

2025 SENATE FINANCE AND TAXATION

SB 2038

2025 SENATE STANDING COMMITTEE MINUTES

Finance and Taxation Committee Fort Totten Room, State Capitol

SB 2038
1/8/2025

Relating to the ability of the tax commissioner to make disclosures regarding taxpayers receiving tax incentives.

10:30 a.m. Chairman Weber opened the hearing.

Members present: Chairman Weber, Vice Chairman Rummel, Senator Marcellais, Senator Patten, Senator Powers, Senator Walen.

Discussion Topics:

- Committee action

10:30 a.m. Representative Jared Hagert testified in favor.

10:33 a.m. Chairman Weber closed the hearing.

10:33 a.m. Senator Rummel moved a Do Pass.

10:33 a.m. Senator Walen seconded the motion.

Senators	Vote
Senator Mark F. Weber	Y
Senator Dean Rummel	Y
Senator Richard Marcellais	Y
Senator Dale Patten	Y
Senator Michelle Powers	Y
Senator Chuck Walen	Y

Motion passed 6-0-0.

Senator Walen will carry the bill.

10:34 a.m. Chairman Weber closed the hearing.

Chance Anderson, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2038 ([25.0095.01000](#))

Finance and Taxation Committee (Sen. Weber, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING), and be placed on the Eleventh order on the calendar. This bill does not affect workforce development.

2025 HOUSE FINANCE AND TAXATION

SB 2038

2025 HOUSE STANDING COMMITTEE MINUTES

Finance and Taxation Committee Room JW327E, State Capitol

SB 2038
3/5/2025

Relating to the ability of the tax commissioner to make disclosures regarding taxpayers receiving tax incentives; and to provide an effective date.

10:00 a.m. Chairman Headland opened the hearing.

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

Members Absent: Representative Toman

Discussion Topics:

- ND Century Code language
- Lack of data
- Confidentiality

10:01 a.m. Representative Jared Hagert introduced the bill and suggested an amendment on line 16 to strike "rewarded" and to replace with "claimed or granted".

10:07 a.m. Charles Dendy, General Counsel, Office of State Tax Commissioner, stood for questions.

10:14 a.m. Chairman Headland closed the hearing.

10:15 a.m. Representative Dockter moved to adopt Representative Hagert's amendment.

10:15 a.m. Representative J. Olson seconded the motion.

10:15 a.m. Representative Grueneich proposed an amendment to change retroactive date to December thirty-first.

10:15 a.m. Representative Dockter withdrew movement to amend.

10:15 a.m. Representative J. Olson seconded the motion.

10:16 a.m. Representative Dockter moved to amend LC#25.0095.01001.

10:16 a.m. Representative J. Olson seconded the motion.

10:16 a.m. Voice vote - motion passed.

10:16 a.m. Representative Dockter moved a Do Pass as Amended.

10:16 a.m. Representative Motschenbacher 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	Y
Representative Mike Motschenbacher	Y
Representative Dennis Nehring	Y
Representative Jeremy Olson	Y
Representative Todd Porter	Y
Representative Vicky Steiner	Y
Representative Nathan Toman	AB
Representative Austin Foss	Y
Representative Zachary Ista	Y

10:17 a.m. Motion passed 13-0-1.

10:18 a.m. Representative Hagert will carry the bill.

10:18 a.m. Chairman Headland closed the meeting.

Janae Pinks, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2038

Introduced by

Legislative Management

(Taxation Committee)

1 A BILL for an Act to amend and reenact subsection 17 of section 57-01-02 of the North Dakota
2 Century Code, relating to the ability of the tax commissioner to make disclosures regarding
3 taxpayers receiving tax incentives; and to provide ~~an effective date~~ for retroactive application.

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

5 **SECTION 1. AMENDMENT.** Subsection 17 of section 57-01-02 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 17. Upon receipt of a written request from the chairman of the legislative management or
8 the chairman of a standing committee of the legislative assembly, the tax
9 commissioner shall disclose the amount of any tax ~~deduction or credit~~ incentive that
10 was claimed or earned by a taxpayer. For purposes of this subsection, a "tax
11 incentive" includes a tax deduction, credit, or exemption. This subsection does not
12 authorize disclosure of the taxpayer's name or any other information prohibited from
13 disclosure under title 57. The tax commissioner shall provide notice to taxpayers of
14 possible disclosure under this subsection, in a manner as prescribed by the tax
15 commissioner.

16 ~~**SECTION 2. EFFECTIVE DATE.** This Act is effective for tax incentives awarded after~~
17 ~~July 31, 2025.~~

18 **SECTION 2. RETROACTIVE APPLICATION.** This Act applies retroactively to tax incentives
19 claimed or granted after December 31, 2024.

**REPORT OF STANDING COMMITTEE
SB 2038**

Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS** ([25.0095.01001](#)) and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2038 was placed on the Sixth order on the calendar.