

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 562

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO THE LOCAL ECONOMIC DEVELOPMENT ACT; AMENDING SECTION 50-2908, IDAHO CODE, TO PROVIDE APPLICATION TO CERTAIN TAX LEVIES OF COMMUNITY COLLEGE DISTRICTS; AMENDING SECTION 63-803, IDAHO CODE, TO PROVIDE A CORRECT CODE CITATION; AND AMENDING SECTION 63-811, IDAHO CODE, TO PROVIDE A CORRECT CODE CITATION.

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

SECTION 1. That Section 50-2908, Idaho Code, be, and the same is hereby amended to read as follows:

50-2908. DETERMINATION OF TAX LEVIES -- CREATION OF SPECIAL FUND. (1) For purposes of calculating the rate at which taxes shall be levied by or for each taxing district in which a revenue allocation area is located, the county commissioners shall, with respect to the taxable property located in such revenue allocation area, use the equalized assessed value of such taxable property as shown on the base assessment roll rather than on the current equalized assessed valuation of such taxable property, except the current equalized assessed valuation shall be used for calculating the tax rate for:

(a) Levies for refunds and credits pursuant to section 63-1305, Idaho Code, and any judgment pursuant to section 33-802(1), Idaho Code, certified after December 31, 2007;

(b) Levies permitted pursuant to section 63-802(3), Idaho Code, certified after December 31, 2007;

(c) Levies for voter approved general obligation bonds of any taxing district and plant facility reserve fund levies passed after December 31, 2007;

(d) Levies set forth in paragraphs (1)(a) through (c) of this subsection, first certified prior to December 31, 2007, when the property affected by said levies is included within the boundaries of a revenue allocation area by a change in the boundaries of either the revenue allocation area or any taxing district after December 31, 2007; and

(e) School levies for supplemental maintenance and operation pursuant to section 33-802(3) and (4), Idaho Code, approved after December 31, 2007; and

(f) Levies of a community college district pursuant to chapter 21, title 33, Idaho Code, for maintenance and operation purposes and for the maintenance and care of gymnasiums and grounds.

(2) With respect to each such taxing district, the tax rate calculated under subsection (1) of this section shall be applied to the current equalized assessed valuation of all taxable property in the taxing district, including the taxable property in the revenue allocation area. The tax revenues thereby produced shall be allocated as follows:

1 (a) To the taxing district shall be allocated and shall be paid by the  
2 county treasurer:

3 (i) All taxes levied by the taxing district or on its behalf on  
4 taxable property located within the taxing district but outside  
5 the revenue allocation area;

6 (ii) A portion of the taxes levied by the taxing district or on its  
7 behalf on the taxable property located within the revenue allo-  
8 cation area, which portion is the amount produced by applying the  
9 taxing district's tax rate determined under subsection (1) of this  
10 section to the equalized assessed valuation, as shown on the base  
11 assessment roll, of the taxable property located within the rev-  
12 enue allocation area; and

13 (iii) All taxes levied by the taxing district to satisfy obliga-  
14 tions specified in subsection (1) (a) through (e) of this section.

15 (b) To the urban renewal agency shall be allocated the balance, if any,  
16 of the taxes levied on the taxable property located within the revenue  
17 allocation area.

18 (3) Upon enactment of an ordinance adopting a revenue allocation fi-  
19 nancing provision as part of an urban renewal plan, the urban renewal agency  
20 shall create a special fund or funds to be used for the purposes enumerated  
21 in this chapter. The revenues allocated to the urban renewal agency pursuant  
22 to this chapter, shall be paid to the agency by the treasurer of the county  
23 in which the revenue allocation district is located and shall be deposited by  
24 the agency into one (1) or more of such special funds. The agency may, in ad-  
25 dition, deposit into such special fund or funds such other income, proceeds,  
26 revenues and funds it may receive from sources other than the revenues allo-  
27 cated to it under subsection (2) (b) of this section.

28 (4) For the purposes of section 63-803, Idaho Code, during the period  
29 when revenue allocation under this chapter is in effect, and solely with re-  
30 spect to any taxing district in which a revenue allocation area is located,  
31 the county commissioners shall, in fixing any tax levy other than the levy  
32 specified in subsection (1) (a) through (e) of this section, take into con-  
33 sideration the equalized assessed valuation of the taxable property situ-  
34 ated in the revenue allocation area as shown in the base assessment roll,  
35 rather than the current equalized assessed value of such taxable property.

36 (5) For all other purposes, including, without limitation, for pur-  
37 poses of sections 33-802, 33-1002 and 63-1313, Idaho Code, reference in the  
38 Idaho Code to the term "market value for assessment purposes" (or any other  
39 such similar term) shall mean market value for assessment purposes as de-  
40 fined in section 63-208, Idaho Code.

41 SECTION 2. That Section 63-803, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

43 63-803. CERTIFICATION OF BUDGETS IN DOLLARS. (1) Whenever any taxing  
44 district is required by law to certify to any county treasurer, county audi-  
45 tor, county assessor, county commissioners or to any other county officer,  
46 any property tax levy, upon property located within said district, such cer-  
47 tification shall, notwithstanding any other provision of the law applicable  
48 to any such district, be made at the time and in the manner hereinafter pro-  
49 vided.

1       (2) The county auditor shall inform each of the taxing districts within  
2 his county of the taxable value of that district as soon as such value is  
3 known to the auditor, whether the value comes from the appraisal and assess-  
4 ment of real and personal property, or from allocation of the taxable value  
5 of operating property, or from other sources.

6       (3) Using the taxable value of the district, the council, trustees,  
7 board or other governing body of any taxing district shall certify the total  
8 amount required from a property tax upon property within the district to  
9 raise the amount of money fixed by their budget as previously prepared or  
10 approved. The amount of money so determined shall be certified in dollars  
11 to the appropriate county commissioners. Any taxing unit, except regional  
12 airport authorities, located in more than one (1) county shall divide its  
13 dollar budget for certification to the separate counties by multiplying the  
14 amount of such budget by a fraction, the numerator of which shall be the total  
15 taxable value of all property in such taxing unit within the county to which  
16 such certification is to be made, and the denominator of which shall be the  
17 total taxable value of property in such taxing unit in all such counties.  
18 Budget certification to the participating counties of regional airport  
19 authorities shall be made in the manner prescribed in section 21-807(10),  
20 Idaho Code. Taxable value shall be certified by the county auditor of each  
21 affected county to such taxing unit and such certification shall be used in  
22 this formula. Except as provided in section 33-805, Idaho Code, relating to  
23 school emergency fund levies, the certification to the county commissioners  
24 required in this section shall be made not later than the Thursday prior  
25 to the second Monday in September, unless, upon application therefor, the  
26 county commissioners grant an extension of not more than seven (7) working  
27 days. After receipt of this certification, the county commissioners shall  
28 make a tax levy as a percent of taxable value of all property in the taxing  
29 district, which when applied to the tax rolls, will meet the budget require-  
30 ments certified by such taxing districts.

31       (4) Except as provided in subsection (1)(a) through (ef) of section  
32 50-2908, Idaho Code, for the purpose of this section, "taxable value" shall  
33 mean the portion of the equalized assessed value, less any exemptions, ex-  
34 cept the exemption for personal property in section 63-602KK, Idaho Code,  
35 and the value that exceeds the value of the base assessment roll for the  
36 portion of any taxing district within a revenue allocation area of an ur-  
37 ban renewal district, located within each taxing district which certifies  
38 a budget to be raised from a property tax levy. When the county auditor is  
39 notified of revenues sufficient to cover expenses as provided in section  
40 50-2903(5), Idaho Code, taxable value shall also include the value that  
41 exceeds the value of the base assessment roll for the portion of any taxing  
42 district within a revenue allocation area. For each taxing district, tax-  
43 able value shall include the value from the property and operating property  
44 rolls for the current year and subsequent and missed property rolls for the  
45 prior year or the best estimate of the subsequent and missed property rolls  
46 for the current year.

47       SECTION 3. That Section 63-811, Idaho Code, be, and the same is hereby  
48 amended to read as follows:

1       63-811.   COMPUTATION OF PROPERTY TAXES -- DUTY OF COUNTY AUDITOR. (1)  
2   The county auditor must cause to be computed the amount of the local property  
3   taxes levied on the total of the taxable value as entered on the property and  
4   operating property rolls, and must deliver the property and operating prop-  
5   erty rolls to the tax collector on or before the first Monday of November.

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

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

17       (4) Except as provided in subsection (1)(a) through (e) of section  
18   50-2908, Idaho Code, for the purpose of this section, "taxable value" shall  
19   mean the portion of the equalized assessed value, less any exemptions and  
20   the value that exceeds the value of the base assessment roll for the portion  
21   of any taxing district within a revenue allocation area of an urban renewal  
22   district, located within each taxing district which certifies a budget to be  
23   raised from a property tax levy.

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

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