amend and reenact subsection 6 of section 57-39.2-04 of the North Dakota
2 Century Code, relating to a sales and use tax exemption for purchases by an Indian tribe; and
3 to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Subsection 6 of section 57-39.2-04 of the North Dakota
6 Century Code, as effective after June 30, 2009, is amended and reenacted as follows:

7 6. Gross receipts from all sales otherwise taxable under this chapter made to the
8 United States, an Indian tribe, or to any state, including the state of North Dakota,
9 or any of the subdivisions, departments, agencies, or institutions of any state. A
10 political subdivision of another state is exempt under this subsection only if a sale
11 to a North Dakota political subdivision is treated as an exempt sale in that state.
12 The governmental units exempted by this subsection must be issued a certificate
13 of exemption by the commissioner and the certificate must be presented to each
14 retailer whenever this exemption is claimed. For purposes of this subsection, an
15 Indian tribe means a tribal government agency, instrumentality, or political
16 subdivision that performs essential government functions and does not include
17 business entities or agencies the primary purpose of which is to operate a
18 business enterprise.

19 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable events occurring after
20 June 30, 2009.