

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2263

Introduced by

Senator Cook

1 A BILL for an Act to amend and reenact sections 57-33.2-06 and 57-33.2-07 and subsection 3
2 of section 57-33.2-19 of the North Dakota Century Code, relating to reporting dates and
3 allocation for electric generation, distribution, and transmission taxes; and to provide an
4 effective date.

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

6 **SECTION 1. AMENDMENT.** Section 57-33.2-06 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **57-33.2-06. Transmission and distribution line location reports to county auditors.**

9 By ~~May first~~April fifteenth of each year, each transmission or distribution company shall file,
10 with the county auditor of each county in which any of its transmission or distribution line is
11 located, a report showing the length and nominal operating voltage of its transmission and
12 distribution line within the county and within each taxing district within the county. Reports under
13 this section must be based upon nominal operating voltage, ownership, and location of
14 transmission and distribution lines as of January first of each year. Reports under this section
15 must be prepared to distinguish transmission lines from distribution lines. By ~~April~~February first
16 of each year, the county auditor shall provide each transmission or distribution company having
17 a transmission or distribution line in the county with an accurate map of the county showing the
18 boundaries of each taxing district in the county.

19 **SECTION 2. AMENDMENT.** Section 57-33.2-07 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **57-33.2-07. Filing of reports with commissioner.**

22 By ~~May~~June first of each year, each wind farm, wind generator, and generator of electricity
23 from sources other than coal subject to the coal conversion tax and each transmission
24 company, distribution company, and each company that is both a transmission company and a

1 distribution company shall file with the commissioner on a form prescribed by the commissioner
2 any and all information required by the commissioner. The form must include a notice of a
3 company's right to appeal its assessment to the state board of equalization before or at the
4 August meeting of the state board of equalization. Required information includes:

- 5 1. a. The company name.
- 6 b. Whether the company is an individual, partnership, association, cooperative,
7 corporation, limited liability company, or other legal entity and the state or country
8 and date of original organization and any reorganization, consolidation, or merger
9 with references to specific laws authorizing such actions.
- 10 c. The location of its principal office.
- 11 d. The place where the company's books, papers, and accounts are kept.
- 12 e. The name and mailing address of the president, secretary, treasurer, auditor,
13 general manager, and all other general officers.
- 14 f. The name and mailing address of the chief officer or managing agent and any
15 general officers of the company who reside in this state.
- 16 2. A copy of each report filed with any county auditor under section 57-33.2-06.
- 17 3. A report on the megawatt-hours of electricity produced by wind generators and
18 generators of electricity from sources other than coal in each county in the state and a
19 map showing the location of each generator and its rated capacity, and all components
20 of the collector system, if any.
- 21 4. A report on the megawatt-hours of electricity delivered for retail sale to consumers in
22 each taxing district in each county during the most recently completed calendar year.

23 **SECTION 3. AMENDMENT.** Subsection 3 of section 57-33.2-19 of the North Dakota
24 Century Code is amended and reenacted as follows:

- 25 3. a. Revenue from the generation taxes under section 57-33.2-04 must be allocated
26 to the county in which ~~the~~a generator is located. Revenue received by the county
27 under this subsection must be allocated among taxing districts in which the
28 generator is located in proportion to their respective most recent property tax mill
29 rates that apply to the land on which the generator is located.
- 30 b. Revenue from the generation taxes under section 57-33.2-04 from wind farms
31 must be allocated to the county and among taxing districts in which the wind farm

1 and associated collector system, wind generator, or other generation unit is
2 located in proportion to their respective most recent property tax mill rates that
3 apply to the land on which the wind farm is located. For purposes of revenue
4 allocation when generation turbines are located in more than one county or other
5 taxing district, the capacity tax in subdivision a of subsection 1 of section
6 57-33.2-04 must be based on the capacity of the turbines within each county or
7 taxing district. The electricity output for the kilowatt-hour tax in subdivision b of
8 subsection 1 of section 57-33.2-04 must be allocated according to the
9 proportionate share of wind generation capacity within each county or other
10 taxing district in relation to the total capacity of the wind farm.

11 **SECTION 4. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
12 December 31, 2010.