

Introduced by

Representatives Schreiber-Beck, Dobervich, O'Brien, Pyle, Roers Jones, Strinden, Swiontek
Senator Hogan

1 A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota
2 Century Code, relating to a sales and use tax exemption for materials used to construct,
3 expand, or upgrade a hospice care facility owned by a hospice program; to amend and reenact
4 subsection 3 of section 57-40.2-03.3 of the North Dakota Century Code, relating to a use tax
5 exemption for materials used to construct, expand, or upgrade a hospice care facility owned by
6 a hospice program; and to provide an effective date.

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

8 **SECTION 1.** A new section to chapter 57-39.2 of the North Dakota Century Code is created
9 and enacted as follows:

10 **Sales and use tax exemption for materials used to construct, expand, or upgrade a**
11 **hospice care facility owned by a hospice program.**

- 12 1. Gross receipts from sales of tangible personal property used to construct, expand, or
13 upgrade a hospice care facility owned by a hospice program as defined in section
14 23-17.4-01 which qualifies as an exempt organization under subsection 24 of section
15 57-39.2-04 are exempt from taxes under this chapter.
- 16 2. The exemption may be received only at the time of purchase. To receive the
17 exemption, the entity qualifying for an exemption under this section must receive from
18 the tax commissioner a certificate indicating the tangible personal property the entity
19 intends to purchase to construct, expand, or upgrade the facility qualifies for the
20 exemption under this section.
- 21 3. This chapter and chapter 57-40.2 apply to an exemption under this section.

22 **SECTION 2. AMENDMENT.** Subsection 3 of section 57-40.2-03.3 of the North Dakota
23 Century Code is amended and reenacted as follows:

- 24 3. The tax imposed by this section does not apply to:

- 1 a. Production equipment or tangible personal property as authorized or approved
2 for exemption by the tax commissioner under section 57-39.2-04.2;
- 3 b. Machinery, equipment, or other tangible personal property used to construct an
4 agricultural commodity processing facility as authorized or approved for
5 exemption by the tax commissioner under section 57-39.2-04.3 or 57-39.2-04.4;
- 6 c. Tangible personal property used to construct or expand a system used to
7 compress, process, gather, or refine gas recovered from an oil or gas well in this
8 state or used to expand or build a gas-processing facility in this state as
9 authorized or approved for exemption by the tax commissioner under section
10 57-39.2-04.5;
- 11 d. Tangible personal property used to construct or expand a qualifying oil refinery as
12 authorized or approved for exemption by the tax commissioner under section
13 57-39.2-04.6;
- 14 e. Tangible personal property used to construct or expand a qualifying facility as
15 authorized or approved for exemption by the tax commissioner under section
16 57-39.2-04.10;
- 17 f. Tangible personal property used to construct or expand a qualifying facility as
18 authorized or approved for exemption by the tax commissioner under section
19 57-39.2-04.11;
- 20 g. Materials used in compressing, gathering, collecting, storing, transporting, or
21 injecting carbon dioxide for use in enhanced recovery of oil or natural gas as
22 provided in section 57-39.2-04.14;
- 23 h. Tangible personal property used to construct a qualifying fertilizer or chemical
24 processing facility as authorized or approved for exemption by the tax
25 commissioner under section 57-39.2-04.15;
- 26 i. Tangible personal property used to construct a qualified straddle plant, a qualified
27 fractionator, or qualified associated infrastructure as authorized or approved for
28 exemption by the tax commissioner under section 57-39.2-04.16.
- 29 j. Tangible personal property used to construct, expand, or upgrade a hospice care
30 facility owned by a hospice program as authorized or approved for exemption by
31 the tax commissioner under section 1 of this Act.

1 **SECTION 3. EFFECTIVE DATE.** This Act is effective for construction occurring after
2 June 30, 2023.