

**2023 HOUSE FINANCE AND TAXATION**

**HB 1210**

# 2023 HOUSE STANDING COMMITTEE MINUTES

Finance and Taxation Committee  
Room JW327E, State Capitol

HB 1210  
1/17/2023

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| A bill relating to notification requirements for sales and use tax exemptions for certain sales made to a senior citizen organization. |
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**Chairman Headland** opened the hearing at 10:28am.

**Members present:** Chairman Headland, Vice Chairman Hagert, Representative Anderson, Representative Bosch, Representative Dockter, Representative Fisher, Representative Grueneich, Representative Hatlestad, Representative Motschenbacher, Representative Olson, Representative Steiner, Representative Toman, Representative Finley-DeVilleville, and Representative Ista. No members absent.

**Discussion Topics:**

- Aging services tax exemption
- Recertification of services

**Representative Richter** verbally introduced bill in support.

**Shannon Fleischer, Associate Direct of Tax Administration for the North Dakota Tax Department**, answered questions from the committee in a neutral capacity.

**Chairman Headland** closed the hearing at 10:38am.

**Representative Olson** moved a Do Pass.

**Representative Ista** seconded the motion.

**Roll call vote:**

| Representatives                         | Vote |
|---|------|
| Representative Craig Headland           | Y    |
| Representative Jared Hagert             | Y    |
| Representative Dick Anderson            | Y    |
| Representative Glenn Bosch              | Y    |
| Representative Jason Dockter            | Y    |
| Representative Lisa Finley-DeVilleville | Y    |
| Representative Jay Fisher               | Y    |
| Representative Jim Grueneich            | Y    |
| Representative Patrick Hatlestad        | Y    |
| Representative Zachary Ista             | Y    |
| Representative Mike Motschenbacher      | Y    |
| Representative Jeremy Olson             | Y    |

|                              |   |
|------------------------------|---|
| Representative Vicky Steiner | Y |
| Representative Nathan Toman  | Y |

**Motion carried 14-0-0**

**Representative Ista is the bill carrier.**

Meeting adjourned at 10:40am.

*Mary Brucker, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1210: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1210 was placed on the Eleventh order on the calendar.

**2023 SENATE FINANCE AND TAXATION**

**HB 1210**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Finance and Taxation Committee**  
Fort Totten Room, State Capitol

HB 1210  
3/6/2023

|   |
|---|
| Relating to notification requirements for sales and use tax exemptions for certain sales made to a senior citizen organization. |
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**9:00 AM Chairman Kannianen** opened hearing.

Senator Present: **Kannianen, Weber, Patten, Rummel, Piepkorn.**

**Discussion Topics:**

- Senior center contracts
- Tax exemption process
- Certificates

**9:00 AM Representative Richter, District 1,** introduced HB 1210.(#26382).

**9:08 AM Chairman Kannianen** adjourned hearing.

*Nathan Liesen, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Finance and Taxation Committee Fort Totten Room, State Capitol

HB 1210  
3/8/2023

relating to qualification and notification requirements for sales and use tax exemptions for certain sales made to a senior citizen organization; to provide an effective date; and to declare an emergency.

**11:45 AM Chairman Kannianen** opened the meeting.

Senator Present: **Kannianen, Weber, Patten, Rummel, Piepkorn, Magrum.**

### Discussion Topics:

- PACE program
- Amendment
- Committee action

**11:49 AM Senator Rummel** moved to FURTHER AMEND LC 23.0424.03001 “add an emergency clause”

**11:49 AM Senator Patten** seconded.

Roll call vote.

| Senators                  | Vote |
|---------------------------|------|
| Senator Jordan Kannianen  | Y    |
| Senator Mark F. Weber     | Y    |
| Senator Jeffery J. Magrum | Y    |
| Senator Dale Patten       | Y    |
| Senator Merrill Piepkorn  | Y    |
| Senator Dean Rummel       | Y    |

Passed 6-0-0

**11:51 AM Senator Rummel** moved a Do Pass as Amended.

**11:52 AM Senator Patten** seconded.

Roll call vote.

| Senators                  | Vote |
|---------------------------|------|
| Senator Jordan Kannianen  | Y    |
| Senator Mark F. Weber     | Y    |
| Senator Jeffery J. Magrum | Y    |
| Senator Dale Patten       | Y    |
| Senator Merrill Piepkorn  | Y    |
| Senator Dean Rummel       | Y    |

Passed 6-0-0

**Senator Piepkorn** will carry the bill.

**11:52 AM Chairman Kannianen** closed the meeting.

Senate Finance and Taxation Committee

HB 1210

March 8, 2023

Page 2

*Nathan Liesen, Committee Clerk*

March 8, 2023

AGS  
3-8-23  
(1-1)

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1210

Page 1, line 2, after "to" insert "qualification and"

Page 1, line 3, after "organization" insert "; to provide an effective date; and to declare an emergency"

Page 1, line 15, overstrike "or"

Page 1, line 19, overstrike the period and insert immediately thereafter "or

(c) Provides services through a contract with the department of health and human services as a program of all-inclusive care for the elderly."

Page 1, line 20, remove "aging services division of the"

Page 2, line 9, overstrike "or"

Page 2, line 13, overstrike the period and insert immediately thereafter "or

(c) Provides services through a contract with the department of health and human services as a program of all-inclusive care for the elderly."

Page 2, line 14, remove "aging services division of the"

Page 2, after line 16, insert:

**"SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable events occurring after June 30, 2023.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1210: Finance and Taxation Committee (Sen. Kannianen, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1210 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, after "to" insert "qualification and"

Page 1, line 3, after "organization" insert "; to provide an effective date; and to declare an emergency"

Page 1, line 15, overstrike "or"

Page 1, line 19, overstrike the period and insert immediately thereafter " or

(c) Provides services through a contract with the department of health and human services as a program of all-inclusive care for the elderly."

Page 1, line 20, remove "aging services division of the"

Page 2, line 9, overstrike "or"

Page 2, line 13, overstrike the period and insert immediately thereafter " or

(c) Provides services through a contract with the department of health and human services as a program of all-inclusive care for the elderly."

Page 2, line 14, remove "aging services division of the"

Page 2, after line 16, insert:

**SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable events occurring after June 30, 2023.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**2023 CONFERENCE COMMITTEE**

**HB 1210**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Finance and Taxation Committee**  
Room JW327E, State Capitol

HB 1210  
4/7/2023  
Conference Committee

|   |
|---|
| A bill relating to qualification and notification requirements for sales and use tax exemption for certain sales made to a senior citizen organization. |
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**Chairman Fisher** opened the conference committee meeting at 10:30 AM.

**Members present:** Chairman Fisher, Representative Motschenbacher, Representative Hatlestad, Chairman Rummel, Senator Kannianen, and Senator Piepkorn.

**Discussion Topics:**

- Aging services within Health and Human Services
- Emergency clause and effective date
- HB 1498
- Committee vote

**Chairman Rummel** explained the Senate amendments.

Committee discussion.

**Shannon Fleischer, Associate Director of Tax Administration with the North Dakota Tax Department**, clarified information from the committee.

**Representative Hatlestad** moved for the House to accede to Senate Amendments.

**Representative Motschenbacher** seconded the motion.

**Roll call vote:**

**Motion carried 6-0-0**

**Representative Hatlestad** is the House carrier and **Senator Rummel** is the Senate carrier.

**Chairman Fisher** adjourned at 10:42 AM.

*Mary Brucker, Committee Clerk*



**REPORT OF CONFERENCE COMMITTEE**

**HB 1210:** Your conference committee (Sens. Rummel, Kannianen, Piepkorn and Reps. Fisher, Motschenbacher, Hatlestad) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1208-1209 and place HB 1210 on the Seventh order.

HB 1210 was placed on the Seventh order of business on the calendar.

**TESTIMONY**

**HB 1210**

23.0424.03001

Sixty-eighth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1210**

Introduced by

Representative Richter

1 A BILL for an Act to amend and reenact subsection 60 of section 57-39.2-04 and subsection 27  
2 of section 57-40.2-04 of the North Dakota Century Code, relating to qualification and notification  
3 requirements for sales and use tax exemptions for certain sales made to a senior citizen  
4 organization; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Subsection 60 of section 57-39.2-04 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 60. a. Gross receipts from sales to a senior citizen organization that provides  
9 informational, health, welfare, counseling, and referral services for senior citizens  
10 in this state if the senior citizen organization:

11 a. (1) Is recognized by the internal revenue service as having exempt status under  
12 26 U.S.C.501(c)(3);

13 b. (2) Is recognized by the secretary of state as a charitable organization; and

14 e. (3) Either:

15 ~~(1)~~ (a) Provides services through the aging services division of the  
16 department of health and human services; ~~or~~

17 ~~(2)~~ (b) Receives grant funds through the department of transportation under  
18 ~~the federal transit administration's~~ which are used for enhanced  
19 mobility of seniors and individuals with disabilities program [49 U.S.C.  
20 5310]; or

21 (c) Provides services through a contract with the department of health  
22 and human services as a program of all-inclusive care for the elderly.

1            ~~b. The aging services division of the department of health and human services and~~  
2            ~~the department of transportation shall notify the tax commissioner if a senior~~  
3            ~~citizen organization no longer meets the criteria in paragraph 3 of subdivision a.~~

4            **SECTION 2. AMENDMENT.** Subsection 27 of section 57-40.2-04 of the North Dakota  
5 Century Code is amended and reenacted as follows:

6            27. a. Gross receipts from sales to a senior citizen organization that provides  
7            informational, health, welfare, counseling, and referral services for senior citizens  
8            in this state if the senior citizen organization:

9            a- ~~(1)~~ (1) Is recognized by the internal revenue service as having exempt status under  
10            26 U.S.C. 501(c)(3);

11            ~~b-~~ (2) Is recognized by the secretary of state as a charitable organization; and

12            e- ~~(3)~~ (3) Either:

13            ~~(4)~~ (a) Provides services through the aging services division of the  
14            department of health and human services; ~~or~~

15            ~~(2)~~ (b) Receives grant funds through the department of transportation ~~under~~  
16            ~~the federal transit administration's which are used for~~ enhanced  
17            mobility of seniors and individuals with disabilities program ~~[49 U.S.C.~~  
18            ~~5340]; or~~

19            (c) ~~Provides services through a contract with the department of health~~  
20            ~~and human services as a program of all-inclusive care for the elderly.~~

21            ~~b. The aging services division of the department of health and human services and~~  
22            ~~the department of transportation shall notify the tax commissioner if a senior~~  
23            ~~citizen organization no longer meets the criteria in paragraph 3 of subdivision a.~~

24            **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable events occurring after  
25 June 30, 2023.