

February 2, 2009

PROPOSED AMENDMENTS TO SENATE BILL NO. 2186

Page 1, line 3, replace "an exempt entity" with "a nonprofit hospital; to amend and reenact section 57-40.2-03.3 of the North Dakota Century Code, relating to a use tax exemption for untaxed materials used by a contractor under contract with a nonprofit hospital"

Page 1, line 7, replace "**an exempt entity**" with "**a nonprofit hospital**"

Page 1, line 9, replace "an exempt entity" with "a nonprofit hospital"

Page 1, line 14, replace "exempt entity" with "nonprofit hospital"

Page 1, line 17, replace "exempt entity" with "nonprofit hospital"

Page 1, line 21, replace "an exempt entity" with "a nonprofit hospital"

Page 1, line 23, replace "exempt entity" with "nonprofit hospital"

Page 2, line 1, replace "exempt entity" means an entity that, if it acquired" with "nonprofit hospital" means a hospital licensed by the state department of health and exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501(c)(3)]."

Page 2, remove lines 2 and 3

Page 2, after line 3, insert:

**"SECTION 2. AMENDMENT.** Section 57-40.2-03.3 of the North Dakota Century Code is amended and reenacted as follows:

**57-40.2-03.3. Use tax on contractors.**

1. When a contractor or subcontractor uses tangible personal property in the performance of that person's contract, or to fulfill contract or subcontract obligations, whether the title to such property be in the contractor, subcontractor, contractee, subcontractee, or any other person, or whether the titleholder of such property would be subject to pay the sales or use tax, such contractor or subcontractor shall pay a use tax at the rate prescribed by section 57-40.2-02.1 measured by the purchase price or fair market value of such property, whichever is greater, unless such property has been previously subjected to a sales tax or use tax by this state, and the tax due thereon has been paid.
2. The provisions of this chapter pertaining to the administration of the tax imposed by section 57-40.2-02.1, not in conflict with the provisions of this section, govern the administration of the tax levied by this section.
3. The tax imposed by this section does not apply to ~~medical equipment purchased as tangible personal property by a hospital or by a long-term care facility as defined in section 50-10.1-01 and subsequently installed by a contractor into~~ such a nonprofit hospital or facility, licensed by the state department of health and exempt from federal taxation under

section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501(c)(3)],  
under a contract between the contractor and the nonprofit hospital.

4. The tax imposed by this section does not apply to:
  - a. Production equipment or tangible personal property as authorized or approved for exemption by the commissioner under section 57-39.2-04.2; or
  - b. Machinery, equipment, or other tangible personal property used to construct an agricultural commodity processing facility as authorized or approved for exemption by the commissioner under section 57-39.2-04.3 or 57-39.2-04.4."

Renumber accordingly