

Moved by Killen

Seconded by Clark

IN THE HOUSE OF REPRESENTATIVES
HOUSE AMENDMENT TO H.B. NO. 203

AMENDMENT TO THE BILL

On page 5 of the printed bill, following line 14, insert:

"SECTION 8. That Section 63-802, Idaho Code, be, and the same is hereby amended to read as follows:

63-802. LIMITATION ON BUDGET REQUESTS -- LIMITATION ON TAX CHARGES -- EXCEPTIONS. (1) Except as provided in subsection (3) of this section for tax year 1995, and each year thereafter, no taxing district shall certify a budget request for an amount of property tax revenues to finance an annual budget that exceeds the greater of:

(a) The dollar amount of property taxes certified for its annual budget for any one (1) of the three (3) tax years preceding the current tax year, whichever is greater, plus the dollar amount of moneys received pursuant to section 63-3638(12), Idaho Code, for the past tax year, which amount may be increased by a growth factor of not to exceed three percent (3%) plus the amount of revenue that would have been generated by applying the levy of the previous year, not including any levy described in subsection (4) of this section, or any school district levy reduction resulting from a distribution of state funds pursuant to section 63-3638(10), Idaho Code, to any increase in market value subject to taxation resulting from new construction or change of land use classification as evidenced by the value shown on the new construction roll compiled pursuant to section 63-301A, Idaho Code; and by the value of annexation during the previous calendar year, as certified by the state tax commission for market values of operating property of public utilities and by the county assessor; or

(b) The dollar amount of property taxes certified for its annual budget during the last year in which a levy was made; or

(c) The dollar amount of the actual budget request, if the taxing district is newly created except as may be provided in subsection (1)(h) of this section; or

(d) In the case of school districts, the restriction imposed in section 33-802, Idaho Code; or

(e) In the case of a nonschool district for which less than the maximum allowable increase in the dollar amount of property taxes is certified for annual budget purposes in any one (1) year, such a district may, in any following year, recover the foregone increase by certifying, in addition to any increase otherwise allowed, an amount not to exceed one hundred percent (100%) of the increase originally foregone. Said additional amount shall be included in future calculations for increases as allowed; or

(f) In the case of cities, if the immediately preceding year's levy subject to the limitation provided by this section, is less than 0.004, the city may increase its budget by an amount not to exceed the difference between 0.004 and actual prior year's levy multiplied by

1 the prior year's market value for assessment purposes. The additional amount must be
 2 approved by sixty percent (60%) of the voters voting on the question at an election called
 3 for that purpose and held on the date in May or November provided by law, and may be
 4 included in the annual budget of the city for purposes of this section; or

5 (g) A taxing district may submit to the electors within the district the question of whether
 6 the budget from property tax revenues may be increased beyond the amount authorized in
 7 this section, but not beyond the levy authorized by statute. The additional amount must
 8 be approved by sixty-six and two-thirds percent (66 2/3%) or more of the voters voting
 9 on the question at an election called for that purpose and held on the May or November
 10 dates provided by section 34-106, Idaho Code. If approved by the required minimum
 11 sixty-six and two-thirds percent (66 2/3%) of the voters voting at the election, the new
 12 budget amount shall be the base budget for the purposes of this section; or

13 (h) When a nonschool district consolidates with another nonschool district or dissolves
 14 and a new district performing similar governmental functions as the dissolved district
 15 forms with the same boundaries within three (3) years, the maximum amount of a budget
 16 of the district from property tax revenues shall not be greater than the sum of the amounts
 17 that would have been authorized by this section for the district itself or for the districts
 18 that were consolidated or dissolved and incorporated into a new district; or

19 (i) In the instance or case of cooperative service agencies, the restrictions imposed in
 20 sections 33-315 through 33-318, Idaho Code; or

21 (j) In the instance where a taxing district received money pursuant to section 63-3502B,
 22 Idaho Code, and the alternative energy equipment no longer produces electrical energy,
 23 the taxing district may increase the dollar amount of property taxes certified for its annual
 24 budget by the amount received pursuant to section 63-3502B, Idaho Code, during the
 25 alternative energy equipment's last full year of production.

26 (2) In the case of fire districts, during the year immediately following the election of
 27 a public utility or public utilities to consent to be provided fire protection pursuant to section
 28 31-1425, Idaho Code, the maximum amount of property tax revenues permitted in subsection
 29 (1) of this section may be increased by an amount equal to the current year's taxable value of
 30 the consenting public utility or public utilities multiplied by that portion of the prior year's levy
 31 subject to the limitation provided by subsection (1) of this section.

32 (3) No board of county commissioners shall set a levy, nor shall the state tax commission
 33 approve a levy for annual budget purposes which exceeds the limitation imposed in subsection
 34 (1) of this section, unless authority to exceed such limitation has been approved by a majority
 35 of the taxing district's electors voting on the question at an election called for that purpose and
 36 held pursuant to section 34-106, Idaho Code, provided however, that such voter approval shall
 37 be for a period of not to exceed two (2) years.

38 (4) The amount of property tax revenues to finance an annual budget does not include
 39 revenues from nonproperty tax sources, and does not include revenue from levies that are voter
 40 approved for bonds, override levies or supplemental levies, plant facilities reserve fund levies,
 41 school emergency fund levies or for levies applicable to newly annexed property or for levies
 42 applicable to new construction as evidenced by the value of property subject to the occupancy
 43 tax pursuant to section 63-317, Idaho Code, for the preceding tax year.";

44 in line 15, delete "8" and insert: "9".

CORRECTION TO TITLE

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2 On page 1, in line 18, following "ENERGY;" insert: "AMENDING SECTION 63-802,
3 IDAHO CODE, TO PROVIDE FOR A TAXING DISTRICT'S PROPERTY TAX BUDGET IF
4 THE ALTERNATIVE ENERGY EQUIPMENT CEASES TO PRODUCE ELECTRICITY;".