

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 392

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO ENERGY TAXES; AMENDING SECTION 63-3503, IDAHO CODE, TO PROVIDE
2 A DATE BY WHICH THE IDAHO STATE TAX COMMISSION SHALL PROVIDE NOTIFICA-
3 TION OF AN ELECTRICAL OPERATOR'S TAX ALLOTMENT AND APPORTIONMENT AND TO
4 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3503A, IDAHO CODE, TO
5 PROVIDE A DATE BY WHICH THE IDAHO STATE TAX COMMISSION SHALL PROVIDE NO-
6 TIFICATION OF A GAS OPERATOR'S TAX ALLOTMENT AND APPORTIONMENT AND TO
7 MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 63-3503B, IDAHO CODE,
8 TO PROVIDE A DATE BY WHICH THE IDAHO STATE TAX COMMISSION SHALL PROVIDE
9 NOTIFICATION OF A WIND, SOLAR OR GEOTHERMAL ENERGY PRODUCER'S TAX AL-
10 LOTMENT AND APPORTIONMENT, TO REVISE THE DATE BY WHICH THE COUNTY AUDI-
11 TOR SHALL PROVIDE NOTIFICATION REGARDING CERTAIN TAX APPORTIONMENT IN-
12 FORMATION AND TO MAKE TECHNICAL CORRECTIONS.
13

14 Be It Enacted by the Legislature of the State of Idaho:

15 SECTION 1. That Section 63-3503, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 63-3503. FILING OPERATORS' STATEMENT -- ALLOTMENT AND APPORTIONMENT
18 OF TAX DUE FROM ELECTRICAL ASSOCIATIONS BY STATE TAX COMMISSION. Every co-
19 operative electrical association in this state shall file with the state
20 tax commission of the state of Idaho the operators' statement provided for
21 in section 63-404, Idaho Code, and shall include thereon a statement of the
22 amount of its gross earnings for the calendar year next preceding. Upon
23 examining and verifying said statement, the state tax commission shall com-
24 pute the amount of the tax measured by the gross earnings and shall allot to
25 each county in which the property of such association is ~~situate~~ situated,
26 and otherwise exempted from taxation by section 63-602JJ, Idaho Code, that
27 proportion of the total tax of such association shown to be due as the number
28 of wire miles of transmission and distribution lines of such association
29 ~~situate~~ situated in such county bears to the total wire miles of transmission
30 and distribution lines of such association. The state tax commission shall
31 then, for each county, apportion the tax so allotted to the county among
32 the several taxing units thereof within which any property of such associ-
33 ation is ~~situate~~ situated, and otherwise exempted from taxation by section
34 63-602JJ, Idaho Code, by apportioning to each such taxing unit that propor-
35 tion of the tax so allotted to the county as the weighted wire mileage factor
36 for each such taxing unit bears to the total of the weighted wire mileage fac-
37 tors of all such taxing units in the county, ~~and shall immediately.~~ No later
38 than the third Monday of May each year, the state tax commission shall notify
39 the state superintendent of public instruction and the county treasurer of
40 such allotment and apportionment and the amounts thereof.

1 SECTION 2. That Section 63-3503A, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 63-3503A. FILING OPERATORS' STATEMENT -- ALLOTMENT AND APPORTIONMENT
4 OF TAX DUE FROM NATURAL GAS ASSOCIATIONS BY STATE TAX COMMISSION. Every co-
5 operative natural gas association in this state shall file with the state
6 tax commission of the state of Idaho the operators' statement provided for
7 in section 63-404, Idaho Code, and shall include thereon a statement of the
8 amount of its gross earnings for the calendar year next preceding. Upon ex-
9 amining and verifying said statement, the state tax commission shall com-
10 pute the amount of the tax measured by the gross earnings and shall allot to
11 each county in which the property of such association is ~~situate~~ situated,
12 and otherwise exempted from taxation by section 63-602JJ, Idaho Code, that
13 proportion of the total tax of such association shown to be due as the num-
14 ber of gas line miles of transmission and distribution lines of such associ-
15 ation ~~situate~~ situated in such county bears to the total wire miles of trans-
16 mission and distribution lines of such association. The state tax commis-
17 sion shall then, for each county, apportion the tax so allotted to the county
18 among the several taxing units thereof within which any property of such as-
19 sociation is ~~situate~~ situated, and otherwise exempted from taxation by sec-
20 tion 63-602JJ, Idaho Code, by apportioning to each such taxing unit that pro-
21 portion of the tax so allotted to the county as the gas line mileage factor
22 for each such taxing unit bears to the total of the gas line mileage factors
23 of all such taxing units in the county, ~~and shall immediately~~. No later than
24 the third Monday of May each year, the state tax commission shall notify the
25 state superintendent of public instruction and the county treasurer of such
26 allotment and apportionment and the amounts thereof.

27 SECTION 3. That Section 63-3503B, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 63-3503B. FILING OPERATORS' STATEMENTS -- ALLOTMENT AND APPORTION-
30 MENT OF TAX DUE FROM PRODUCERS OF ELECTRICITY BY MEANS OF WIND ENERGY, SOLAR
31 ENERGY OR GEOTHERMAL ENERGY BY STATE TAX COMMISSION. Every producer of
32 electricity by means of wind energy, by means of solar energy or by means
33 of geothermal energy in this state shall file with the state tax commission
34 of the state of Idaho an operator's statement in the manner as provided for
35 in section 63-404, Idaho Code, and shall include thereon a statement of the
36 prior calendar year's gross wind energy earnings, gross solar energy earn-
37 ings or gross geothermal energy earnings. Upon examining and verifying said
38 statement, the state tax commission shall compute the amount of the wind
39 energy tax, solar energy tax or the geothermal energy tax based on the gross
40 wind energy earnings, gross solar energy earnings or the gross geothermal
41 energy earnings and shall allot to each county in which the property of
42 such producer is ~~situate~~ situated, and otherwise exempted from taxation by
43 section 63-602JJ, Idaho Code, either: that proportion of the total wind
44 energy tax, that proportion of the total solar energy tax or that proportion
45 of the total geothermal energy tax of such producer shown to be due as the
46 same proportion that the total original cost of property ~~situate~~ situated in
47 such county, and otherwise exempted from taxation by section 63-602JJ, Idaho
48 Code, bears to the total original cost of such property of such producer for

1 the wind energy project, of such producer for the solar energy project or of
2 such producer for the geothermal energy project. The state tax commission
3 shall then, for each county, apportion the wind energy tax, solar energy
4 tax or geothermal energy tax so allotted to such county among the several
5 taxing units thereof within which any property of such producer is ~~situate~~
6 situated, and otherwise exempted from taxation by section 63-602JJ, Idaho
7 Code, by apportioning to each such taxing unit that proportion of the wind
8 energy tax, solar energy tax or geothermal energy tax so allotted to such
9 county. For such apportionment, the state tax commission shall calculate
10 the weighted original cost which shall be the product of the original cost of
11 such property within such taxing unit times such taxing unit's property tax
12 levy for the prior year and the weighted apportionment rate which shall be
13 the ratio of the wind energy tax, of the solar energy tax or of the geothermal
14 energy tax, as the case may be, allotted to such county, to the aggregate
15 weighted original cost for all such taxing units within which the property is
16 located and then shall calculate the apportionment of the wind energy tax,
17 solar energy tax or geothermal energy tax for each such taxing unit to be
18 equal to the product of the weighted original cost times the weighted appor-
19 tionment rate. The state tax commission shall, on or before the ~~second~~ third
20 Monday in ~~August~~ May, notify the state superintendent of public instruction,
21 the county auditor, and the county treasurer of such allotment and appor-
22 tionment and the amounts thereof. On or before the ~~third~~ first Monday in
23 August, the county auditor shall notify the appropriate taxing units of the
24 amount of wind energy tax, the amount of solar energy tax or the amount of the
25 geothermal energy tax being apportioned and the amount of the solar energy
26 tax distributed to each of these taxing units during the twelve (12) months
27 immediately preceding July 1 of the current tax year.