

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2216

Introduced by

Senators Miller, Larsen

Representatives Nathe, Bellew, Heller, Kingsbury

1 A BILL for an Act to create and enact a new section to chapter 57-39.6 of the North Dakota
2 Century Code, relating to a reimbursement of alcoholic beverage gross receipts taxes for
3 operation of a smoke-free bar; and to provide an effective date.

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

5 **SECTION 1.** A new section to chapter 57-39.6 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Reimbursement to retailer for voluntarily maintaining a smoke-free bar.**

8 A retailer who operates a smoke-free bar is entitled to reimbursement of taxes paid equal to
9 two and one-tenth percentage points of the taxes imposed under section 57-39.6-02 upon sales
10 of alcoholic beverages for consumption by guests on the premises. To obtain reimbursement of
11 the taxes paid, the retailer shall certify to the tax commissioner that the retailer meets the
12 requirements of this section and the date the bar operated by the retailer became smoke-free. A
13 retailer is entitled to reimbursement of the taxes paid during the calendar year from the date the
14 retailer became certified as smoke-free and for each succeeding calendar year unless the
15 retailer no longer maintains its status as a smoke-free bar. On or before January 31, 2012, and
16 each succeeding January thirty-first, the tax commissioner shall issue a refund to the certified
17 retailer of the allowed reimbursement amount. For purposes of this section, "bar" has the
18 meaning provided in section 23-12-09.

19 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable events occurring after
20 June 30, 2011.