

S.B. 45

MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 12, 2014 10:02 AM

Senator **Deidre M. Henderson** proposes the following amendments:

1. *Page 1, Line 21 through Page 2, Line 29:*

- 21 ▶ modifies the definition of "publicly owned infrastructure and improvements"; **and**
22 {~~→ provides that the Military Installation Development Authority may not levy the~~
23 ~~MIDA energy tax in an area in which construction on a federally owned data center~~
24 ~~began prior to January 1, 2012, unless a manager of the data center:~~
25 ~~————•———— provides written consent to the levy;~~
26 ~~————•———— specifies the percentage of the levy or the amount of money to be raised by the~~
27 ~~levy; and~~
28 ~~————•———— specifies the agreed uses of the money generated from the levy; and }~~
29 ▶ provides that the issuance of a certificate of occupancy by the authority, or an entity

2. *Page 2, Lines 37 through 41:*

- 37 AMENDS:
38 19-6-502, as last amended by Laws of Utah 2008, Chapters 89 and 360
39 63H-1-102, as last amended by Laws of Utah 2013, Chapter 362
40 {~~63H-1-204, as enacted by Laws of Utah 2013, Chapter 362~~}
41 63H-1-501, as last amended by Laws of Utah 2013, Chapter 362

3. *Page 9, Line 257 through Page 10, Line 283:*

- 257 [~~(25)~~] (26) "Transient room tax" means a tax under Section 59-12-352.
258 {~~Section 3. Section 63H-1-204 is amended to read:~~
259 ~~———— 63H-1-204. MIDA energy tax.~~
260 ~~———— (1) By ordinance, an authority board may levy a MIDA energy tax, within a project~~
261 ~~area, on an energy supplier as defined in Section 10-1-303.~~
262 ~~———— (2) The maximum rate of the MIDA energy tax is 6% of the delivered value as defined~~
263 ~~in Section 10-1-303, except that delivered value does not include the amount of a tax paid~~
264 ~~under this section.~~
265 ~~———— (3)(a) An energy supplier may recover an amount equal to the MIDA energy tax from~~
266 ~~its customers, if the energy supplier includes the amount as a separate billing line item.~~
267 ~~———— (b) The MIDA energy tax levied under this section is in addition to the rate approved~~
268 ~~by the Public Service Commission and charged to the customer.~~
269 ~~———— (4) If the authority has levied a municipal energy tax in the project area, the MIDA~~

270 energy tax paid by a customer is reduced by any municipal energy tax paid by that customer on
271 the same delivered value:
272 — (5) (a) The MIDA energy tax is payable by the energy supplier to MIDA on a monthly
273 basis as described by the ordinance levying the tax:
274 — (b) The ordinance shall allow the energy supplier to retain 1% of the tax remittance
275 each month to offset the energy supplier's costs of collecting and remitting the tax:
276 — (6) (a) Except as provided in Subsection (6)(b), the authority may not levy the MIDA
277 energy tax in a project area in which construction on a federally owned data center began
278 before January 1, 2012.
279 — (b) The MIDA energy tax may be levied if a manager of a federally owned data center
280 that would otherwise be exempt from the tax provides written notice that:
281 — (i) the federally owned data center agrees to the levy;
282 — (ii) specifies the percentage of the levy or the amount of money to be raised; and
283 — (iii) specifies the agreed uses of money generated from the levy. }

Renumber remaining sections accordingly.