

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 140

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-602A, IDAHO CODE, TO PRO-  
2 VIDE THAT PROPERTY ON A RESERVATION BELONGING TO A FEDERALLY RECOGNIZED  
3 INDIAN TRIBE IS EXEMPT FROM PROPERTY TAXATION, TO REVISE TERMINOLOGY  
4 AND TO MAKE A TECHNICAL CORRECTION.  
5

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

7 SECTION 1. That Section 63-602A, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 63-602A. PROPERTY EXEMPT FROM TAXATION -- GOVERNMENT PROPERTY. (1)  
10 The following property is exempt from taxation: property belonging to the  
11 United States, except when taxation thereof is authorized by the congress of  
12 the United States, ~~this state, or;~~ property belonging to the state of Idaho;  
13 property belonging to a federally recognized Indian tribe, as defined in  
14 section 67-4001, Idaho Code, which property is situated within the bound-  
15 aries of the reservation of the Indian tribe; and property belonging to any  
16 county or municipal corporation or school district within this state.

17 (2) However, inventory property acquired under agricultural credit  
18 programs of the consolidated farm service agency of the United States de-  
19 partment of agriculture shall be subject to taxation as other property in the  
20 county.

21 (3) However, unimproved real property of more than ten (10) contiguous  
22 acres owned in fee simple by the department of fish and game shall be subject  
23 to a fee in lieu of property taxes contingent upon the following conditions  
24 and requirements:

25 (a) The fee in lieu of property taxes shall not exceed the property tax  
26 for the property at the time of acquisition by the department of fish and  
27 game, unless the property tax rate for the property shall have been in-  
28 creased.

29 (b) The department shall determine and identify the parcels of prop-  
30 erty and their current use as qualified under the provisions of this  
31 ~~act~~ chapter. The department shall consult with the appropriate county  
32 treasurer and determine the fee to be paid on the property and credited  
33 continuously to the county current expense fund. The fee shall be an  
34 amount equal to the property tax the property would generate if assessed  
35 as agricultural property.

36 (c) Any future increase in the fee paid in lieu of property taxes  
37 shall be determined by the amount of property taxes the property would  
38 generate if assessed as agricultural property. The increase may be de-  
39 termined by the department working cooperatively with the appropriate  
40 county assessor. The method used for determining the fee that would be  
41 due on department property is to be used only under this subsection and  
42 has no other application in any other section of the Idaho Code.

1 (d) The department shall then provide to the assessor of the county  
2 where the parcels are located on or before the second Monday of March  
3 each year, a listing identifying each parcel of unimproved property by  
4 legal description, size and amount of the fee for the preceding calen-  
5 dar year. The treasurer shall prepare and submit a billing for payment  
6 based on this information to the department. Once the fee has been  
7 determined, payment shall be made by June 20 of that year from moneys  
8 appropriated for that purpose. However, if the fees exceed the moneys  
9 appropriated for that purpose, the director of the department of fish  
10 and game shall calculate the percent reduction that must be made and  
11 certify the proportionate reduction to each county treasurer.

12 (e) For the purpose of this section only, unimproved real property  
13 shall mean property on which no homesite or improved site is located,  
14 and homesite or improved site shall mean any buildings, structures, or  
15 fixtures which have been erected or affixed to the land and the neces-  
16 sary acreage required to utilize the homesite or improved site as deter-  
17 mined by the county assessor shall be exempt. For purposes of this sub-  
18 section only, roads or fences shall not be considered as improvements.