



STATE OF NORTH DAKOTA  
**OFFICE OF STATE TAX COMMISSIONER**  
Cory Fong, Commissioner

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July 31, 2009

Mr. Scott Peterson, Executive Director  
Streamlined Sales Tax Governing Board  
4205 Hillsboro Pike  
Hobbs Building, Ste 305  
Nashville, TN 37215-3339

Re: 2009 Recertification of Compliance

Dear Mr. Peterson,

North Dakota certifies that it remains in substantial compliance with the Streamlined Sales and Use Tax Agreement as of August 1, 2009. Enclosed are North Dakota's updated *Certificate of Compliance* and *Taxability Matrix*. These documents are posted to the Tax Commissioner's website at [www.nd.gov/tax/salesanduse/streamlinetax/](http://www.nd.gov/tax/salesanduse/streamlinetax/).

During the 2009 legislative session, the North Dakota legislature approved and Governor Hoeven signed Senate Bill 2325, which updates North Dakota law to reflect relevant agreement changes approved by the Governing Board since North Dakota's last legislative session. Other changes affecting the sales and use tax laws approved in the 2009 legislative session include the following:

- HB1083 – repeals the June 22<sup>nd</sup> sales tax return due date, which applied to the May monthly sales and use tax return at the end of each biennium. All sales and use tax returns are now due the last day of the month following the reporting period.
- HB1289 – creates a sales tax exemption for repair parts used in agricultural irrigation systems.
- SB2032 – extends and expands the sales tax exemption available on production equipment and other tangible personal property purchased to construct a wind-powered electrical generating facility.
- SB2035 – creates a sales tax exemption for beneficiated coal.
- SB2037 – clarifies the sales tax exemption available for tangible personal property purchased to construct or expand a gas gathering system.
- SB2040 – creates a sales tax exemption for tangible personal property purchased to build or expand telecommunications infrastructure.
- SB2053 – creates a sales tax exemption for purchases by Native American tribal governments.
- SB2090 – expands the sales tax exemption available to Montana residents.
- SB2347 – adopts the SST definition of specified digital products and explicitly identifies the existing sales tax exemption on all items delivered electronically, including specified digital products.

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All bills from the 2009 legislative session are available on the North Dakota Legislative Council website at [www.legis.nd.gov/assembly/61-2009/](http://www.legis.nd.gov/assembly/61-2009/).

The Tax Commissioner's Office is in the process of drafting administrative sales tax rule changes. These rule changes, which include the definition of prepaid calling services, will be noticed to the public and a hearing will be held to obtain public comment. The rules should be in effect by January 1, 2010.

If you have any questions regarding North Dakota's recertification, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Vosberg", written in a cursive style.

Myles S. Vosberg  
Director, Tax Administration  
Phone: (701) 328-3471  
[msvosberg@nd.gov](mailto:msvosberg@nd.gov)

Enclosures