

**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.