

HOUSE BILL NO. 1238
with Senate Amendments
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Introduced by

Representatives D. Johnson, B. Anderson, D. Anderson, Boe, Kempenich, Pollert

Senators Bowman, Dotzenrod, Erbele, Flakoll, Heckaman, Wanzek

1 A BILL for an Act to amend and reenact sections 4.1-03-11 and 4.1-03-17 of the North Dakota
2 Century Code, relating to an increase in the assessment on cattle; and to provide an expiration
3 date.

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

5 **SECTION 1. AMENDMENT.** Section 4.1-03-11 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **4.1-03-11. Assessment - Penalty.**

8 1. a. Any person who sells cattle in this state or from this state must pay an
9 assessment equal to the ~~greater of:~~

10 ~~a. Fifty cents for each animal sold; or~~

11 ~~b. The amount set forth in federal law.~~

12 b. In addition to the assessment required in subdivision a, any person who sells
13 cattle in this state or from this state must pay an assessment equal to one dollar
14 for each animal sold.

15 2. The assessment provided for in subsection 1 does not apply to cattle owned by a
16 person who certifies to the commission, on forms provided by the commission, that:

17 a. The person's only share in the proceeds of a sale is a sales commission,
18 handling fee, or other service fee; or

19 b. (1) The person acquired ownership of the cattle to facilitate the transfer of
20 ownership to a third party;

21 (2) The person resold the cattle within ten days from the date on which the
22 person acquired ownership; and

23 (3) Any assessment that was levied upon the prior owner has been collected
24 and remitted or will be remitted in a timely fashion.

1 3. Any person willfully providing false or misleading information to the commission under
2 this section is guilty of a class B misdemeanor.

3 **SECTION 2. AMENDMENT.** Section 4.1-03-17 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **4.1-03-17. Refund Permitted refunds of assessment - Required Refunds requiring**
6 **certification by attorney general.**

7 1. a. When the attorney general certifies to the commission that refunds of
8 assessments paid in accordance with this chapter under subdivision a of
9 subsection 1 of section 4.1-03-11 are no longer precluded by federal law, the
10 commission may provide refunds to producers refunds of assessments paid
11 under subdivision a of subsection 1 of section 4.1-03-11.

12 b. Refunds of assessments paid under subdivision b of subsection 1 of section
13 4.1-03-11 are available, subject to the requirements of this section.

14 2. a. To receive a permitted refund of any assessment paid in accordance with this
15 chapter, a producer shall submit to the commission a written request for a refund
16 application from the commission within sixty days after the date of the sale. The
17 request may be made orally, in writing, or in electronic form.

18 b. The producer must complete the refund application and return the application to
19 the commission, together with a record of the assessment paid, within ninety
20 days after the date of the sale. The application may be returned to the
21 commission in person, by mail, or in electronic form. The commission shall then
22 refund the net amount of the assessment that had been collected.

23 c. If a request for a refund is not submitted to the commission within the prescribed
24 time period, the producer is presumed to have agreed to the assessment.

25 **SECTION 3. EXPIRATION DATE.** Subdivision b of subsection 1 of section 4.1-03-11 is
26 effective until the attorney general certifies to the commission that the amount of the
27 assessment due in accordance with federal law, as set forth in subdivision a of subsection 1 of
28 section 4.1-03-11, has increased beyond the amount in effect on July 31, 2015, and is thereafter
29 ineffective.