

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

HOUSE BILL NO. 1221
(Representatives Severson, Brandenburg, Devlin, Disrud)
(Senators Kroeplin, Wanzek)

AN ACT to amend and reenact subdivision b of subsection 1 of section 57-39.2-04.2 and subdivision b of subsection 1 of section 57-40.2-04.2 of the North Dakota Century Code, relating to sales and use tax exemptions for certain wind-powered electrical generating facilities; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision b of subsection 1 of section 57-39.2-04.2 of the North Dakota Century Code is amended and reenacted as follows:

b. "Power plant" means ~~an~~:

- (1) An electrical generating plant, together with and all additions thereto to the plant, which processes or converts lignite from its natural form into electrical power and which has at least one single electrical energy generation unit with a capacity of one hundred twenty thousand kilowatts or more.
- (2) A wind-powered electrical generating facility, on which construction is completed before January 1, 2011, and all additions to the facility, which provides electrical power through wind generation and which has at least one single electrical energy generation unit with a nameplate capacity of one hundred kilowatts or more.

SECTION 2. AMENDMENT. Subdivision b of subsection 1 of section 57-40.2-04.2 of the North Dakota Century Code is amended and reenacted as follows:

b. "Power plant" means ~~an~~:

- (1) An electrical generating plant, together with and all additions thereto to the plant, which processes or converts lignite from its natural form into electrical power and which has at least one single electrical energy generation unit with a capacity of one hundred twenty thousand kilowatts or more.
- (2) A wind-powered electrical generating facility, on which construction is completed before January 1, 2011, and all additions to the facility, which provides electrical power through wind generation and which has at least one single electrical energy generation unit with a nameplate capacity of one hundred kilowatts or more.

SECTION 3. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 2001.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1221 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 98 Nays 0 Absent 0

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 45 Nays 0 Absent 4

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,
at _____ o'clock _____ M.

Secretary of State