

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

HOUSE CONCURRENT RESOLUTION NO. 3061
(Representative Carlson)
(Senator Robinson)

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

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

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

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

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

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

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

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

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

That the Legislative Council study the feasibility and desirability of enacting legislation to tax electric utility providers with a fair and uniform tax system; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-ninth Legislative Assembly.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

Filed in this office this _____ day of _____, 2003,
at _____ o'clock _____ M.

Secretary of State