

Fifty-eighth
Legislative Assembly
of North Dakota

Introduced by

Representative Carlson

Senator Robinson

1 A concurrent resolution directing the Legislative Council to study the feasibility and desirability
2 of enacting legislation to tax electric utility providers with a fair and uniform tax system.

3 **WHEREAS**, investor-owned electric utilities in North Dakota pay a public utility property
4 tax on their transmission and distribution property while electric cooperatives pay land taxes
5 and replacement property taxes including a two percent gross receipts tax and a high-voltage
6 transmission line tax; and

7 **WHEREAS**, investor-owned electric utilities are subject to state and federal corporate
8 income taxes; and

9 **WHEREAS**, this nonuniform system of taxation results in disparities in tax collections
10 among the state and its political subdivisions and creates unfairness in tax burdens among
11 electric utilities; and

12 **WHEREAS**, the Legislative Assembly established the Electric Industry Competition
13 Committee in 1997 as a six-year statutory committee to study changes in the electric utility
14 industry; and

15 **WHEREAS**, the Electric Industry Competition Committee focused much of its study on
16 developing a fair and uniform tax system applicable to both investor-owned utilities and electric
17 cooperatives; and

18 **WHEREAS**, the Electric Industry Competition Committee gathered industry statistics
19 and worked extensively with representatives of the electric utility industry in fashioning tax
20 replacement plans; and

21 **WHEREAS**, the statute creating the Electric Industry Competition Committee expires on
22 August 1, 2003;

23 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**
24 **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

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- 1 That the Legislative Council study the feasibility and desirability of enacting legislation
- 2 to tax electric utility providers with a fair and uniform tax system; and
- 3 **BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and
- 4 recommendations, together with any legislation required to implement the recommendations, to
- 5 the Fifty-ninth Legislative Assembly.