

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1357

Introduced by

Representatives Boe, Monson, Mueller

Senators Klein, Miller

1 A BILL for an Act to create and enact section 4.1-07-14.1 of the North Dakota Century Code,
2 relating to assessments on dry peas and lentils; and to amend and reenact sections 4.1-07-12,
3 4.1-07-13, 4.1-07-14, 4.1-07-15, and 4.1-07-16 of the North Dakota Century Code, relating to
4 the assessment on dry peas and lentils.

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

6 **SECTION 1. AMENDMENT.** Section 4.1-07-12 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **4.1-07-12. Assessment.**

9 An assessment at the rate of one percent of the net value of dry peas and lentils is levied
10 upon all dry peas and lentils grown in the:

- 11 1. In this state; or sold to a first purchaser
12 2. In a state or province that does not impose its own assessment on dry peas and
13 lentils.

14 **SECTION 2. AMENDMENT.** Section 4.1-07-13 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **4.1-07-13. Collection of assessment - Records.**

- 17 1. A first purchaser shall collect the assessment imposed by section 4.1-07-12 from the
18 producer by deducting the assessment from the net purchase price of the dry peas
19 and lentils being purchased by the first purchaser.
20 2. Each first purchaser shall keep documents regarding all purchases, sales, and
21 shipments of dry peas and lentils for a period of three years. The records may be
22 examined by the council upon request.

- 1 3. At the time and in the manner prescribed by the council, each first purchaser shall file
2 a report with the council stating, in individual and total amounts, the quantity and
3 source of all dry peas and lentils that the first purchaser received, sold, or shipped.

4 **SECTION 3. AMENDMENT.** Section 4.1-07-14 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4.1-07-14. Submission of assessment - Civil penalty.**

- 7 1. Each first purchaser shall forward to the council all assessments collected by the first
8 purchaser in accordance with section 4.1-07-12 no later than the thirtieth day after the
9 end of each calendar quarter.
- 10 2. If a first purchaser fails to submit the assessments as required by this section, the
11 council may impose a penalty equal to ten percent of the assessment due, plus
12 interest at the rate of twelve percent per annum from the due date.

13 **SECTION 4.** Section 4.1-07-14.1 of the North Dakota Century Code is created and enacted
14 as follows:

15 **4.1-07-14.1. Collection of assessments for other states and provinces.**

- 16 1. If dry peas and lentils were grown in another state or province and that state or
17 province imposes its own assessment on the crop, a first purchaser shall collect the
18 assessment from the producer by deducting it from the net purchase price of the dry
19 peas and lentils and shall remit it to the appropriate jurisdiction.
- 20 2. The council shall make available a list of the other states and provinces that do not
21 impose any assessment on dry peas and lentils and a list of the other states and
22 provinces that impose an assessment on dry peas and lentils, together with the
23 amount of their assessment. A first purchaser may rely on this information in carrying
24 out duties under this chapter.

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

27 **4.1-07-15. Refund of assessment.**

- 28 1. To receive a refund of any assessment paid in accordance with this chaptersection
29 4.1-07-12, a producer shall submit to the council a written request for a refund
30 application within sixty days after the date of the assessment or final settlement.

- 1 2. The producer shall complete the refund application and return the application to the
- 2 council, together with a record of the assessment collected, within ninety days after
- 3 the date of the assessment or final settlement. The council then shall refund to the
- 4 producer the net amount of the assessment that had been collected from the producer.
- 5 3. If a request for refund is not submitted to the council within the prescribed time period,
- 6 the producer is presumed to have agreed to the assessment.
- 7 4. A producer is not entitled to a refund under this section unless the refundable amount
- 8 meets or exceeds five dollars.

9 **SECTION 6. AMENDMENT.** Section 4.1-07-16 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **4.1-07-16. Reimbursement for double payment.**

12 Notwithstanding section 4.1-07-15, if a producer documents to the council that the producer
13 has paid the assessment imposed by section 4.1-07-12 more than once on the same dry peas
14 or lentils, the council shall reimburse the producer for the double payment.