

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1057
(Finance and Taxation Committee)
(At the request of the Tax Commissioner)

AN ACT to amend and reenact subsection 6 of section 11-18-02.2, section 57-02-51, subsection 14 of section 57-36-01, and sections 57-39.2-17 and 57-51-02.2 of the North Dakota Century Code, relating to statements of full consideration, notice of township and city equalization meetings, the definition of snuff, service of notice for sales and use tax purposes, and notice of the gas base rate adjustment and gas production tax rate; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 11-18-02.2 of the North Dakota Century Code is amended and reenacted as follows:

6. This section does not apply to deeds transferring title to the following types of property, or to deeds relating to the following transactions:
 - a. Property owned or used by public utilities.
 - b. Property classified as personal property.
 - c. A sale when the grantor and the grantee are of the same family or corporate affiliate, if known.
 - d. A sale that resulted as a settlement of an estate.
 - e. All forced sales, mortgage foreclosures, and tax sales.
 - f. All sales to or from religious, charitable, or nonprofit organizations.
 - g. All sales when there is an indicated change of use by the new owners.
 - h. All transfer of ownership of property for which is given a quitclaim deed.
 - i. Sales of property not assessable by law.
 - j. Agricultural lands of less than eighty acres [32.37 hectares].
 - k. ~~A transfer that is pursuant to a judgment.~~

SECTION 2. AMENDMENT. Section 57-02-51 of the North Dakota Century Code is amended and reenacted as follows:

57-02-51. Notice of township and city equalization meetings to be published - Date of equalization meeting.

Each year the county auditor shall publish in the official county newspaper for two successive weeks, a notice that proceedings for the equalization of assessments will be held by the several local equalization boards. The first publication of the notice may not be ~~earlier~~more than ~~March first~~forty-five days before the date of the equalization proceedings and the second publication may not be ~~later than March twentieth~~less than fourteen days before the equalization proceedings. The notice must contain a statement that the proceedings will be held at the regular meeting place of the governing board or other place designated by that board of the township or city, as the case may be. The notice must also contain a statement that each taxpayer has the right to appear before the appropriate board of review

or equalization and petition for correction of the taxpayer's assessment. The equalization proceedings in ~~an organized township and a city~~ must be held within the first fifteen days of April and the equalization proceedings in an organized township must be held in the month of April.

SECTION 3. AMENDMENT. Subsection 14 of section 57-36-01 of the North Dakota Century Code is amended and reenacted as follows:

14. "Snuff" means any finely cut, ground, or powdered tobacco that is intended to be placed in the mouth or nose.

SECTION 4. AMENDMENT. Section 57-39.2-17 of the North Dakota Century Code is amended and reenacted as follows:

57-39.2-17. Service of notice.

Any notice, ~~except notice of appeals,~~ authorized or required under the provisions of this chapter may be given by mailing the ~~same~~notice to the person for whom it is intended by ~~registered or certified first-class mail with proof of mailing~~ addressed to ~~such~~the person at the address given in the last return filed by that person ~~pursuant to~~under the provisions of this chapter, or if no return has been filed, then ~~such~~by mailing the notice to the person's last known address as may be obtainable with proof of mailing. ~~The mailing~~Mailing of suchthe notice in the manner prescribed by this section is presumptive evidence of the receipt of the samethe notice was received by the person to whom the notice is addressed. Any period of time which is ~~determined according to the provisions of this chapter by giving of notice commences to run from the date of registration and posting of such notice.~~

SECTION 5. AMENDMENT. Section 57-51-02.2 of the North Dakota Century Code is amended and reenacted as follows:

57-51-02.2. Gross production tax - Gas.

A gross production tax is levied upon all gas produced within North Dakota except gas that is exempt from taxation. The tax levied must attach to the whole production, including the royalty interest. The tax on gas must be calculated by taking the taxable production in mcf times the gas tax rate.

1. The gas tax rate is four cents times the gas base rate adjustment for each fiscal year as calculated under subsection 2.
2.
 - a. The tax department shall annually determine the gas base rate adjustment and the resulting gas tax rate for each fiscal year beginning on July first.
 - b. The gas base rate adjustment for the fiscal year is a fraction, the numerator of which is the annual average of the gas fuels producer price index, commodity code 05-3, as calculated and published by the United States department of labor, bureau of labor statistics, for the previous calendar year, and the denominator of which is seventy-five and seven-tenths.
 - c. The tax department shall provide the gas base rate adjustment and the gas tax rate for the fiscal year, as determined under this subsection, to affected producers ~~by written notice mailed on or before June first~~ by posting the notice on the tax department's website.
 - d. If the index used to determine the gas base rate adjustment is substantially revised, or if the base year for the index is changed, the department by administrative rule shall make appropriate adjustment to the method used to determine the gas base rate adjustment to ensure a result which is reasonably consistent with the result which would have been obtained had the index not been revised or the base year changed.
 - e. If the gas fuels producer price index is discontinued, a comparable index must be adopted by the department by an administrative rule.

SECTION 6. EFFECTIVE DATE. Sections 4 and 5 of this Act are effective for notices issued after June 30, 2023.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1057.

House Vote: Yeas 89 Nays 3 Absent 2

Senate Vote: Yeas 46 Nays 1 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State