

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 and 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.
- 20 5. The refund is ~~fifteen~~ ten dollars or more. Qualifying sales may be accumulated for
21 periods not in excess of one calendar year in order to reach the ~~fifteen~~ ten dollar
22 limit.

1 6. Notwithstanding section 57-39.2-23, the commissioner may provide names and
2 addresses of Canadian residents claiming a North Dakota sales tax refund to the
3 director of the department of commerce division of tourism.

4 7. The provisions of this section apply only if the province of which the Canadian
5 claimant is a resident allows a refund with respect to provincial retail sales tax
6 which is substantially similar in effect for residents of North Dakota to the credit
7 allowed by this section for residents of Canada.

8 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable sales occurring after
9 June 30, 2009.