

**1999 HOUSE FINANCE AND TAXATION**

**HB 1109**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1109

House Finance and Taxation Committee

Conference Committee

Hearing Date January 6, 1999

Tape Number	Side A	Side B	Meter #
1	x		27 - 35
Committee Clerk Signature <i>Jamie Stein</i>			

Minutes:

REP. BELTER Opened the hearing.

JOAN GALSTER, MOTOR FUEL TAX SECTION SUPERVISOR, STATE TAX DEPT.

Testified in support of the bill. See attached written testimony.

With no further testimony, the hearing was closed.

COMMITTEE ACTION

REP. GROSZ Made a motion for a DO PASS. REP. MICKELSON Second the motion.

14 Yes      0 No      1 Absent

REP. CLARK Was given the floor assignment.

Please type or use black pen to complete

Date 1-6-99

Roll call vote # 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1109

House HOUSE FINANCE & TAX Committee

Subcommittee on \_\_\_\_\_

Conference Committee

} Identify or check where appropriate

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do pass

Motion Made By Rep. Grosz Seconded By Rep. Mickelson

Representatives	Yes	No	Representatives	Yes	No
BELTER	✓		WINRICH	✓	
RENNERFELDT	✓				
CLARK	✓				
FROELICH	✓				
GRANDE	✓				
GROSZ	✓				
HERBEL	✓				
KROEBER	✓				
MICKELSON	✓				
NICHOLAS	A				
RENNER	✓				
SCHMIDT	✓				
WARNER	✓				
WIKENHEISER	✓				

Total 14 0  
(Yes) (No)

Absent 1

Floor Assignment Rep Clark

If the vote is on an amendment, briefly indicate intent:

DO NOT USE HIGHLIGHTER ON ANY FORMS

REPORT OF STANDING COMMITTEE (410)  
January 7, 1999 10:14 a.m.

Module No: HR-02-0358  
Carrier: Clark  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1109: Finance and Taxation Committee (Rep. Belter, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).** HB 1109 was placed on the Eleventh order on the calendar.

**1999 SENATE FINANCE AND TAXATION**

**HB 1109**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1109

Senate Finance and Taxation Committee

Conference Committee

Hearing Date 01/19/99

Tape Number	Side A	Side B	Meter #
1	X		2570-3661
Committee Clerk Signature <i>Sheila Wald</i>			

Minutes:

SEN. URLACHER-A BILL RELATING TO THE ELIMINATION OF OBSOLETE PROVISION RELATING TO DOCUMENTS REQUIRED TO BE FILED WITH THE TAX COMMISSIONER FOR ESTATE TAX PURPOSES, AND PROVIDE EFFECTIVE DATE. JOAN GALSTER-SUPERVISOR FOR TAX COMM. TESTIMONY SUBMITTED, AND ATTACHED.

SEN. URLACHER- Any questions?

SEN. CHRISTMANN-Are you adding and provisions?

JOAN GALSTER-NO.

SEN. SCHOBINGER-Did you need death certificate in the past?

JOAN GALSTER-The Register of Deeds always had to give a release of lien that was signed by our office. Only way to clear title. It is quite meaningless to us.

JOAN GALSTER-The requirements are in different sections, this merely states these are the documents that represent have to include when they file. The personal representative still has to file and estate tax return, when it applies.

SEN. STENEHJEM-If ND State Tax Return is required in another section of the law then why is it in this section?

JOAN GALSTER-There is another section in the estate tax laws that whenever there is a Federal filing requirement the part that deals with Federal law, an estate tax return must be filed that does not speak to who should file it, the personal representative shall furnish documents to the Comm. and this is what they are. Clarification.

SEN. URLACHER-You can still file a lien?

JOAN GALSTER-Yes, in 1971, instead of having an automatic tax go in the chapter was given the same provisions.

SEN. URLACHER-Any more questions or discussion?

SEN STENEHJEM MADE A MOTION TO DO PASS 1109 AND SENATOR KROEPLIN  
SECONDED. CARRIER OF THE BILL WILL BE SENATOR KROEPLIN.

VOTE TAKEN 7 - 0 DO PASS.

CLOSED HEARING.

Date 1-19-99

Roll call vote # 1

Please type or use black pen to complete

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1109

Senate Finance & Tax Committee

Subcommittee on \_\_\_\_\_ ( Identify or

( check where

Conference Committee \_\_\_\_\_ ( appropriate

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Sen. Stenehjem

Seconded By Sen. Kroepelin

Senators	Yes	No	Senators	Yes	No
<u>SENATOR URLACHER</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
<u>SENATOR CHRISTMANN</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
<u>SENATOR SCHOBINGER</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
<u>SENATOR STENEHJEM</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
<u>SENATOR WARDNER</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
<u>SENATOR KINNOIN</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
<u>SENATOR KROEPLIN</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Total 7 0  
(Yes) (No)

Absent 0

Floor Assignment Sen. Kroepelin

If the vote is on an amendment, briefly indicate intent:

DO NOT USE HIGHLIGHTER ON ANY FORMS



REPORT OF STANDING COMMITTEE (410)  
January 19, 1999 11:13 a.m.

Module No: SR-11-0818  
Carrier: Kroeplin  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1109: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).** HB 1109 was placed on the Fourteenth order on the calendar.

**1999 TESTIMONY**

**HB 1109**

## HB1109

Testimony by: Joan Y. Galster  
Motor Fuel Tax Section Supervisor  
Office of State Tax Commissioner

House Finance & Tax Committee - January 6, 1999

The 1991 Legislature amended the North Dakota estate tax law deleting automatic tax liens against real property located in North Dakota and owned by a decedent. The amendments requested in this bill delete remaining remnants of law which were related to the administration of the automatic lien program.

**SECTION 1:** 47-19-06 is a section of law involving the authority and process of a register of deeds in handling joint tenancy real property transactions. Prior to 1991 when the Tax Commissioner had automatic tax liens against the real property of a decedent, the register of deeds could not clear the title to the property without a release of lien from the Tax Commissioner.

When the 1991 amendment deleting the requirement for a release of lien was made, a provision was added requiring the register of deeds furnish the Tax Commissioner with a copy of each recorded death certificate on joint tenancy property. This provision creates extra work for the register of deeds and volumes of paper for the Tax Commissioner and has no administrative value. The amendment requested in this SECTION deletes that requirement.

**SECTION 2:** The estate tax determination referred to in 57-37.1-10 was a document issued by the Tax Commissioner as a release of an automatic estate tax lien and no longer applies. The only documentation necessary from the personal representative of an estate is the North Dakota estate tax return and a copy of the federal estate tax return, and such other information as may be required depending upon the situation of each account. An amendment to the law is requested accordingly.

**SECTION 3:** Current subsections 2 and 3 of 57-37.1-21 again cover provisions which were directly related to obtaining a clearance of an automatic estate tax lien. The amendment to this SECTION delete the obsolete language. The remaining amendments are technical language corrections.

## HB1109

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Senate Finance & Tax Committee - January 19, 1999

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