

HOUSE BILL NO. 1421

Introduced by

Representatives Kempenich, Lemieux, Schmidt

Senators O'Connell, Urlacher

1 A BILL for an Act to amend and reenact section 4-28-07 of the North Dakota Century Code,
2 relating to the collection of the wheat tax levy.

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

4 **SECTION 1. AMENDMENT.** Section 4-28-07 of the 1999 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **4-28-07. Wheat tax levy.**

- 7 1. a. A tax of ~~ten mills per bushel [35.24 liters]~~ by weight one-fourth of one percent
8 of the net value of wheat must be levied and imposed upon all wheat grown in
9 this state, delivered into this state, or sold through commercial channels to a
10 first purchaser in this state.
- 11 b. The tax must be levied and assessed at the time of sale and deducted by the
12 purchaser from the price paid, or in the case of a lien, pledge, or mortgage,
13 deducted from the proceeds of the loan or claim secured, subject to
14 adjustment at the time of settlement in the event the number of bushels [liters]
15 is not accurately determined at the time of the lien, pledge, or mortgage.
- 16 c. At the time of sale, the first purchaser in this state shall issue and deliver to
17 the producer or seller a record of the transaction in the manner prescribed by
18 the commission. Every first purchaser of wheat shall collect the assessment
19 from the seller by deducting the assessment from the net purchase price of all
20 wheat subject to the assessment and purchased by the first purchaser.
- 21 2. a. Any producer who sells wheat to a first purchaser in this state and who is
22 subject to the deduction provided in this chapter, within sixty days following
23 the deduction or final settlement, may make application by personal letter to
24 the wheat commission for a refund application blank.

- 1 b. Upon the return of the blank, properly executed by the producer,
2 accompanied by a record of the deduction by the purchaser, the producer
3 must be refunded the net amount of the deduction collected.
- 4 c. If no request for refund has been made within the period prescribed above,
5 then the producer is presumed to have agreed to the deduction. However, a
6 producer, for any reason, having paid the tax more than once on the same
7 wheat, upon furnishing proof of this to the commission, is entitled to a refund
8 of the overpayment.
- 9 3. The commission, to inform the producer, shall develop and disseminate information
10 and instructions relating to the purpose of the wheat tax and manner in which
11 refunds may be claimed and to this extent shall cooperate with governmental
12 agencies, state and federal, and private businesses engaged in the purchase of
13 wheat.
- 14 4. The commission may use the amount raised by ~~two mills of the ten mill levy~~ twenty
15 percent of the one-fourth of one percent of the net value of wheat provided for in
16 this section to support the commission's involvement in trade issues throughout the
17 world.