

SENATE BILL NO. 2063

Introduced by

Agriculture Committee

(At the request of the North Dakota Soybean Council)

1 A BILL for an Act to amend and reenact section 4-10.5-07 of the North Dakota Century Code,
2 relating to soybean assessment exemptions.

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

4 **SECTION 1. AMENDMENT.** Section 4-10.5-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4-10.5-07. Tax levies - Collection - Reports.** Effective August 1, 1995, an
7 assessment at the rate of one-half of one percent of the value of the sale must be levied and
8 imposed upon all soybeans sold to a designated handler. This assessment is due upon any
9 identifiable lot or quantity of soybeans.

10 A designated handler of soybeans shall file an application with the council on forms
11 prescribed and furnished by the council. The forms must contain the name under which the
12 designated handler is transacting business within the state, the designated handler's places of
13 business, the location of loading and shipping places of agents of the designated handler, the
14 names and addresses of the several persons constituting the firm partnership, if a corporation,
15 the corporate name and the names and addresses of its principal officers and agents within the
16 state, and, if a limited liability company, the limited liability company name and the names and
17 addresses of its principal managers and agents within this state. The council shall issue a
18 certificate to the designated handler. A designated handler may not sell, process, or ship any
19 soybeans until it has furnished a certificate as required by this section.

20 Every designated handler of soybeans shall collect the assessment imposed by this
21 section by charging and collecting from the seller the assessment at the rate of one-half of one
22 percent of the value of the sale by deducting the assessment from the purchase price of all
23 soybeans subject to the assessment and purchased by the designated handler, with the
24 exception that all organic soybean farmers selling soybeans in this state are exempt from

1 paying the soybean assessment. An organic farmer may waive this exemption, in which case
2 the farmer owes one-half of one percent of the value of the soybean sale in its entirety to the
3 North Dakota Soybean Council.

4 Every designated handler shall keep as a part of its permanent records a record of all
5 purchases, sales, and shipments of soybeans, which may be examined by the council at all
6 reasonable times. Every designated handler shall report to the council, in a manner and at a
7 time prescribed by the council, stating the quantity in individual and total amounts of soybeans
8 received, sold, or shipped by it. The report must state from whom each individual amount was
9 received. The remittance of the assessment as provided in this section must accompany the
10 report. All moneys levied and collected under this chapter must be paid within thirty days of the
11 end of each quarterly period to the council for deposit in the state treasury to the credit of an
12 account designated "soybean fund" to be used exclusively to carry out this chapter. Quarterly
13 periods end on March thirty-first, June thirtieth, September thirtieth, and December thirty-first of
14 each year. Regular audits of the council's accounts must be conducted in accordance with
15 chapter 54-10 and submitted to the commissioner.