

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1099
(Finance and Taxation Committee)
(At the request of the Tax Commissioner)

AN ACT to amend and reenact subsection 3 of section 5-01-01, subsection 3 of section 5-03-09, section 57-01-06, and subsection 5 of section 57-39.2-23 of the North Dakota Century Code, relating to the definition of beer; the authority of the tax commissioner to waive penalties for late or nonfiled alcoholic beverage tax returns; sales, market, and productivity studies for property tax purposes; and disclosure of county lodging taxes and county lodging and restaurant taxes information to a county governing body; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 5-01-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Beer" means any malt beverage containing one-half of one percent or more of alcohol by volume and includes an alcoholic beverage made by the fermentation of malt substitutes, including rice, grain of any kind, glucose, sugar, or molasses, which has not undergone distillation.

SECTION 2. AMENDMENT. Subsection 3 of section 5-03-09 of the North Dakota Century Code is amended and reenacted as follows:

3. If a supplier fails to file the required report as required by this section, there is imposed a penalty of twenty-five dollars per month for each calendar month or fraction of a month during which the delinquency continues beginning with the month during which the report was due. Any assessed penalty may be waived by the tax commissioner for good cause upon request by the supplier.

SECTION 3. AMENDMENT. Section 57-01-06 of the North Dakota Century Code is amended and reenacted as follows:

57-01-06. Sales, market, and productivity study - Contents not to be included.

Any sales, market, and productivity study which may be made by the state tax commissioner may not include the following:

1. Property owned or used by public utilities.
2. Property classified as personal property.
3. A sale when the grantor and the grantee are of the same family or corporate affiliate, if known.
4. A sale which resulted as a settlement of an estate.
5. ~~All sales to or from a government or governmental agency.~~
6. All forced sales, mortgage foreclosures, and tax sales.
7. ~~6.~~ All sales to or from religious, charitable, or nonprofit organizations.
8. ~~7.~~ All sales where there is an indicated change of use by the new owner.
9. ~~8.~~ All transfer of ownership of property for which is given a quitclaim deed.

- ~~40.9.~~ Sales of property not assessable by law.
- ~~41.10.~~ Agricultural lands of less than eighty acres [32.37 hectares].

SECTION 4. AMENDMENT. Subsection 5 of section 57-39.2-23 of the North Dakota Century Code is amended and reenacted as follows:

- 5. The commissioner may make information pertaining to county lodging taxes, county lodging and restaurant taxes, city lodging taxes, city lodging and restaurant taxes, or city or county sales and use taxes, contained in tax returns, reports, related schedules and documents, and reports of an audit or investigation available upon request to no more than two duly elected or appointed members of the governing body of a city or county for which collection and administration of the tax is required by statute or a tax collection agreement administered under section 57-01-02.1. The governing body of the city or county or its members may not divulge or make known in any manner the business affairs, operations, or other information acquired from the commissioner under this subsection concerning any person, corporation, limited liability company, or other entity unless the disclosure is by judicial order and for tax administration purposes only.

SECTION 5. EFFECTIVE DATE. Section 1 of this Act is effective for taxable periods beginning after June 30, 2021.

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-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1099.

House Vote: Yeas 92 Nays 1 Absent 1

Senate Vote: Yeas 46 Nays 1 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State