

2025 HOUSE FINANCE AND TAXATION

HB 1289

2025 HOUSE STANDING COMMITTEE MINUTES

Finance and Taxation Committee Room JW327E, State Capitol

HB 1289
1/27/2025

Relating to a partial property tax exemption for residential property used for in-home care services for a qualifying individual; and to provide an effective date.

9:30 a.m. Chairman Headland opened the hearing.

Members Present: Chairman Headland, Vice Chairman Hagert, Representatives Anderson, Dressler, Foss, Grueneich, Ista, Motschenbacher, Nehring, Olson, Porter, Steiner, Toman
Members Absent: Representative Dockter

Discussion Topics:

- Health care industry
- Long-term care costs
- Incentive to keep families together
- Exemption vs credit
- Holes in qualifications
- Loss of tax base

9:31 a.m. Representative Lisa Meier, District 32, ND Legislative Assembly, introduced the bill and submitted testimony #31734.

9:33 a.m. Michael Connelly, ND Resident, testified in favor and submitted testimony #31489.

9:44 a.m. Linda Svihovec, Research Analyst, ND Association of Counties, testified in favor.

9:46 a.m. Katie Paulson, Recorder and Tax Director, Mackenzie County, stood for questions.

9:51 a.m. Bill Wocken, ND League of Cities, testified in opposition and submitted testimony #31746.

Additional written testimony:

Josh Ternes submitted testimony in favor # 31510.

John Fraase submitted testimony in favor #31530.

9:55 a.m. Chairman Headland closed the hearing.

Janae Pinks, Committee Clerk

I would encourage a DO PASS recommendation on HB1289. I have a broad spectrum of experience the last three decades in the fields of addiction, social work, insurance, long term care, working with the disabled, advocacy, and now representation. I respect what it takes to represent in an elected seat, as we take on more responsibility than what we carry as we are born with.

In all the experience listed above, include years of learning and immersion to learn amongst numerous stakeholders as we work toward a “more perfect union”, the following points are a small insight among many points of contact went into the development of this bill:

- In 1964 Ronald Regan gave a speech on how universal healthcare is the quickest way for America to become a socialistic country. This will happen through the attrition of resources going from the private space to the government space. The resources are private money and private property and the shear amount of costs that can accompany medical care, because “who would not want to help a person when they need it the most”.

- Overtime there has been a decimation to the norms and morays that support the connectivity of families. There is substantial research proving that family connectivity leads to better mental and physical health, versus institutional or group home settings.

- Most of us have come to understand that “Freedom” is not free, and we all have a responsibility to make sure it is maintained in its highest regard possible. This was one of the challenges with Measure 4 did not address. Considering that the reason government is being asked to do so much is that citizens have not been able to take some of the services that government provides off the public government plate. This bill (HB1289) would incentivize family members to do that through both encouragement and empowerment by offering a tax exemption if a single-family homeowner for taking a responsibility for services to others off our governments plate in regard to taking care of an elderly or disabled family member.

Currently, the care for a loved one in a facility exceeds \$10,000 per month and after individuals spend down their entire life retirement to under \$1,200 can they qualify for the Federal government subsidy via Medicare Medicaid. This process is very costly on multiple levels and what would you do if you had the choice not to live in this reality. Why is it that our government loves to incentivize high costs (especially as it climbs to the federal level).

Example: My grandfather had a modest pension that was enough to barely support him and my grandmother as age started to take away their faculties. This is where we as a family stepped in to take care of them for several years. We gave up vacations, time and monetary resources, space and more. We were told many times that insurance and

Medicare / Medicaid would take care of them. This is what they don't share in their encouragement. They would separate them due to their function states. Most likely my grandfather would have been in a memory unit and grandmother in either assistant living or a regular nursing home setting. For us, we as the family did not have the out and out resources to take care of them, but we did have them by giving up things to take care of them. Because of what we did as a family we were able to keep them together until they both passed in 2019 and 2020. The cool thing is, I believe as a family we were better for it, as well as I believe our community was better for it. They were allowed to thrive where a nursing home or other arrangement does not have the environment to do so.

With all our grandparents gone, we personally would not benefit from this bill. For families that would benefit it would be available to them. HB1289 will allow pensions and retirement benefits to remain with the person that spent their whole life building and keep those resources being spent in the state of North Dakota, versus being sent to D.C. and returned in a convoluted form two years later as Medicare / Medicaid reimburses for care after the fact.

Many cities and counties have changed their ordinances to allow Alternative Dwelling Units (ADU)(Granny Unit in a back yard) or an Alternative Dwelling Space within their own family living space. City revenues will not largely be affected because ADU's do add some value and if a home is built to the full 25 feet allowed there is proactive flexibility in the code to provide such spaces if a family desires.

I have also heard a lot of talk about exemptions being frowned upon and in many circumstances, I agree with the concern. Currently we are giving a lot more to for-profit businesses through our Renaissance Zone Districts, Tiff Districts, Opportunity Zones, Vision Funds allocations, then this change would ever impact. Many of those programs are using the incentive to companies that are not taking something off the government plate as they ask the citizen to backfill the incentive until projects grow revenue for the community government subdivisions. Arguably any revenue growth does not keep pace with the cost of services and thus we continue to see taxes go up regardless of all of the incentive programs available. Families staying together and being healthier, retirement and pensions staying in the community to be spent here, and overall value-added leaves very little if any backfill to make up for the difference passing HB1289 would impact.

The bonus is that passing HB1289 will not interfere with any of the 50 other property tax bills being proposed. If none pass, then this becomes something to empower the choice of family members in tough care decisions on behalf of their loved ones. If Bill 1176 were to pass as proposed and the Legacy fund eventually pays for all property tax, this bill would go unused and dormant. If there was ever a time that the Legacy Fund could not

support 1176 or oil stopped being a source of revenue, then HB1289 would revive and be a resource for families again.

Now, I have had the fortunate opportunity to care for many people in the disabled and healthcare systems, including 3 members of elected seats of the very legislature you represent today. Truth be told, not all of you are rich and not even all of you are well off. For a small incentive we add a resource that costs a lot less than long-term care or disable care by the government. I have also helped families during the pandemic move their families out of such care into a home setting because they did not want to be separated from their loved ones because of federal mandates (hold the purse strings to Medicare / Medicaid dollars). Passing a bill like HB1289 is a way of avoiding the potential controversy brought by government mandates and the failure to thrive we saw among many of the patients and relatives that were subjected to live by said mandates. If the government carries the gavel, why not offer an alternative that takes it off the government plate.

House Committee members, thank you for representing North Dakota and our citizens. Feel free to reach out to me with any questions as I have only shared a small amount of what I know in this area. Have a blessed day.

Sincerely,

Mike Connelly

Bismarck Citizen

701-400-1839

Bismarck City Commissioner (per our ordinance for elected officials, my opinion is my own, and not a position of the city of Bismarck. Please contact the Bismarck Mayor or City Administrator for any questions about where the city of Bismarck stands on any issue)

Property tax should be eliminated, but in lieu of this the exemption listed should be in place and should extend to those who homeschool as well.

Thanks

January 26, 2025

Chairman Headland and Committee members,

I am writing in **support** of **HB 1289**. The proposed 50% property tax exemption will provide immediate, direct relief for people highly in need. Medical care is expensive and I think it's important to provide some help for people who stay in their homes and still need significant care. We must care for the people who are unfortunately unable to care for themselves

Please recommend **DO PASS** for **HB 1289**.

Thank you,

John Fraase, District 47, Bismarck

HB 1289

Mr. Chairman and members of the House Finance and Tax Committee. For the record I am Lisa Meier of District 32 in Bismarck. HB 1289 is before you today because of a request from a constituent that works in the Health Care Industry.

HB 1289 will allow for an individual that is a direct relative, such as a spouse, parent, grandparent, uncle, aunt, child, sibling, niece or nephew whether by blood adoption or marriage who cares for a qualifying individual meaning the property owners direct relative who is physically or mentally incapable of caring for themselves due to incapacity, advancing age, physical or mental illness or a disability, who lives in the residential property for more than 50% of the taxable year a property tax break of 50% of their taxable value of their home.

This bill in my opinion is a incentive bill to encourage loved ones when needed to be cared for at home. The savings that result from this legislation will be substantial if it encourages more in home health care.

Thank you for your consideration.

Testimony in Opposition to House Bill 1289
January 27, 2025
House Finance and Taxation Committee
Bill Wocken on behalf of the North Dakota League of Cities

Good morning, Mr. Chairman and members of the House Finance and Taxation Committee. For the record, my name is Bill Wocken, appearing on behalf of the North Dakota League of Cities in opposition to House Bill 1289.

House Bill 1289 seeks to add a new partial exemption to real estate taxes for caregivers. While this proposed exemption is well intentioned in giving a reward to those who care for relatives who cannot care for themselves, it does have a number of issues that prompt us to oppose the bill.

The proposed exemption has no monetary limit. It applies a fifty percent tax exemption for the premises where the caregiver lives. Castle or cottage, it treats them the same with no maximum credit stipulated. It also leaves ill-defined what care needs to be administered to qualify for the exemption. Does taking blood pressure once a week and providing living quarters qualify?

This proposal is noteworthy in that it attempts to reward caregivers for their diligence with someone else's care but it is potentially very costly in terms of the tax base that would be lost if the measure would be put into place. In the uncertain days of this session with the property tax being discussed in many circles, we feel this measure is unwise.

We respectfully request a Do Not Pass recommendation for House Bill 1289. I will be happy to stand for any questions you might have,

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11:34 a.m. Chairman Headland opened the meeting.

Members Present: Chairman Headland, Vice Chairman Hagert, Representatives Dockter, Dressler, Foss, Grueneich, Ista, Motschenbacher, Nehring, Olson, Steiner
Members Absent: Representatives Toman, Porter, D. Anderson

Discussion Topics:

- Tax credit vs exemption

11:34 a.m. Representative J. Olson suggested that a tax credit would be for appropriate rather than a tax exemption.

11:35 a.m. Chairman Headland adjourned the meeting.

Janae Pinks, Committee Clerk

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Finance and Taxation Committee Room JW327E, State Capitol

HB 1289
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Relating to a partial property tax exemption for residential property used for in-home care services for a qualifying individual; and to provide an effective date.

3:34 p.m. Chairman Headland opened the hearing.

Members Present: Chairman Headland, Vice Chairman Hagert, Representatives Anderson, Dockter, Dressler, Foss, Grueneich, Ista, Motschenbacher, Nehring, Olson, Porter, Steiner
Members Absent: Representative Toman

Discussion Topics:

- Adding an incentive
- Homestead Act
- Lack of qualifications
- Tax credit
-

3:36 p.m. Representative Porter moved a Do Not Pass.

3:36 p.m. Representative D. Anderson seconded the motion.

Representatives	Vote
Representative Craig Headland	Y
Representative Jared Hagert	Y
Representative Dick Anderson	Y
Representative Jason Dockter	Y
Representative Ty Dressler	Y
Representative Jim Grueneich	N
Representative Mike Motschenbacher	N
Representative Dennis Nehring	Y
Representative Jeremy Olson	N
Representative Todd Porter	Y
Representative Vicky Steiner	N
Representative Nathan Toman	AB
Representative Austin Foss	Y
Representative Zachary Ista	Y

3:39 p.m. Motion passed 9-4-1.

3:39 p.m. Representative Porter will carry the bill.

3:40 p.m. Chairman Headland adjourned the meeting.

Janae Pinks, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1289 ([25.0646.01000](#))

Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1289 was placed on the Eleventh order on the calendar.