

**Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015**

HOUSE BILL NO. 1238
(Representatives D. Johnson, B. Anderson, D. Anderson, Boe, Kempenich, Pollert)
(Senators Bowman, Dotzenrod, Erbele, Flakoll, Heckaman, Wanzek)

AN ACT to amend and reenact sections 4.1-03-11 and 4.1-03-17 of the North Dakota Century Code, relating to an increase in the assessment on cattle; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

4.1-03-11. Assessment - Penalty.

1. a. Any person who sells cattle in this state or from this state must pay an assessment equal to the ~~greater of:~~
 - a. ~~Fifty cents for each animal sold; or~~
 - b. ~~The amount set forth in federal law.~~b. In addition to the assessment required in subdivision a, any person who sells cattle in this state or from this state must pay an assessment equal to one dollar for each animal sold.
2. The assessment provided for in subsection 1 does not apply to cattle owned by a person who certifies to the commission, on forms provided by the commission, that:
 - a. The person's only share in the proceeds of a sale is a sales commission, handling fee, or other service fee; or
 - b. (1) The person acquired ownership of the cattle to facilitate the transfer of ownership to a third party;
(2) The person resold the cattle within ten days from the date on which the person acquired ownership; and
(3) Any assessment that was levied upon the prior owner has been collected and remitted or will be remitted in a timely fashion.
3. Any person willfully providing false or misleading information to the commission under this section is guilty of a class B misdemeanor.

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

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

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

- b. Refunds of assessments paid under subdivision b of subsection 1 of section 4.1-03-11 are available, subject to the requirements of this section.
- 2. a. To receive a permitted refund of any assessment paid in accordance with this chapter, a producer shall ~~submit to the commission a written~~ request for a refund application from the commission within sixty days after the date of the sale. The request may be made orally, in writing, or in electronic form.
- b. The producer must complete the refund application and return the application to the commission, together with a record of the assessment paid, within ninety days after the date of the sale. The application may be returned to the commission in person, by mail, or in electronic form. The commission shall then refund the net amount of the assessment that had been collected.
- c. If a request for a refund is not submitted to the commission within the prescribed time period, the producer is presumed to have agreed to the assessment.

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1238.

House Vote: Yeas 78 Nays 14 Absent 2

Senate Vote: Yeas 45 Nays 2 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2015.

Approved at _____ M. on _____, 2015.

Governor

Filed in this office this _____ day of _____, 2015,

at _____ o'clock _____ M.

Secretary of State