

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-third Legislature First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 173

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-301A, IDAHO CODE, TO SPECIFY THE USE OF A CERTAIN PERCENT OF THE NEW CONSTRUCTION ROLL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-811, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION OF CERTAIN MONEYS TO PUBLIC SCHOOLS AND TO PROVIDE POWERS TO COUNTIES; AMENDING SECTION 63-811, IDAHO CODE, AS ADDED BY SECTION 14, CHAPTER 339, LAWS OF 2012, TO PROVIDE FOR DISTRIBUTION OF CERTAIN MONEYS TO PUBLIC SCHOOLS AND TO PROVIDE POWERS TO COUNTIES; AMENDING SECTION 63-812, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ACCOUNTING AND COLLECTION OF PROPERTY TAXES; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 63-301A, Idaho Code, be, and the same is hereby amended to read as follows:

63-301A. NEW CONSTRUCTION ROLL. (1) The county assessor shall prepare a new construction roll, which shall be in addition to the property roll, which new construction roll shall show:

(a) The name of the taxpayer;

(b) The description of the new construction, suitably detailed to meet the requirements of the individual county;

(c) A description of the land and its change in use, suitably detailed to meet the needs of the individual county;

(d) The amount of taxable market value added to the property on the current year's property roll that is directly the result of new construction or a change in use of the land or both;

(e) The amount of taxable market value added as provided in subsection (3) (g) of this section as a result of dissolution of any revenue allocation area;

(f) The amount of taxable market value to be deducted to reflect the adjustments required in subparagraphs (i) through (iv) of this subsection ~~subparagraphs (f)(i), (f)(ii), (f)(iii) and (f)(iv)~~ paragraph:

(i) Any board of tax appeals or court ordered value change, if property has a taxable value lower than that shown on any new construction roll in any one (1) of the immediate five (5) tax years preceding the current tax year;

(ii) Any reduction in value resulting from correction of value improperly included on any previous new construction roll as a result of double or otherwise erroneous assessment;

(iii) Any reduction in value, in any one (1) of the immediate five (5) tax years preceding the current tax year, resulting from a change of land use classification;

(iv) Any reduction in value resulting from the exemption provided in section 63-602W(4), Idaho Code, in any one (1) of the immediate five (5) tax years preceding the current tax year.

(2) As soon as possible, but in any event by no later than the first Monday in June, the new construction roll shall be certified to the county auditor and a listing showing the amount of value on the new construction roll in each taxing district or unit be forwarded to the state tax commission on or before the fourth Monday in July. Provided however, the value shown in subsection (3) (f) of this section shall be reported to the appropriate county auditor by the state tax commission by the third Monday in July and the value sent by the county auditor to each taxing district. The value established pursuant to subsection (3) (f) of this section is subject to correction by the state tax commission until the first Monday in September and any such corrections shall be sent to the appropriate county auditor, who shall notify any affected taxing districts.

(3) The value shown on the new construction roll shall include the taxable market value increase from:

- (a) Construction of any new structure that previously did not exist; or
- (b) Additions or alterations to existing nonresidential structures; or
- (c) Installation of new or used manufactured housing that did not previously exist within the county; or
- (d) Change of land use classification; or
- (e) Property newly taxable as a result of loss of the exemption provided by section 63-602W(3) or (4), Idaho Code; or
- (f) The construction of any improvement or installation of any equipment used for or in conjunction with the generation of electricity and the addition of any improvement or equipment intended to be so used, except property that has a value allocated or apportioned pursuant to section 63-405, Idaho Code, or that is owned by a cooperative or municipality, as those terms are defined in section 61-332A, Idaho Code, or that is owned by a public utility, as that term is defined in section 61-332A, Idaho Code, owning any other property that is allocated or apportioned. No replacement equipment or improvements may be included; or
- (g) Increases in value over the base value of property on the base assessment roll within an urban renewal revenue allocation area that has been terminated pursuant to section 50-2909(4), Idaho Code, to the extent that this increment exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, the entire increment value. Notwithstanding other provisions of this section, the new construction roll shall not include new construction located within an urban renewal district's revenue allocation area, except as provided in this ~~subsection (3) (g)~~ paragraph; or
- (h) New construction, in any one (1) of the immediate five (5) tax years preceding the current tax year, allowable but never included on a new construction roll, provided however, that, for such property, the value on the new construction roll shall reflect the taxable value that would have been included on the new construction roll for the first year in which the property should have been included.
- (i) Formerly exempt improvements on state college or state university owned land for student dining, housing, or other education related pur-

poses approved by the state board of education and board of regents of the university of Idaho as proper for the operation of such state college or university provided however, such improvements were never included on any previous new construction roll.

(4) The amount of taxable market value of new construction shall be the change in net taxable market value that is attributable directly to new construction or a change in use of the land or loss of the exemption provided by section 63-602W(3) or (4), Idaho Code. It shall not include any change in value of existing property that is due to external market forces such as general or localized inflation, except as provided in subsection (3) (g) of this section.

(5) As provided in section 63-811, Idaho Code, an amount based on fifty percent (50%) of the value of the new construction roll shall be utilized to remit to public schools of this state for bond repayment, building safety and improvements and other safety needs of the public schools.

SECTION 2. That Section 63-811, Idaho Code, be, and the same is hereby amended to read as follows:

63-811. COMPUTATION OF PROPERTY TAXES -- DUTY OF COUNTY AUDITOR. (1) The county auditor must cause to be computed the amount of the local property taxes levied on the total of the taxable value as entered on the property and operating property rolls, and must deliver the property and operating property rolls to the tax collector on or before the first Monday of November. For nonschool districts included in such amount shall be the property taxes on fifty percent (50%) of the value on the new construction roll pursuant to section 63-301A(5), Idaho Code, multiplied by the applicable levy rate for all taxing districts which shall be remitted to school districts and public charter schools shall be distributed to each of the several school districts and public charter schools located in the county, in the proportion that the average daily attendance of that district or public charter school for the previous school year bears to the total average daily attendance of the county during the previous school year pursuant to figures obtained from the state department of education. Moneys shall be used by the school district or public charter school for school bond repayments, and other safety needs regarding the public schools. The county shall have the authority to withhold from other taxing districts' budgets in the county the amount of moneys remitted to schools and school districts as provided in this chapter.

(2) The county auditor must cause to be computed the amount of the local property taxes levied on the total of the taxable value as entered on the subsequent property roll, and must deliver the subsequent property roll to the tax collector as soon as possible, without delay, after the first Monday of December.

(3) The county auditor must cause to be computed the amount of the state property tax and the amount of the local property taxes levied on the total taxable value as entered on the missed property roll, and must deliver the missed property roll to the tax collector as soon as possible, without delay, after the first Monday of March of the year following the year in which the assessment was entered on the missed property roll.

(4) Except as provided in subsection (1)(a) through (f) of section 50-2908, Idaho Code, for the purpose of this section, "taxable value" shall

mean the portion of the equalized assessed value, less any exemptions and the value that exceeds the value of the base assessment roll for the portion of any taxing district within a revenue allocation area of an urban renewal district, located within each taxing district which certifies a budget to be raised from a property tax levy.

(5) The county auditor, at the time of delivery to the county tax collector of the property roll, subsequent property roll, missed property roll or operating property roll with all property taxes computed, must subscribe an affidavit to such roll that he has to the best of his knowledge and ability computed the proper amount of property taxes due, and recorded such orders of the board of equalization as have been made and has made no other changes.

(6) Failure of the auditor to make the affidavit shall not affect the validity of any entry on the roll. The making of such affidavit, however, is declared to be a duty pertaining to the office of the county auditor. In every case where the said affidavit is omitted from the real property assessment roll, completed and delivered as aforesaid, the board of county commissioners must require the county auditor to make the same, and upon refusal or neglect of such county auditor to make and subscribe to such affidavit forthwith, the chairman of the said board must immediately file in the district court in the county, an information in writing, verified by his oath, charging such county auditor with refusal or neglect to perform the official duties pertaining to his office, and thereupon he must be proceeded against as in such cases provided by law.

SECTION 3. That Section 63-811, Idaho Code, as added by Section 14, Chapter 339, Laws of 2012, be, and the same is hereby amended to read as follows:

63-811. COMPUTATION OF PROPERTY TAXES -- DUTY OF COUNTY AUDITOR. (1) The county auditor must cause to be computed the amount of the local property taxes levied on the total of the taxable value as entered on the property and operating property rolls, and must deliver the property and operating property rolls to the tax collector on or before the first Monday of November. For nonschool districts included in such amount shall be the property taxes on fifty percent (50%) of the value on the new construction roll pursuant to section 63-301A(5), Idaho Code, multiplied by the applicable levy rate for all taxing districts which shall be remitted to school districts and public charter schools shall be distributed to each of the several school districts and public charter schools located in the county, in the proportion that the average daily attendance of that district or public charter school for the previous school year bears to the total average daily attendance of the county during the previous school year pursuant to figures obtained from the state department of education. Moneys shall be used by the school district or public charter school for school bond repayments, and other safety needs regarding the public schools. The county shall have the authority to withhold from other taxing districts' budgets in the county the amount of moneys remitted to schools and school districts as provided in this chapter.

(2) The county auditor must cause to be computed the amount of the local property taxes levied on the total of the taxable value as entered on the subsequent property roll, and must deliver the subsequent property roll to the

1 tax collector as soon as possible, without delay, after the first Monday of  
2 December.

3 (3) The county auditor must cause to be computed the amount of the state  
4 property tax and the amount of the local property taxes levied on the total  
5 taxable value as entered on the missed property roll, and must deliver the  
6 missed property roll to the tax collector as soon as possible, without delay,  
7 after the first Monday of March of the year following the year in which the  
8 assessment was entered on the missed property roll.

9 (4) Except as provided in subsection (1)(a) through (e) of section  
10 50-2908, Idaho Code, for the purpose of this section, "taxable value" shall  
11 mean the portion of the equalized assessed value, less any exemptions and  
12 the value that exceeds the value of the base assessment roll for the portion  
13 of any taxing district within a revenue allocation area of an urban renewal  
14 district, located within each taxing district which certifies a budget to be  
15 raised from a property tax levy.

16 (5) The county auditor, at the time of delivery to the county tax col-  
17 lector of the property roll, subsequent property roll, missed property roll  
18 or operating property roll with all property taxes computed, must subscribe  
19 an affidavit to such roll that he has to the best of his knowledge and ability  
20 computed the proper amount of property taxes due, and recorded such orders of  
21 the board of equalization as have been made and has made no other changes.

22 (6) Failure of the auditor to make the affidavit shall not affect the  
23 validity of any entry on the roll. The making of such affidavit, however, is  
24 declared to be a duty pertaining to the office of the county auditor. In ev-  
25 ery case where the said affidavit is omitted from the real property assess-  
26 ment roll, completed and delivered as aforesaid, the board of county commis-  
27 sioners must require the county auditor to make the same, and upon refusal or  
28 neglect of such county auditor to make and subscribe to such affidavit forth-  
29 with, the chairman of the said board must immediately file in the district  
30 court in the county, an information in writing, verified by his oath, charg-  
31 ing such county auditor with refusal or neglect to perform the official du-  
32 ties pertaining to his office, and thereupon he must be proceeded against as  
33 in such cases provided by law.

34 SECTION 4. That Section 63-812, Idaho Code, be, and the same is hereby  
35 amended to read as follows:

36 63-812. ACCOUNTING AND COLLECTION OF PROPERTY TAXES. The tax collec-  
37 tor shall collect and account for the amount of property taxes due and remit  
38 any property tax revenues collected to the county auditor showing distri-  
39 bution to the proper accounts or funds, including moneys remitted to school  
40 districts and public charter schools pursuant to section 63-811(1), Idaho  
41 Code.

42 SECTION 5. Sections 1, 2, and 4 of this act shall be in full force and  
43 effect on and after July 1, 2015. Section 3 shall be in full force and effect  
44 on and after July 1, 2017.