

1st Sub. S.B. 45

MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS

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 260 through Page 10, Line 285:

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

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

Renumber remaining sections accordingly.