

SENATE BILL NO. 2196

Introduced by

Senators Goetz, O'Connell

Representatives Belter, Mahoney

1 A BILL for an Act to amend and reenact subsection 7 of section 57-60-01 of the North Dakota
2 Century Code, relating to the definition of gross receipts under the privilege tax on coal
3 conversion facilities; to provide for retroactive application; to provide an effective date; to
4 provide an expiration date; and to declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Subsection 7 of section 57-60-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 7. "Gross receipts" means all revenue valued in money, whether received in money
9 or otherwise, derived by a coal conversion facility subject to the provisions of this
10 chapter from the production of products of a coal conversion facility, but not
11 including any revenue derived from transportation, transmission, distribution, or
12 other events which occur after completion of the process of production of the
13 products of the facility. For the purpose of computing the tax imposed by this
14 chapter, "gross receipts" does not include ~~any~~:
- 15 a. Any financial assistance, whether in the form of price guarantee payments or
16 otherwise, provided by the federal government or any agency of the federal
17 government ~~nor does it include any~~;
 - 18 b. Any revenue derived from the sale of byproducts as herein defined to a
19 maximum of ~~twenty~~ thirty-five percent of the gross receipts as defined in this
20 subsection; or
 - 21 c. Any revenue derived from the sale and transportation of carbon dioxide for
22 use in the enhanced recovery of oil or natural gas.

23 **SECTION 2. AMENDMENT.** Subsection 7 of section 57-60-01 of the North Dakota
24 Century Code is amended and reenacted as follows:

- 1 7. "Gross receipts" means all revenue valued in money, whether received in money
2 or otherwise, derived by a coal conversion facility subject to the provisions of this
3 chapter from the production of products of a coal conversion facility, but not
4 including any revenue derived from transportation, transmission, distribution, or
5 other events which occur after completion of the process of production of the
6 products of the facility. For the purpose of computing the tax imposed by this
7 chapter, "gross receipts" does not include ~~any~~:
- 8 a. Any financial assistance, whether in the form of price guarantee payments or
9 otherwise, provided by the federal government or any agency of the federal
10 government ~~nor does it include any~~;
- 11 b. Any revenue derived from the sale of byproducts as herein defined to a
12 maximum of twenty percent of the gross receipts as defined in this
13 subsection; or
- 14 c. Any revenue derived from the sale and transportation of carbon dioxide for
15 use in the enhanced recovery of oil or natural gas.

16 **SECTION 3. EFFECTIVE DATE - EXPIRATION DATE.** Section 1 of this Act is
17 retroactively effective to January 1, 1997, and is effective through December 31, 2000, and is
18 thereafter ineffective. Section 2 of this Act is effective after December 31, 2000.

19 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.