

OPINION
53-106

August 10, 1953 (OPINION)

TAXATION

RE: Assessment - Oil and Gas Drilling Rigs

This opinion is given in response to your request of August 3, 1953.

You inquire as to the assessment and taxation status of oil and gas drilling rigs, in view of chapter 309, Session Laws of 1953, which repealed section 57-0219, North Dakota Revised Code of 1943, exempting such rigs from taxation until they had been in the state for one year.

The process of taxation must be in accordance with the procedure set up by law. Under section 57-0211, N.D.R.C. 1943 personal property shall be listed and assessed annually with reference to its value on April first of each year. The assessor shall proceed according to section 57-0234 during the months of April and May of each year, with regard to listing of personal property. The provisions of section 57-0237, N.D.R.C. 1943, as amended and reenacted in chapter 314, Session Laws of 1951, are applicable in case of failure to obtain a statement of personal property.

Now, in the case of drilling rigs which are exempt under the above cited section 57-0219 during that period of time when the above entitled assessment procedure had to be accomplished, and for that reason were not assessed or listed, such drilling rigs cannot now be assessed.

This year's assessment could not occur in the statutory manner at the statutory time due to the then-existing exemption. There is now no way of achieving it under the law even though the exemption repealer has become effective as of July first.

When the statutory time for assessment arrives in the spring of 1954, assessment may then proceed in the same manner as in the case of all other non-exempt personal property.

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