

## STREET CAR LINE

### CHAPTER 57.

[H. B. No. 6—Renauld.]

#### EXTENSION REPEAL.

An Act to Repeal Chapter 207 of the Session Laws of North Dakota, 1919, Relating to the Extension of the State Street Car Line and Providing for an Appropriation Therefor.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. That Chapter 207 of the Session Laws of North Dakota for the year 1919 be, and the same is hereby repealed.

§ 2. EMERGENCY.] This Act is hereby declared an emergency measure, and shall be in full force and effect from and after its passage and approval.

Approved 2:00 P. M. December 8, 1919.

## TAXATION

### CHAPTER 58.

[S. B. No. 36—Ettestad and Berg.]

#### COLLECTION OF DELINQUENT TAXES.

An Act Providing for the Collection of Delinquent Taxes Due to the State.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] When any tax required by law to be paid to the state has been duly assessed, certified and demanded, and is delinquent and remains unpaid, the Attorney General, Tax Commissioner, or other officer of the state charged with the enforcing of the payment or collection of the same, within ten days after such demand, shall notify the delinquent that unless such tax is paid on or before the tenth day thereafter, the same will be placed in the hands of the state or any county sheriff for collection; and if such tax remains unpaid, such official shall, upon such date, certify such tax to the State Sheriff, or to the County Sheriff of any county wherein the property of any such delinquent tax payer may be located, and such sheriff shall immediately proceed to collect such delinquent tax; and if the same be not forthwith paid upon demand by him, he shall distrain sufficient property belonging to such tax payer to pay the same, including the penalty provided by law,

together with accrued interest at the rate of five per cent per annum, and all costs of such distraint and sale. Said Sheriff shall immediately proceed to advertise the sale of such property by putting notices in three public places in the town or district where the same is taken, stating the time when and the place where such property is to be sold, the amount of said delinquent tax penalties, accrued interest and cost, which place of sale shall be at the residence or place of business of the person, firm, or corporation whose property has been distrained, or at the place of sale of mortgaged chattel or real property within such town or district, at the discretion of the sheriff. Such sale shall not be less than ten days after the taking of such property; and if such tax, penalties, accrued interest and costs be not at that time paid, said Sheriff or his Deputy shall proceed to sell such property at public vendue, or so much thereof as shall be sufficient to pay such taxes, penalties, accrued interest and costs. Any surplus arising from such sale shall be disposed of as in the case of mortgaged personal or real property, as the case may be. All moneys collected under the provisions of this Act shall be paid into the State Treasury, and the State Treasurer shall issue to such Sheriff a proper receipt for the same.

§ 2. When any tax assessed under the authority of the state, or any taxing subdivisions thereof, is due and unpaid, and any state or county officer whose duty it is to enforce the payment of such tax, by the institution of legal proceedings or otherwise, shall neglect or refuse to take such action, the State Tax Commissioner shall institute such legal or other proceedings as he may deem necessary for the enforcing of the payment of such taxes, or of the collection of the same, together with all penalties provided by law, by the distraint of property or otherwise; and for these purposes he may exercise any power conferred by law upon any state or local officer, for the carrying out of the purpose of this Act, the State Tax Commissioner may employ such legal or other assistance as he may deem necessary.

§ 3. This Act is hereby declared an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 10:25 P. M. December 11, 1919.

#### CHAPTER 59.

[S. B. No. 32—McCarten.]

#### EXPRESS, TELEPHONE AND CAR LINE COMPANIES.

An Act to Amend and Re-enact Section 2144 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Assessment of Express, Telegraph and Telephone Companies, Freight Line and Car Equipment Companies, and to Impose a Gross Earnings Tax on Freight Line and Car Equipment Companies, and Repealing All Acts or Parts of Acts in Conflict Herewith.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That Section 2144 of the Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 2144. The State Board of Equalization shall, at its annual meeting in August in each year, assess according to its actual value the franchises and all property within the state of all express companies, sleeping car companies, dining car companies, telegraph and telephone companies. To enable such Board to make a correct valuation of such franchises and property it shall have access to all reports of such corporations which may be on file in any public office of the state and they shall have power to compel and require every such company on reasonable notice to report to them a full statement of the property and mileage and number of telephones operated by it within this state, and shall have power to summon and compel the attendance of witnesses and may examine such witnesses under oath in any manner relating to the value of such property. In estimating the value of such franchise and property the Board shall be governed by the same rules as are provided for the government of county and township assessors in valuing other property in this state. It shall cause a record to be made of the estimated value placed upon each of the items which go to make up the aggregate valuation of such assessment.

§ 2. Every freight line and car equipment company carrying on business for profit in this state, shall pay an annual tax to the state upon the gross earnings from the operation of its lines or routes in this state.

For the purpose of assisting in the determination of the amount of such tax every such corporation included in this section shall on or before the 15th day of March in each year return to the tax commissioner, under oath of its treasurer, or person performing the duties of treasurer, or of a duly authorized agent or officer:

(1) The name and location within this state of such corporation; and if it have no location in this state where such corporation is located.

(2) The total amount of gross earnings from the operation of its lines or routes for the year next preceding the first day of January of the year in which such return is required to be made, or for such lesser time as such corporation has carried on business.

(3) In case any corporation subject to such tax was carrying on business both within and without this state during such period, such corporation shall also return the number of miles such cars were operated in this state, and the total number of such cars were operated within and without the state for such period.

§ 3. Every corporation included in section two of this act shall be taxed upon the amount of the gross earnings from its operation in this state, which shall be determined for the purpose of assessment and taxation as follows:

(1) In case of a corporation carrying on business wholly within the limits of this state, the entire amount of the gross earnings from the operation of its lines or routes ascertained under the preceding section.

(2) In the case of a corporation also carrying on business outside of this state, a portion of the entire amount of the gross earnings from the operation of its lines or routes, ascertained under Section 1 shall be apportioned to this state in such proportion as the number of miles such cars were operated in this state for the year ending December 31st next preceding bears to the total number of miles such cars were operated for such purposes both within and without the state.

§ 4. The Tax Commissioner shall annually fix from such return or from other information the amount of the gross earnings of every corporation included in the preceding section for the year next prior to the first day of the next preceding January, or lesser time that such corporation has carried on business, and notify each such corporation of such amount on or before the first day of May in each year, and, if any such corporation is not satisfied with the amount fixed, said Tax Commissioner upon being so notified within the first fifteen days of May, shall fix an early day at his office when the officers of such corporation can be heard to show cause why said amount should be changed, and after such hearing said Tax Commissioner shall fix such amount as appears to be the actual amount of such gross earnings.

§ 5. The Tax Commissioner on the first business day of June in each year shall make up a list of all corporations included in Section 2 of this act, with the amount of gross earnings of such corporation from the operation of its lines or routes in this state, and shall assess a tax upon such corporations at the rate of six (6) per centum of such gross earnings. Said Tax Commissioner shall certify the amount of such tax as demanded by him in each case to the State Auditor on or before the first day of June, and within fifteen days thereafter the Auditor shall make his draft upon such company for the amount of the tax due as certified, and shall present the same to the State Treasurer for collection. Within fifteen days thereafter the State Treasurer shall make demand for the payment of such warrant, but the failure to receive such notice shall not excuse the payment of such tax. The tax assessed as aforesaid shall be payable on the 15th day of July next after its assessment as aforesaid, and if not paid by the first day of August shall bear interest from the 15th day of July at the rate of eight per centum per annum until paid, if such payment is made before the commencement of legal proceedings for the recovery of the tax, and at the rate of ten per centum per annum if made after the commencement of such proceedings. Such delinquent and unpaid tax and penalties assessed and certified by the State Tax Commissioner, shall be a lien upon all and singular, the property, estate and effects of any such company, association, co-partnership, corporation or individual, and shall take precedence of all demands and judgments

against the same; and the certificate of the State Tax Commissioner that the said tax and penalties are due and unpaid, and the unpaid draft of the State Auditor issued in pursuance thereof, shall be sufficient warrant for the Attorney General to institute proceedings for the collection of said tax and penalties, by sale of such property or otherwise. For the purpose of this Act and the taxes herein imposed, all cars owned and operated by any freight line or car equipment companies and operated within the state, or partly within and partly without the state, are hereby declared to have a situs in the state.

§ 6. The taxation provided in this Act upon the gross earnings of every corporation included in Section 2 of the Act, shall be in lieu of all other taxation upon the property of such corporations of every kind and description, real, personal or mixed, used in operation of their lines or routes within this state.

§ 7. The Tax Commissioner shall have power to require, from time to time, from such corporations and their officers such sworn reports as will give said Tax Commissioner the information necessary to assess the tax provided for under Sections 2 to 4 inclusive of this Act. If any corporation or officer or employee thereof shall refuse to give to said Tax Commissioner or his authorized agent any such information, or refuse to permit any examination of the books of the corporation, said Tax Commissioner or his authorized agent may examine the books of such corporation and from such examination and any other source available make the return required to be made in Section 2, which return shall stand in the place of the return required of such corporation for all the purposes of this Act.

§ 8. If the returns required to be made by Section 2 of this Act be not made within twenty days after the time therein fixed the officer or agent neglecting or refusing to make the same shall be liable to a fine of not exceeding Five Thousand Dollars, nor less than Five Hundred Dollars.

§ 9. All administrative, special and general provisions of law, including the general tax laws of the state and not inconsistent with the provisions of this Act are hereby extended and made applicable to all the provisions of this Act and to the taxes herein imposed.

§ 10. All moneys collected under the provisions of this Act shall be paid into the State Treasury to be used in the defraying of the general expenses of the state government.

§ 11. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved 8:35 A. M. December 12, 1919.

---

CHAPTER 60.

[S. B. No. 12—Welford.]

---

INCOME TAX.

An Act to Amend and Re-enact Sections 7, 8, 9 and Subsection (e) of Section

13, and Section 18 of Chapter 224, Session Laws of North Dakota, 1919, Relating to Income Taxes.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 7 of Chapter 224, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

§ 7. (a) Exemptions in the nature of deductions from the amount of the total net income from all sources, within and without the state, shall be allowed as follows:

1. To every person subject to a tax hereunder, \$1,000.
2. To every head of a family, or other person responsible for the support of one or more dependent persons, \$1,000 additional.
3. To every person described in sub-section 2 hereof, \$200 additional for each dependent person more than one.

Provided, that none of the exemptions provided herein shall operate in favor of more than one such person on account of other persons dependent upon him for support; and, provided, further, that the deduction in any case shall be from the total net income from all sources, within and without the state, of all persons or groups of persons in favor of whom the same is allowed.

(b) The taxpayers having net income in excess of the total exemptions allowed in this Act may receive the benefit of the exemptions provided for in this section only by filing, or causing to be filed, with the Tax Commissioner, a true and accurate return of his total income received from all sources, corporate or otherwise, within or without the state, in the manner prescribed by this Act; and in case of his failure to file such return, the tax shall be collected upon his total net income from all sources within the state, as discovered and computed by the Commissioner from any source of information available to him; and all property within the state belonging to such taxpayer shall be liable to distraint for the payment of the tax.

§ 2. AMENDMENT.] Section 8 of Chapter 224, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:-

§ 8. (a) The tax shall be computed and assessed upon the net income, as ascertained under the provisions of this Act, of each person subject thereto, received in each preceding calendar year ending December 31st.

(b) On or before the first day of March in each year, a true and accurate return, under oath, shall be made by each person of lawful age, except as hereinafter provided, on all income received during the previous calendar year, when the aggregate amount thereof exceeds the total exemptions allowed in this Act, to the Tax Commissioner, or his agent for the district in which such person has his legal residence or his principal place of business, or, if there be no legal residence or place of business in the state, then with the Tax Commissioner at the Capitol, in such form as the Commissioner shall prescribe, setting forth specifically the gross amount of income from all separate sources, and from the total thereof deducting the aggregate items of allowance herein authorized; provided, that the

Commissioner shall have authority to grant reasonable extension of time, in meritorious cases, for filing returns of income by persons residing or traveling outside of the state, who are required to make out and file returns of income and who are unable to file such returns on or before the dates herein specified; provided, further, that the aforesaid return may be made by an agent, when by reason of illness, absence or non-residence, the person liable for said return is unable to make and render the same, the agent assuming the responsibility of making the return and incurring the penalties provided for erroneous, false or fraudulent return.

(c) Guardians, trustee, executors, administrators, receivers, conservators, and all persons, corporations or associations acting in any fiduciary capacity, shall make and render a return of the income of every person, trust or estate for whom or which they act and shall be subject to all the provisions of this Act which apply to individuals. Such fiduciary shall make oath that he has sufficient knowledge of the affairs of any such person, trust or estate, to enable him to make such return and that the same is, to the best of his knowledge and belief, true and correct; provided, that a return made by one of two or more joint fiduciaries, and filed in the county where such fiduciary resides or with the Commissioner, under such regulations as he may prescribe, shall be a sufficient compliance with the requirements of this paragraph. All such fiduciaries, and all persons, corporations, joint stock companies or associations, in whatever capacity acting, and all officers and employees of the state, or any political subdivision thereof, having the control, receipt, custody, disposal or payment of wages, salaries, interest, dividends, profits, premiums or annuities, payable to any person, corporation, joint stock company or association are likewise required to make a return of the income from such sources of every person, corporation, joint stock company or association to whom or which such payments are due.

(d) Persons carrying on business in partnership shall be liable for payment of income taxes only in their individual capacity, and the share of the profits of the partnership to which any taxable partner would be entitled if the same divided, whether divided or otherwise shall be returned for taxation and the tax paid under the provisions of this Act governing the return of income and the payment of the tax upon the same by individuals; provided that from the net distributive interest on which the individual members shall be liable for income tax, there shall be made all deductions and exemptions hereinbefore provided in favor of individual taxpayers. Any such partnership, when requested by the Commissioner or his authorized agent, shall render a correct return of the earnings, profits and income of the partnership, setting forth the items of the gross income and the deductions, credits and exemptions allowed by this Act, and the names and addresses of the individuals who would be entitled to the net earnings, profits, and income if distributed. A partnership shall have the same privilege of fixing and making the returns upon the basis of its own fiscal year as is accorded to corporations under this Act.

§ 3. AMENDMENT.] Section 9 of Chapter 224, Laws of North Dakota, 1919 is hereby amended and re-enacted to read as follows:

§ 9. (a) All assessments shall be made by the State Tax Commissioner, who, on or before the first day of May of each year, shall certify such assessments to the State Treasurer, by whom all persons shall be notified of the amount for which they are respectively liable, on or before the 30th day of June of said year. Said amounts shall be paid on or before the 15th day of July next following, except in cases of refusal or neglect to make proper returns, and in cases of erroneous, false or fraudulent returns, in which cases the Commissioner, upon the discovery thereof, shall at any time within thirty days after said return is due, or has been made, make a return upon information obtained as provided for in this Act, or by existing law, or require the necessary corrections to be made; and the assessment made by the Commissioner thereon shall be paid by such person, immediately upon the notification of the amount of the same; and to any sum or sums due and unpaid after the 15th day of June in each year, and for ten days after notice and demand thereof by the Treasurer, there shall be added the sum of five per cent upon the amount of tax unpaid, and interest at the rate of one per cent per month upon said tax, from the time the same became due, except from the estates of insane, deceased or insolvent persons.

(b) Where the tax upon any income is withheld at the source and paid to the state, under the provisions of this Act, the taxpayer may obtain the deductions or exemptions provided for in this Act by making application for the same to the Commissioner or his authorized agent for the district in which the tax is to be paid. Such application shall set forth:

1. The total income of such person from all sources, within and without the state:
2. The separate items for which he claims exemptions, deductions or credit.

3. Such other information as the Commissioner shall deem necessary for the computation of such exemption, deductions or credits.

If such person is absent from the state or is unable, owing to, serious illness to make the return and applications above provided for, for the same may be made by an agent, he making oath that he has sufficient knowledge of the affairs and property of his principal to enable him to make a full and complete return, and that the return made by him is full and complete, and to the best of his knowledge and belief, true and correct and that he assumes the responsibility of making such return, and incurs the penalties provided for erroneous, false or fraudulent return.

(c) The tax herein imposed upon gains, profits or other income not falling under the foregoing and not returned and paid by virtue of the foregoing, shall be assessed by personal return under rules and regulations prescribed by the Commissioner. The intent and purpose of this Act is that all gains, profits and other income of a taxable character, as defined by this Act, shall be charged and assessed with the corresponding tax prescribed herein, and said tax shall be paid

by the owner of such income, or the proper representative having the receipt, custody, control or disposal of the same.

For the purpose of this Act, ownership or liability shall be determined as of the year for which a return is required to be rendered.

§ 4. AMENDMENT.] Sub-section (e) of Section 13 of Chapter 224, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

(e) In any case where a tax assessed under the provisions of this Act is due and unpaid, the business or property within the state from which the income tax is derived, shall be liable for the payment of said tax, together with the penalties, by forfeiture of the franchise or privilege of such business or the distraint of such property; and the Commissioner is hereby authorized to institute such proceedings in the proper courts of the state as may be necessary for the enforcement of the provisions of this section; provided, that any person, company or corporation owing payments of income taxable under the provisions of this Act, may withhold the tax upon such payments and pay the same to the state, receiving the receipt of the Tax Commissioner therefore, which receipt shall relieve such person, company or corporation from all liability for the payment of such sum to the person, company or corporation to whom or to which payment of the income is due; or such person, company or corporation owing such payment of income may give a bond to the state, in such amount and with such surety as the Commissioner may prescribe, securing the payment to the state of the tax upon such income, in which case the business or property of such person, company or corporation shall not be subject to forfeiture or distraint under the provisions of this section; provided, that no person, company or corporation shall be held responsible for the return of earned income amounting in any case to less than \$500 annually, nor of unearned income amounting to less than \$100 to any one person, company or corporation, nor shall any business or property be liable to forfeiture or distraint for non-payment of the tax in such cases.

§ 5. AMENDMENT.] Section 18 of Chapter 224, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

§ 18. Any contract entered into after the passage of this Act, creating a relation of debtor and creditor, which shall contain any provisions requiring the debtor to pay any portion of the tax imposed by this Act upon the creditor or his successor in interest shall be void; and whenever any such debtor may have paid any such tax he may recover from the creditor or his successor in interest a sum equal to double to amount so paid. Any person knowingly inserting or procuring the insertion of such provision in any such contract shall be subject to a fine of not more than \$1,000.00.

Provided, that nothing herein contained shall be construed so as to make illegal any contract or agreement by which any bank or fiduciary corporation within the state may undertake to absorb or pay the income tax chargeable against its customers or depositors upon

investment made by or through such bank or fiduciary for said customers or depositors.

§ 6. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 9:10 A .M. December 12, 1919.

---

## CHAPTER 61.

[S. B. No. 27—Hunt.]

---

### LIMITATION OF TAX LEVY.

An Act to Amend and Re-enact Chapter 214, Laws of North Dakota, 1919, Relating to the Limitations of Tax Levies, Debt Limits and the Powers and Duties of Certain Officers.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Chapter 214, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

§ 1. For the years 1919 and 1920, the total annual amount of the taxes levied for any purpose, except special levies for local improvements and for the maintenance of sinking funds, in any county or political subdivisions thereof, or in any village, town or city within the state, shall not exceed by more than ten per cent the amount that would be produced by the levy of the maximum rate provided by law upon the assessed valuation of 1918; provided, that for road and school purposes the amount levied may be twenty per cent for 1919 and forty per cent for 1920, respectively, upon the basis of the assessed valuation of 1918.

§ 2. No salary of any official now determined on the basis of the amount of the assessed valuation of the taxable property in any county or political subdivision thereof, or in any city, town or village, shall be increased, prior to July 1, 1921, beyond the amount now authorized on the basis of the assessed valuation of 1918.

§ 3. In any case where any duty or power is imposed or conferred by law upon any official in any county or political subdivision thereof, or in any city, town or village, and such duty or power is contingent upon the assessed valuation of the taxable property in such county, political subdivision, city, town or village, prior to July 1, 1921, such duty or power shall rest upon and be conditioned by the assessed valuation of 1918, except as provided in Section 1 hereof.

§ 4. The debt limit of any county or political subdivision thereof, or of any city, town or village, shall not be increased in any fiscal year, prior to July 1, 1921, more than twenty-five per cent, nor shall the total increase be more than fifty per cent upon the limit now fixed by law upon the basis of the assessed valuation of 1918; provided, however, that the provisions of this section shall

not apply to school districts desiring to raise money for the purpose of repairing, furnishing, or building school houses.

§ 5. In all cases wherein levies have been made or salaries or debts increased, or any duty or power of any official has been limited or extended in excess of, or contrary to the limitations prescribed herein, the same shall be revised and corrected so as to conform to the provision of said Chapter 214, Laws of North Dakota, 1919, as hereby amended. Any county, city, town, village, township or other officer violating any of the provisions of this Act shall be subject to a fine of not less than One Hundred nor more than Five Hundred Dollars.

§ 6. All Acts or parts of Acts, in so far as inconsistent with provisions of this Act are hereby repealed.

§ 7. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 11:00 P. M. December 11, 1919.

---

## CHAPTER 62.

[H. B. No. 20—Hoare, Wadson and Burkhart.]

---

### MONEY AND CREDITS.

An Act to Exempt "Money" and "Credits" From Taxation Except as Herein Provided, and Repealing Chapter 255 of the Laws of North Dakota for the Year 1915, and Chapter 230 of the Laws of North Dakota for the Year 1917, as Amended by Chapter 226 of the Laws of North Dakota for the Year 1919, and All Other Acts and Parts of Acts in Conflict With the Provisions of This Act.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. Money and credits, as the same are defined in Section 2074 of the Compiled Laws of North Dakota for the year 1913, including bonds and stocks, are hereby exempted from taxation; provided, however, that the income therefrom except as to income derived from loans on North Dakota real property shall be taxable under the provisions of Chapter 224 of the Laws of North Dakota for the year 1919 except as therein exempted; provided, further, that stocks and bonds shall be subject to taxation in the manner provided by Chapter 222 of the Laws of North Dakota for the year 1919. Provided that nothing in this Act contained shall affect the validity of any tax upon transfers of property by will, gift, or intestate law, under the provisions of Chapter 225, Laws of North Dakota, 1919.

§ 2. This Act shall not be construed to invalidate or discharge any tax heretofore levied or assessed under or by virtue of any of the tax laws of this state.

§ 3. Chapter 255 of the Laws of North Dakota for the year

1915 and Chapter 230 of the Laws of North Dakota for the year 1917 as amended by Chapter 226 of the Laws of North Dakota for the year 1919, and all others Acts and parts of Acts in conflict herewith are hereby repealed.

§ 4. This Act is hereby declared to be an emergency measure and shall take effect and be in force and effect from and after its passage and approval.

Approved 7:30 P. M. December 11, 1919.

### CHAPTER 63.

[S. B. No. 41—Oksendahl.]

#### NOTICE OF EXPIRATION OF PERIOD OF REDEMPTION.

An Act to Amend and Re-enact Section 2223 of the Compiled Laws of North Dakota for the Year 1913 as Amended and Re-enacted by Chapter 233 of the Laws of North Dakota for the Year 1919, Relating to the Redemption of Land Sold for Taxes, and Providing for the Furnishing of Notice of the Expiration of the Time for Redemption Upon All Mortgages and Assignees of Unsatisfied Record Mortgages.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. That Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

§ 2223. AMENDMENT.] NOTICE OF EXPIRATION OF REDEMPTION. CERTIFICATE HOLDERS. MORTGAGEES AND ASSIGNEES. AUDITOR.] Every person holding a tax certificate shall, at least ninety days before the expiration of the time for the redemption of the lands therein described, present such certificate to the County Auditor and thereupon the Auditor shall prepare, under his hand and official seal, a notice to the person in whose name such lands are assessed, and to all mortgages or assignees of mortgagees holding unsatisfied record mortgages as hereinafter provided, specifying the description of such lands, the amount for which the same were sold, the amount required to redeem such lands from sale, exclusive of the costs to accrue upon such notice, and the time when the redemption period will expire, which notice the Auditor shall cause to be delivered to the Sheriff or his Deputy who shall serve it personally upon the owner, if known to be a resident of the state, but which may, if the owner be a non-resident, be given by registered mail, addressed to such owner at the last known postoffice address, and by publication once in each week, for three consecutive weeks, in some newspaper printed and published in the county where such lands are situated, if there be one; if none, then in some newspaper printed and published at the capital of the state, and in case the

property covered by such certificate is occupied then service of such notice shall, in addition to the foregoing provision, be made upon the person in possession thereof. Proof of notice herein provided for must be filed in the office of the County Auditor prior to the maturing of such certificate, and no deed shall issue until such proof has been duly filed. The fees for serving and the printer's fees for publishing such notice shall be added to the amount required to redeem such land, and shall be paid by the party offering to redeem such land before any certificate of redemption shall be issued. In case of failure on the part of the holder of any tax certificate to present the same to the Auditor at the time hereinbefore provided, the same may be so presented at any time within three (3) years thereafter, and thereupon such notice shall be issued and served as hereinbefore provided, and the time for redemption of such lands shall expire ninety days after such notice; provided that the county shall not be liable for any expense incurred under the provisions of this section; provided, further, that said tax certificates, also any subsequent taxes paid by the holder thereof, shall continue to draw interest until said taxes are paid or redeemed. Provided, further, that in case said tax certificate should for any reason be declared void the interest thereon shall cease from and after three (3) years from the date of such certificate. Provided, further, that a duplicate copy of the notice herein required to be prepared and served upon the person in whose name the land is assessed, shall be prepared by the County Auditor and said copy shall be served by the Auditor upon all mortgagees and assignees of mortgagees holding unsatisfied recorded mortgages on said land as shown by the records in the office of the Register of Deeds, by registered letter addressed to such mortgagee or assignee, as hereinafter provided, and at least ninety days before the time for redemption expires. That before any mortgagee or assignee of mortgagee shall be entitled to receive the duplicate notice as herein provided, he shall file with the County Auditor a statement in writing that he requires such duplicate notice mailed to him, giving his postoffice address, and the mortgagee or assignee will be entitled to receive the notice herein provided from that date. Provided, further, that the County Auditor shall be entitled to charge and receive from said mortgagee or assignee as a fee for preparing and mailing said duplicate notice, the sum of One Dollar and Fifty Cents and no more for each notice so prepared and served.

§ 2. That Chapter 233 of the Laws of North Dakota for the year 1919 is hereby repealed.

Approved 9:15 a. m. December 12, 1919.

## CHAPTER 64.

[S. B. No. 10—Cahill.]

## OIL TAX.

An Act to Amend and Re-enact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, Relating to the Taxation of Petroleum Products.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 1 of Chapter 227, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

§ 1. DEFINITION.] The term "oil company," when used in this Act, shall mean any person, corporation, company, or association engaged as a jobber or wholesaler in the business of storing, shipping, distributing or selling within the state any of the petroleum products or by-products enumerated in this Act.

The term "wholesaler" or "jobber" shall mean and include any person, corporation, company or association making any original sale of any of the petroleum products or by-products enumerated in this Act within the state.

The term "Original sale" shall mean the first sale, distribution, transfer, consignment or bailment of such products within the state.

The term "gasoline" shall mean and include any products derived from petroleum or kerosene by any process of evaporation or distillation.

The term "petroleum products or by-products" shall mean and include any and all mineral oils, however obtained or derived, sold or offered for sale in the state for use in the generation of light, heat, or power.

The term "oil inspector" shall mean and include any person employed by the state for the inspection of any petroleum products, or by-products, within the state.

§ 2. AMENDMENT.] Section 2 of Chapter 227, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

§ 2. All petroleum products or by-products as in this Act defined, sold or offered for sale within the state are hereby classified for purposes of taxation as follows; and from and after the date when this Act goes into effect, every oil company doing business within the state, and engaged in storing, shipping, consigning, distributing or selling any petroleum products or by-products, as in this section classified, as follows:

Class 1. All gasoline conforming to North Dakota chemical tests for household purposes, as prescribed in Sections 8, 9 and 10, of Chapter 185, Laws of North Dakota, 1919, shall be exempt from taxation.

Class 2. Upon all gasoline not conforming to the requirements of Class 1, but which, under said tests distill over not less than three per cent and not more than fifteen per cent below 158 degrees

F. and leaving a residue undistilled, of not more than thirty-six per cent at 284 degrees F. distilling not less than ninety-six per cent below 428 degrees F., and containing no other ingredients than petroleum products or by-products, a tax of one-fourth of one cent per gallon.

Class 3. Upon all gasolines not conforming to the requirements of Class 1 or Class 2, or containing materials other than petroleum products or by-products—a tax of one cent per gallon.

Class 4. Upon all kerosene conforming to North Dakota chemical tests for illuminating purposes, as prescribed in Section 8, 9 and 10, of Chapter 185, Laws of North Dakota, 1919,—a tax of one-fourth of one cent per gallon.

Class 5. Upon all kerosene not conforming to the requirements of Class 4, and upon all other petroleum products or by-products, as defined in this Act, not hereinbefore in this Section enumerated, a tax of one-half of one cent per gallon.

§ 3. The provisions of this Act shall not be construed so as to invalidate any tax heretofore assessed or collected under or by virtue of said Chapter 227, or of the general tax laws of the state.

§ 4. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 9:50 P. M. December 11, 1919.

## CHAPTER 65.

[H. B. No. 59—Delayed Bills Committee.]

### REDUCING GENERAL LEVY.

An Act Remitting and Reducing the Amount of State Taxes Levied for the General Fund for the Year 1919.

WHEREAS, several of the state industries are self-supporting and are in a position to refund to the State Treasury all moneys appropriated for their operation, and

WHEREAS, stringent economy and retrenchment are necessary because there has been a partial crop failure in this state.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. That the levy and the amount of state taxes for the General Fund as determined by the Board of Equalization for the year 1919 be and the same is hereby reduced twenty-five per cent thereof, and the several County Treasurers in this state are hereby authorized and directed to remit to each taxpayer at time of paying such taxes twenty-five per cent of the amount so levied and due from any such taxpayer; or in the event that said taxes have been paid any such Treasurer shall refund to any such taxpayer twenty-five per cent of the taxes so levied; provided further than the provisions of

this Act shall not apply to taxes levied or assessed for state hail insurances or taxes levied for the creation of the Returned Soldier Fund.

§ 2. It shall be the duty of each County Treasurer to furnish each such taxpayer a statement showing in words and figures the amounts due from such taxpayer for state purposes and the amount refunded or remitted.

§ 3. Any County Treasurer violating the provisions of this Act shall be guilty of a misdemeanor.

§ 4. This Act is hereby declared to be an emergency act and shall take effect and be in force from and after its passage and approval.

§ 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved 8:45 P. M. December 11, 1919.

#### CHAPTER 66.

[S. B. No. 56—Church.]

#### REDUCING SCHOOL LEVY.

An Act to Amend and Re-enact Chapter 216 of the Session Laws of North Dakota for the Year 1919, Same Being Section 1224, Compiled Laws of North Dakota of 1913, Relating to the Tax of One Mill on the Dollar on Taxable Property for the School Districts of the County.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

That Chapter 216 of the Session Laws of North Dakota for the year 1919, same being Section 1224, Compiled Laws of North Dakota of 1913, be amended and re-enacted as follows:

§ 1224. TAX, HOW LEVIED.] The County Auditor of each county shall at the time of making the annual assessment and levy of taxes levy a tax of one dollar on each elector in the county for the support of public schools, and a further tax of one-half mill on the dollar on taxable property in the county, to be collected at the same time and in the same manner as other taxes are collected, which shall be apportioned by the County Superintendent of Schools among the school districts of the county.

Approved 9:25 A. M. December 12, 1919.

#### CHAPTER 67.

[S. B. No. 3—Zieman.]

#### SEMI-ANNUAL PAYMENT OF TAXES.

An Act to Amend and Re-enact Section 2185, Compiled Laws, of North Dakota for the Year 1913, Relating to Real Estate Taxes Due and Delinquent, and Penalty and Interest Thereon.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 2185 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 2185. All real estate taxes shall become due on the first days of December in each and every year for which the tax is levied; the full amount of the hail tax both flat and indemnity and one-half of the remaining real estate taxes shall be delinquent on the first day of March following, and if said one-half becoming due on March first shall remain unpaid after that date, there shall be attached thereto a penalty of five per cent, and on the first day of June following an additional penalty of two per cent, and on the first day of November following a further penalty of three per cent on the original one-half become delinquent on March first as aforesaid.

The other half shall become delinquent on the 15th day of October and if unpaid on that date, a penalty of five per cent shall be added thereto; and if said second one-half of said tax remains unpaid on the first day of November an additional penalty of five per cent shall be added. The penalties prescribed in this section to be cumulative, and to be charged and collected accordingly without being specially added or noted on the tax list.

§ 2. This Act shall take effect and be in force from and after December 1st, 1920.

Approved 11:00 A. M. December 13, 1919.

## CHAPTER 68.

[S. B. No. 55—Ward.]

### SITUS OF PERSONAL PROPERTY.

An Act to Amend and Re-enact Section 2095 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 229, Laws of North Dakota, 1917, as Amended by Chapter 229, Laws of North Dakota, 1919, Relating to Revenue and Taxation and Fixing the Situs of Personal Property for Tax Purposes.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

§ 2095. Except as otherwise provided in this Chapter, personal property shall be listed and assessed in the county, town or district where the owner or his agent resides, or if such owner has no residence in the state, at his principal office or place of business in the state, and if such owner has no principal office or place of business in the state, in the town or district where his business is carried on,

or if such owner has no residence nor place of business, and is carrying on no business within the state, then such property shall be listed in the county, town or district in which it exists at the time of assessment.

§ 2. Nothing in this Act contained shall affect the validity of any tax heretofore assessed under or by virtue of the provisions of said Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended.

§ 3. All Acts or parts of Acts insofar as inconsistent with the provisions of this Act, are hereby repealed.

§ 4. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 10:10 p. m. December 11, 1919.

---

#### CHAPTER 69.

[H. B. No. 17--Randall.]

---

#### TAX SUPERVISORS.

An Act Providing for the Appointment of Tax Supervisors, Fees. Their Salaries and Term of Office and Defining Their Powers and Duties and Repealing Chapter 219 of the Law of North Dakota for the Year 1919.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. The State Tax Commissioner may appoint in each Judicial District of the state, a Tax Supervisor for each district, who shall serve for four years, or until his successor is appointed and qualified. And such Tax Supervisor may be removed with or without cause by the Commissioner.

§ 2. Each Tax Supervisor shall qualify on or before the second Monday following the day of his appointment, or in case of vacancy, immediately upon receiving notice of appointment, and before entering upon the duties of his office, shall take and subscribe to the oath required of other state officials, and shall give a bond to the state in the sum of not less than \$2,000, with good and sufficient security, as provided by statute for the bonding of public officers, said bond to be approved by the Board of County Commissioners and conditioned upon the faithful and impartial discharge of the duties of the office.

§ 3. Under the supervision of the Tax Commissioner the Tax Supervisor shall have supervision over all tax assessments and tax assessors within his district, and shall perform such other services as the Commissioner may require. The Tax Supervisor shall devote his entire time to the duties of his office and shall not hold any other position of trust or profit, nor engage in any business or occupation interfering or inconsistent with the duties of such supervisor. He shall from time to time secure such data concerning the

listing and taxing of property within his district as shall be required by the Tax Commissioner, and as may be necessary for the efficient discharge of the duties of his office. He shall tabulate and report such data on the forms prescribed by the Tax Commissioner, and shall make all such reports to the Tax Commissioner or other state or county officials as the said Commissioner may require, or as may be required by law. When the Tax Supervisor is not employed in the actual work of supervising the assessments of the current year, he shall devote his time to the study of the valuation of property liable to assessment and taxation, or to the performance of such other duties as the Tax Commissioner may require of him; and for such purposes shall have authority to interrogate witnesses under oath administered by him and the authority to administer such oath is hereby expressly conferred upon such Tax Supervisors. He may require to have produced before him such books, papers, documents or records as he may deem necessary for his investigation.

§ 4. The Tax Supervisor is hereby authorized to raise or lower any assessment made by any local assessor in his district, provided that such action be taken prior to the meeting of the township or city board of equalization, and the party whose assessment is raised to be given due notice so that he can appear before such board in order to protest such action. It shall be unlawful for any Tax Supervisor to disclose any information secured from any person, corporation, co-partnership or association in the performance of his official duties, except to the State Tax Commissioner, to district or county boards of equalization, to the State Board of Equalization, to any officer, board or commission to whom he may be required by law to make reports, or in any judicial proceeding in a lawfully constituted court involving the assessment or taxation of any such person, corporation, co-partnership or association. Any Tax Supervisor found guilty of violating the provisions of this Act shall be subject to a fine of not less than \$25 nor more than \$500.

§ 5. The Tax Supervisor shall receive an annual salary of \$2,000 to be paid in monthly installments by the County Treasurers of the respective counties and his actual expenses incurred in the discharge of his duties, not to exceed a maximum of \$200 per annum for each county, provided that the salary and expenses of such inspector shall be apportioned among the several counties composing the district by the State Tax Commissioner and all expenses incurred by any such Supervisor shall be approved by the Tax Commissioner and be paid in the same manner.

§ 6. This Act is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

§ 7. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved 8:20 P. M. December 11, 1919.