

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Potter

1 A BILL for an Act to amend and reenact section 57-39.2-28 of the North Dakota Century Code,
2 relating to establishing reciprocity for sales tax refunds for Canadian residents; and to provide
3 an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 57-39.2-28 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **57-39.2-28. Refunds for Canadian residents - Reciprocity.** The tax imposed under
8 this chapter on gross receipts from sales made to a person who is a resident of Canada may be
9 refunded under the following conditions:

- 10 1. The Canadian resident was in North Dakota for the express purpose of making a
11 purchase, ~~and not as a tourist.~~
- 12 2. The goods will be removed from North Dakota within thirty days of purchase and
13 will be used permanently outside North Dakota.
- 14 3. The Canadian resident applies in writing to the commissioner on a form as the
15 commissioner may prescribe reciting sufficient facts establishing the exempt status
16 of the sale.
- 17 4. The qualifying sale is one in which the total ~~gross receipts~~ tax paid from each
18 individual transaction, which may involve one or more items, equals ~~twenty-five~~
19 fifty dollars or more. Refunds are not available under this section for any taxes
20 paid in connection with the purchase of alcoholic beverages or tobacco products.
- 21 5. ~~The refund is fifteen dollars or more. Qualifying sales may be accumulated for~~
22 ~~periods not in excess of one calendar year in order to reach the fifteen dollar limit.~~

- 1 6- Notwithstanding section 57-39.2-23, the commissioner may provide names and
2 mail and e-mail addresses of Canadian residents claiming a North Dakota sales
3 tax refund to the director of the department of commerce division of tourism.
4 6. The provisions of this section apply only to purchases made during a time when
5 the province of which the Canadian claimant is a resident allows a refund for
6 residents of North Dakota with respect to provincial retail sales tax which is
7 substantially similar in effect to the credit allowed by this section for residents of
8 Canada.
9 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable sales occurring after
10 June 30, 2009.