

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 562, As Amended

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO THE LOCAL ECONOMIC DEVELOPMENT ACT; AMENDING SECTION 50-2908,  
2 IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO CALCULATING THE RATE  
3 AT WHICH TAXES SHALL BE LEVIED FOR LEVIES FOR CERTAIN COMMUNITY COLLEGE  
4 DISTRICTS, TO REVISE PROVISIONS RELATING TO THE ALLOCATION OF CERTAIN  
5 TAX REVENUES AND TO PROVIDE A CODE REFERENCE; AMENDING SECTION 63-803,  
6 IDAHO CODE, TO PROVIDE A CODE REFERENCE; AND AMENDING SECTION 63-811,  
7 IDAHO CODE, TO PROVIDE A CODE REFERENCE.  
8

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

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

12 50-2908. DETERMINATION OF TAX LEVIES -- CREATION OF SPECIAL FUND. (1)  
13 Except as provided for in subsection (2) of this section, fFor purposes of  
14 calculating the rate at which taxes shall be levied by or for each taxing dis-  
15 trict in which a revenue allocation area is located, the county commission-  
16 ers shall, with respect to the taxable property located in such revenue al-  
17 location area, use the equalized assessed value of such taxable property as  
18 shown on the base assessment roll rather than on the current equalized as-  
19 essed valuation of such taxable property, except the current equalized as-  
20 essed valuation shall be used for calculating the tax rate for:

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

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

26 (c) Levies for voter approved general obligation bonds of any taxing  
27 district and plant facility reserve fund levies passed after December  
28 31, 2007;

29 (d) Levies set forth in paragraphs (1) (a) through (c) of this subsec-  
30 tion, first certified prior to December 31, 2007, when the property af-  
31 fected by said levies is included within the boundaries of a revenue al-  
32 location area by a change in the boundaries of either the revenue allo-  
33 cation area or any taxing district after December 31, 2007; and

34 (e) School levies for supplemental maintenance and operation pursuant  
35 to section 33-802(3) and (4), Idaho Code, approved after December 31,  
36 2007.

37 (2) For purposes of calculating the rate at which taxes shall be levied  
38 for certain levies as described in subsection (3) (a) (iv) of this section,  
39 for each community college district in which a revenue allocation area is lo-  
40 located the county commissioners shall, with respect to the taxable property  
41 located in such revenue allocation area, use the equalized assessed value of

1 such taxable property as shown on the base assessment roll plus any increment  
2 value that exceeds the increment value as of January 1, 2011.

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

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

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

13 (ii) A portion of the taxes levied by the taxing district or on its  
14 behalf on the taxable property located within the revenue allo-  
15 cation area, which portion is the amount produced by applying the  
16 taxing district's tax rate determined under subsection (1) of this  
17 section to the equalized assessed valuation, as shown on the base  
18 assessment roll, of the taxable property located within the rev-  
19 enue allocation area; ~~and~~

20 (iii) All taxes levied by the taxing district to satisfy obliga-  
21 tions specified in subsection (1) (a) through (e) of this section;  
22 and

23 (iv) All taxes levied by community college districts for mainte-  
24 nance and operation purposes and for the maintenance and care of  
25 gymnasiums and grounds, provided such taxes are on the property  
26 used to calculate the tax rates found in subsection (2) of this  
27 section.

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

31 (34) Upon enactment of an ordinance adopting a revenue allocation fi-  
32 nancing provision as part of an urban renewal plan, the urban renewal agency  
33 shall create a special fund or funds to be used for the purposes enumerated  
34 in this chapter. The revenues allocated to the urban renewal agency pursuant  
35 to this chapter, shall be paid to the agency by the treasurer of the county  
36 in which the revenue allocation district is located and shall be deposited by  
37 the agency into one (1) or more of such special funds. The agency may, in ad-  
38 dition, deposit into such special fund or funds such other income, proceeds,  
39 revenues and funds it may receive from sources other than the revenues allo-  
40 ated to it under subsection (2) (b) of this section.

41 (45) For the purposes of section 63-803, Idaho Code, during the period  
42 when revenue allocation under this chapter is in effect, and solely with re-  
43 spect to any taxing district in which a revenue allocation area is located,  
44 the county commissioners shall, in fixing any tax levy other than the levy  
45 specified in subsection (1) (a) through (e) and subsection (2) of this sec-  
46 tion, take into consideration the equalized assessed valuation of the tax-  
47 able property situated in the revenue allocation area as shown in the base  
48 assessment roll, rather than the current equalized assessed value of such  
49 taxable property.

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

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

8           63-803. CERTIFICATION OF BUDGETS IN DOLLARS. (1) Whenever any taxing  
9 district is required by law to certify to any county treasurer, county audi-  
10 tor, county assessor, county commissioners or to any other county officer,  
11 any property tax levy, upon property located within said district, such cer-  
12 tification shall, notwithstanding any other provision of the law applicable  
13 to any such district, be made at the time and in the manner hereinafter pro-  
14 vided.

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

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

45           (4) Except as provided in subsection (1) (a) through (e) and subsection  
46 (2) of section 50-2908, Idaho Code, for the purpose of this section, "tax-  
47 able value" shall mean the portion of the equalized assessed value, less any  
48 exemptions, except the exemption for personal property in section 63-602KK,  
49 Idaho Code, and the value that exceeds the value of the base assessment roll

1 for the portion of any taxing district within a revenue allocation area of  
2 an urban renewal district, located within each taxing district which certi-  
3 fies a budget to be raised from a property tax levy. When the county auditor  
4 is notified of revenues sufficient to cover expenses as provided in section  
5 50-2903(5), Idaho Code, taxable value shall also include the value that ex-  
6 ceeds the value of the base assessment roll for the portion of any taxing dis-  
7 trict within a revenue allocation area. For each taxing district, taxable  
8 value shall include the value from the property and operating property rolls  
9 for the current year and subsequent and missed property rolls for the prior  
10 year or the best estimate of the subsequent and missed property rolls for the  
11 current year.

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

14 63-811. COMPUTATION OF PROPERTY TAXES -- DUTY OF COUNTY AUDITOR. (1)  
15 The county auditor must cause to be computed the amount of the local property  
16 taxes levied on the total of the taxable value as entered on the property and  
17 operating property rolls, and must deliver the property and operating prop-  
18 erty rolls to the tax collector on or before the first Monday of November.

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

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

30 (4) Except as provided in subsection (1) (a) through (e) and subsection  
31 (2) of section 50-2908, Idaho Code, for the purpose of this section, "taxable  
32 value" shall mean the portion of the equalized assessed value, less any ex-  
33 emptions and the value that exceeds the value of the base assessment roll for  
34 the portion of any taxing district within a revenue allocation area of an ur-  
35 ban renewal district, located within each taxing district which certifies a  
36 budget to be raised from a property tax levy.

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

43 (6) Failure of the auditor to make the affidavit shall not affect the  
44 validity of any entry on the roll. The making of such affidavit, however, is  
45 declared to be a duty pertaining to the office of the county auditor. In ev-  
46 ery case where the said affidavit is omitted from the real property assess-  
47 ment roll, completed and delivered as aforesaid, the board of county commis-  
48 sioners must require the county auditor to make the same, and upon refusal or  
49 neglect of such county auditor to make and subscribe to such affidavit forth-

1 with, the chairman of the said board must immediately file in the district  
2 court in the county, an information in writing, verified by his oath, charg-  
3 ing such county auditor with refusal or neglect to perform the official du-  
4 ties pertaining to his office, and thereupon he must be proceeded against as  
5 in such cases provided by law.