

HOUSE BILL NO. 1522

Introduced by

Representatives Magrum, Hoverson, Johnston, Marschall, Paulson, Satrom, Skroch

Senators Anderson, O. Larsen, Luick, Vedaa

1 A BILL for an Act to amend and reenact sections 4.1-02-16, 4.1-04-13, 4.1-05-12, 4.1-06-15,
2 4.1-07-15, 4.1-08-04, 4.1-09-19, 4.1-10-13, and 4.1-13-18 of the North Dakota Century Code,
3 relating to allowing producers to request assessment refunds on an electronic form.

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

5 **SECTION 1. AMENDMENT.** Section 4.1-02-16 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **4.1-02-16. Refund of assessment.**

- 8 1. To receive a refund of any assessment paid in accordance with this chapter, a
9 producer shall submit to the council a written or electronic request for a refund
10 application within sixty days after the date of the assessment or final settlement.
- 11 2. The producer shall complete the refund application in writing or electronically and
12 return or submit the application electronically to the council, together with a record of
13 the assessment collected, within ninety days after the date of the assessment or final
14 settlement. The council shall then refund the net amount of the assessment that had
15 been collected.
- 16 3. If a request for a refund is not submitted to the council within the prescribed time
17 period, the producer is presumed to have agreed to the assessment.
- 18 4. A producer is not entitled to a refund under this section unless the refundable amount
19 meets or exceeds five dollars.

20 **SECTION 2. AMENDMENT.** Section 4.1-04-13 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **4.1-04-13. Refund of assessment - Form.**

- 1 1. To receive a refund of any assessment paid in accordance with this chapter, a
2 producer shall submit to the council a written or electronic request for a refund
3 application within sixty days after the date of the assessment or final settlement.
- 4 2. The producer shall complete the refund application in writing or electronically and
5 return or submit the application electronically to the council, together with a record of
6 the assessment collected, within ninety days after the date of the assessment or final
7 settlement. The council shall then refund to the producer the net amount of the
8 assessment that had been collected from the producer.
- 9 3. If a request for a refund is not submitted to the council within the prescribed time
10 period, the producer is presumed to have agreed to the assessment.
- 11 4. A producer is not entitled to a refund under this section unless the refundable amount
12 meets or exceeds five dollars.

13 **SECTION 3. AMENDMENT.** Section 4.1-05-12 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **4.1-05-12. Refund of assessment - Required certification by attorney general.**

- 16 1. When the attorney general certifies to the commission that refunds of assessments
17 paid in accordance with this chapter are no longer precluded by the Dairy Research
18 and Promotion Act [7 U.S.C. 4501 et seq.] or by any other applicable law, the
19 commission may provide refunds to producers.
- 20 2. a. To receive a refund of any assessment paid in accordance with this chapter, a
21 producer shall submit to the commission a written or electronic request for refund
22 application within sixty days after the date of the assessment or final settlement.
- 23 b. The producer shall complete the refund application in writing or electronically and
24 return or submit the application electronically to the commission, together with a
25 record of the assessment paid, within ninety days after the date of the
26 assessment or final settlement. The commission shall then refund the net amount
27 of the assessment that had been collected.
- 28 c. If a request for a refund is not submitted to the commission within the prescribed
29 time period, the producer is presumed to have agreed to the assessment.

30 **SECTION 4. AMENDMENT.** Section 4.1-06-15 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **4.1-06-15. Refund of assessment.**

2 1. To receive a refund of any assessment paid in accordance with this chapter, a
3 producer shall submit to the council a written or electronic request for a refund
4 application within sixty days after the date of the assessment or final settlement.

5 2. The producer shall complete the refund application in writing or electronically and
6 return or submit the application electronically to the council, together with a record of
7 the assessment collected, within ninety days after the date of the assessment or final
8 settlement. The council shall then refund to the producer the net amount of the
9 assessment that had been collected.

10 3. If a request for a refund is not submitted to the council within the prescribed time
11 period, the producer is presumed to have agreed to the assessment.

12 4. A producer is not entitled to a refund under this section unless the refundable amount
13 meets or exceeds five dollars.

14 **SECTION 5. AMENDMENT.** Section 4.1-07-15 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **4.1-07-15. Refund of assessment.**

17 1. To receive a refund of any assessment paid in accordance with this chapter, a
18 producer shall submit to the council a written or electronic request for a refund
19 application within sixty days after the date of the assessment or final settlement.

20 2. The producer shall complete the refund application in writing or electronically and
21 return or submit the application electronically to the council, together with a record of
22 the assessment collected, within ninety days after the date of the assessment or final
23 settlement. The council then shall refund to the producer the net amount of the
24 assessment that had been collected from the producer.

25 3. If a request for refund is not submitted to the council within the prescribed time period,
26 the producer is presumed to have agreed to the assessment.

27 4. A producer is not entitled to a refund under this section unless the refundable amount
28 meets or exceeds five dollars.

29 **SECTION 6. AMENDMENT.** Section 4.1-08-04 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **4.1-08-04. Refunds.**

- 2 1. To receive a refund of any assessment paid in accordance with this chapter, a
3 beekeeper shall obtain ~~an~~ written or electronic application form from the
4 commissioner within sixty days from the date the commissioner received the
5 assessment required by section 4.1-08-02.
- 6 2. The beekeeper shall return or submit the completed form electronically to the
7 commissioner within ninety days from the date the commissioner received the
8 assessment required by section 4.1-08-02.
- 9 3. A beekeeper is not entitled to a refund under this section unless the refundable
10 amount meets or exceeds five dollars.

11 **SECTION 7. AMENDMENT.** Section 4.1-09-19 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **4.1-09-19. Refund of assessment.**

- 14 1. To receive a refund of any assessment paid in accordance with this chapter, a
15 producer shall submit to the council a written or electronic request for a refund
16 application within sixty days after the date of the assessment or final settlement.
- 17 2. The producer shall complete the refund application in writing or electronically and
18 return or submit the application electronically to the council, together with a record of
19 the assessment collected, within ninety days after the date of the assessment or final
20 settlement. The council shall then refund the net amount of the assessment that had
21 been collected.
- 22 3. If a request for a refund is not submitted to the council within the prescribed time
23 period, the producer is presumed to have agreed to the assessment.
- 24 4. A producer is not entitled to a refund under this section unless the refundable amount
25 meets or exceeds five dollars.

26 **SECTION 8. AMENDMENT.** Section 4.1-10-13 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **4.1-10-13. Refund of assessment - Letters of request.**

- 29 1. To receive a refund of any assessments paid in accordance with this chapter, a
30 producer shall:

- 1 a. Between January first and July fifteenth, submit a written or electronic letter to the
2 council indicating that the producer intends to request a refund of assessments
3 paid on potatoes grown during that calendar year; and
- 4 b. Between June first and June fifteenth of the calendar year following the date of
5 the letter required by subdivision a, submit a written or electronic letter to the
6 council requesting the refund of assessments paid by the producer on potatoes
7 grown during the previous calendar year.
- 8 2. Upon verification that the requirements of this section have been met, the council shall
9 provide the requested refund to the producer.
- 10 3. Notwithstanding subsections 1 and 2, a producer is not entitled to a refund under this
11 section unless the refundable amount meets or exceeds five dollars.

12 **SECTION 9. AMENDMENT.** Section 4.1-13-18 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **4.1-13-18. Refund of assessment - Form - Exception.**

- 15 1. a. To receive a refund of any assessment paid in accordance with this chapter, a
16 producer shall submit to the commission a written or electronic request for a
17 refund application within sixty days after the date of the assessment or final
18 settlement.
- 19 b. The producer shall complete the refund application in writing or electronically and
20 return or submit the application electronically to the commission, together with a
21 record of the assessment collected within ninety days after the date of the
22 assessment or final settlement. The commission then shall refund the net amount
23 of the assessment that had been collected.
- 24 c. If a request for a refund is not submitted to the commission within the prescribed
25 time period, the producer is presumed to have agreed to the assessment.
- 26 2. A producer is not entitled to a refund under this section unless the refundable amount
27 meets or exceeds five dollars.
- 28 3. Notwithstanding subsection 1, a member of the wheat commission is not eligible to
29 receive a refund under this section.