

Introduced by

Senators Erbele, Robinson, Urlacher

Representatives M. Klein, Solberg, Wrangham

1 A BILL for an Act to amend and reenact section 57-33-03 of the North Dakota Century Code,
2 relating to reporting of cooperative gross receipts for purposes of taxation of rural electric
3 cooperatives; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 57-33-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **57-33-03. Report of gross receipts.** Each cooperative annually on or before May first
8 in each year shall file a report with the tax commissioner in such form and containing such
9 information as the tax commissioner may prescribe and demand. Such report must state the
10 amount of gross receipts derived during the preceding calendar year. Gross receipts derived
11 from the sale of a capital asset do not have to be reported. Each such cooperative at the same
12 time shall file with the county auditor of each county within which any of its lines are located a
13 report giving the length of the line or lines within each taxing district in said county and the total
14 length of its lines within the county as of January first of that year. The county auditor may
15 require a map to be filed, showing the length of the lines within each taxing district of said
16 county. To facilitate the making of such maps, the county auditor shall furnish each cooperative
17 an accurate map of the county showing the boundaries of each taxing district. A cooperative
18 that does not own and operate an electric generation plant and which purchases electric energy
19 for resale to cooperatives subject to taxation under this chapter shall include in its report to the
20 tax commissioner the cost and amount of all electric energy purchased for resale. The cost of
21 electric energy purchased for resale must be deducted from the cooperative's gross receipts
22 before determining the cooperative's tax liability under this chapter. A cooperative that
23 purchases wind power for resale to others from a North Dakota wind energy facility subject to
24 centrally assessed property taxation shall include in its report to the tax commissioner the cost

1 and amount of all such wind energy purchased for resale. The cost of such wind energy
2 purchased for resale must be deducted from the cooperative's gross receipts before
3 determining the cooperative's tax liability under this chapter.

4 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
5 December 31, 2002.