

**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 from each individual  
18 transaction, which may involve one or more items, equals ~~twenty-five~~ fifty dollars or  
19 more. Refunds are not available under this section for any taxes paid in  
20 connection with the purchase of alcoholic beverages or tobacco products.
- 21 5. The refund is ~~fifteen~~ ten dollars or more. Qualifying sales may be accumulated for  
22 periods not in excess of ~~one~~ two calendar ~~year~~ years in order to reach the ~~fifteen~~  
23 ten 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           7.   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.