

FISCAL NOTE
Requested by Legislative Council
02/13/2009

Amendment to: SB 2297

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2007-2009 Biennium | | 2009-2011 Biennium | | 2011-2013 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | | | | |
| Appropriations | | | | | | |

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2007-2009 Biennium | | | 2009-2011 Biennium | | | 2011-2013 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | (\$1,753,000) | | | | | |

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Engrossed SB 2297 changes the taxation of rural electrical cooperatives and includes "opt-in" provisions for changing the taxation of investor-owned electrical utilities.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The tax department does not have information upon which to base the fiscal impact of this bill. However, Harlan Fuglesten, Community and Government Relations Director of the ND Association of Rural Electric Cooperatives furnished the tax department with an analysis he prepared. The analysis indicates a first-year reduction in tax revenue totaling an estimated \$1.753 million. (There would be only one year of impact in the 2009-11 biennium.)

The tax department concurs with Mr. Fuglesten's assertion that the investor-owned utilities will not "opt-in". He also determined that provisions for wind facilities should be revenue neutral, which the tax department cannot confirm.

Engrossed SB 2297 increases the tax rate from \$2 to \$2.50 per kilowatt times the rated capacity of the generator for wind electrical generating facilities. There is no indication of wind facilities "opting in" so the potential for any additional revenue from the increased tax rate in the engrossed bill is uncertain.

The impact shown above is the amount of first-year reduction in total tax for the rural electric cooperatives, as supplied by Mr. Fuglesten.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and*

appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.

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| Phone Number: | 328-3402 | Date Prepared: | 02/16/2009 |