

HOUSE BILL NO. 1077

Introduced by

Finance and Taxation Committee

(At the request of the Tax Commissioner)

1 A BILL for an Act to amend and reenact section 57-38-34 and subsection 8 of section 57-38-38
2 of the North Dakota Century Code, relating to the filing date of exempt organization income tax
3 returns regarding unrelated business taxable income and tax assessment extension
4 agreements; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Section 57-38-34 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **57-38-34. Time and place of filing returns - Interest on tax when time for filing is**
9 **extended.**

- 10 1. Returns must be in such form as the tax commissioner from time to time may
11 prescribe and may include the requirement that a copy of the taxpayer's federal
12 income tax return or a portion thereof or information reflected thereon be attached
13 to, furnished with, or included in the taxpayer's state income tax return. The
14 taxpayer's state income tax return must contain a method for the taxpayer to
15 identify the school district in which the taxpayer resides and must be filed with the
16 tax commissioner's office in Bismarck, North Dakota. The tax commissioner shall
17 prepare blank forms for use in making returns and shall cause them to be
18 distributed throughout this state, but failure to receive or secure a form does not
19 relieve a taxpayer from making a return.
- 20 2. Returns made on the basis of the calendar year must be filed on or before the
21 fifteenth day of April following the close of the calendar year and returns made on
22 the basis of a fiscal year must be filed on or before the fifteenth day of the fourth
23 month following the close of the fiscal year.

- 1 3. Returns for cooperatives, domestic international sales corporations, and foreign
2 sales corporations, however, made on the basis of the calendar year must be filed
3 on or before the fifteenth day of September following the close of the calendar year
4 and returns made on the basis of a fiscal year must be filed on or before the
5 fifteenth day of the ninth month following the close of the fiscal year.
- 6 4. Returns for exempt organizations required to report unrelated business taxable
7 income under subsection 2 of section 57-38-09 made on the basis of the calendar
8 year must be filed on or before the fifteenth day of May following the close of the
9 calendar year and returns made on the basis of a fiscal year must be filed on or
10 before the fifteenth day of the fifth month following the close of the fiscal year.
- 11 5. A taxpayer actively serving in the armed forces or merchant marine, outside the
12 boundaries of the United States, may defer the filing of an income tax return and
13 the payment of the income tax until such time as the federal income tax return is
14 required to be filed at which time the state income tax return, with payment of tax,
15 will also be due. No interest or penalty accrues to the date of such filing.
- 16 5- 6. The tax commissioner may grant a reasonable extension of time for filing a return
17 when, in the judgment of the tax commissioner, good cause exists.

18 **SECTION 2. AMENDMENT.** Subsection 8 of section 57-38-38 of the North Dakota
19 Century Code is amended and reenacted as follows:

- 20 8. If before the expiration of the time periods prescribed in subsections 1 ~~and~~, 2, and
21 3 the tax commissioner and a person consent in writing to an extension of time for
22 the assessment of the tax, an assessment of additional state income tax may be
23 made at any time prior to the expiration of the period agreed upon. The period so
24 agreed upon may be extended by subsequent agreements in writing made before
25 the expiration of the period previously agreed upon. If a person refuses to consent
26 to an extension of time or a renewal thereof, the tax commissioner may make an
27 assessment based on the best information available. The period agreed upon in
28 this subsection, including extensions, expires upon issuance of an assessment by
29 the tax commissioner.

30 **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
31 December 31, 2000.