

February 20, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2326

Page 1, line 13, overstrike "subject to the limitations of this section levy and"

Page 1, overstrike line 14

Page 1, line 15, overstrike "alcoholic beverage gross receipts taxes,"

Page 1, line 16, overstrike "and special assessments for benefits conferred, for its"

Page 1, overstrike line 17

Page 1, line 18, overstrike "improvements;"

Page 1, line 20, overstrike "and mill levy"

Page 1, line 20, remove "The"

Page 1, remove line 21

Page 1, line 22, replace "specifically authorized under this section." with:

"3. To levy and collect property taxes and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements, and establish mill levy limitations."

Page 2, line 8, replace "3. Impose" with "4. To levy and collect"

Page 2, line 8, overstrike the second "and"

Page 2, line 9, after "taxes" insert ", a county lodging tax, and a county restaurant tax"

Page 2, line 27, after "57-01-02.1" insert ", with the exception of a county lodging or county restaurant tax."

Page 3, line 11, after the period insert "Ordinances enacted after August 1, 2017, may not allow for the collection and levy of any tax not otherwise specified under this section."

Page 3, line 12, replace "4." with "5."

Page 3, line 23, replace "5." with "6."

Page 3, line 25, replace "6." with "7."

Page 4, line 1, replace "7." with "8."

Page 4, line 3, replace "8." with "9."

Page 4, line 5, replace "9." with "10."

Page 4, line 6, replace "10." with "11."

Page 4, line 23, overstrike "to levy and collect taxes, excises, fees,"

Page 4, overstrike line 24

Page 4, line 25, overstrike "functions, activities, operations, undertakings, and improvements;"

Page 4, line 27, overstrike "and mill levy"

Page 4, line 28, after the period insert:

"3. To levy and collect property taxes and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements, and establish mill levy limitations."

Page 4, line 31, overstrike "The authority to levy taxes under"

Page 5, line 1, overstrike "this subsection does not include authority to impose"

Page 5, line 1, remove "any other tax"

Page 5, line 2, remove "except as specifically authorized under this section"

Page 5, line 2, overstrike the period

Page 5, line 3, overstrike "3." and insert immediately thereafter "4. To levy and collect excises, fees, charges, franchise and license taxes, sales and use taxes, farm machinery gross receipts taxes, alcoholic beverage gross receipts taxes, a city lodging tax, and a city restaurant tax. For purposes of this section, any taxes imposed under this section on farm machinery, farm irrigation equipment, and farm machinery repair parts used exclusively for agricultural purposes, or on alcoholic beverages, which were in effect on December 31, 2005, become gross receipts taxes after December 31, 2005. After December 31, 2005, any portion of a charter or any portion of an ordinance passed pursuant to a charter which does not conform to the requirements of this section is invalid to the extent it does not conform. The invalidity of a portion of a charter or ordinance because it does not conform with this subsection does not affect the validity of any other portion of the charter or ordinance of the eligibility for a refund under section 57-01-02.1. Ordinances enacted after August 1, 2017, may not allow for the collection and levy of any tax not otherwise specified under this section. Sales and use taxes and gross receipts taxes levied under this section:

- a. Must conform in all respects with regard to the taxable or exempt status of items under chapters 57-39.2, 57-39.5, 57-39.6, and 57-40.2 and may not be imposed at multiple rates with the exception of sales of manufactured homes or mobile homes.
- b. May not be newly imposed or changed except to be effective on the first day of a calendar quarterly period after a minimum of ninety days' notice to the tax commissioner or, for purchases from printed catalogs, on the first day of a calendar quarter after a minimum of one hundred twenty days' notice to the seller.
- c. May not be limited to apply to less than the full value of the transaction or item as determined for state sales and use tax purposes, except for farm machinery gross receipts tax.
- d. Must be subject to collection by the tax commissioner under an agreement under section 57-01-02.1, with the exception of a city lodging or city restaurant tax, and must be administered by the tax commissioner in accordance with the relevant provisions of chapter 57-39.2, including reporting and paying requirements, correction of errors, payment of refunds, and application of penalty and interest.

5."

Page 5, line 5, overstrike "4." and insert immediately thereafter "6."

Page 5, line 9, overstrike "5." and insert immediately thereafter "7."

Page 5, line 13, overstrike "6." and insert immediately thereafter "8."

Page 5, line 15, overstrike "7." and insert immediately thereafter "9."

Page 5, line 18, overstrike "8." and insert immediately thereafter "10."

Page 5, line 20, overstrike "9." and insert immediately thereafter "11."

Page 5, line 22, overstrike "10." and insert immediately thereafter "12."

Page 5, line 25, overstrike "11." and insert immediately thereafter "13."

Page 5, overstrike line 28

Page 5, line 29, overstrike "13." and insert immediately thereafter "14."

Page 6, line 1, overstrike "14." and insert immediately thereafter "15."

Page 6, line 4, overstrike "15." and insert immediately thereafter "16."

Page 6, line 6, overstrike "16. To impose"

Page 6, line 6, overstrike "farm machinery gross receipts taxes,"

Page 6, line 7, overstrike "alcoholic beverage gross receipts taxes, or sales and use taxes"

Page 6, line 8, remove ". Sales"

Page 6, line 8, overstrike "and use taxes and"

Page 6, overstrike lines 9 through 11

Page 6, line 12, overstrike "at multiple rates with the exception of sales of"

Page 6, line 15, overstrike "manufactured homes"

Page 6, line 15, overstrike "or mobile"

Page 6, overstrike lines 16 through 29

Page 7, overstrike lines 4 through 11

Re-number accordingly