

IN THE SENATE

SENATE BILL NO. 1031

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1
2 RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602, IDAHO
3 CODE, TO PROVIDE THAT CERTAIN WATER RIGHTS AND PROPERTY OF IRRIGATION
4 AND CANAL COMPANIES EXEMPT FROM TAXATION DO NOT REQUIRE CERTAIN AP-
5 PROVAL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

9 63-602. PROPERTY EXEMPT FROM TAXATION. (1) Property shall be exempt
10 from taxation as provided in titles 21, 22, 25, 26, 31, 33, 39, 41, 42, 49, 50,
11 67 and 70, Idaho Code, and in chapters 6, 24, 30, 35 and 45, title 63, Idaho
12 Code; provided, that no deduction shall be made in assessment of shares of
13 capital stock of any corporation or association for exemptions claimed under
14 this section, and provided further, that the term "full cash value" wherever
15 used in this act shall mean the actual assessed value of the property as to
16 which an exemption is claimed.

17 (2) The use of the word "exclusive" or "exclusively" in this chapter
18 shall mean used exclusively for any one (1) or more, or any combination, of
19 the exempt purposes provided hereunder and property used for more than one
20 (1) exempt purpose, pursuant to the provisions of sections 63-602A through
21 63-60200, Idaho Code, shall be exempt from taxation hereunder as long as the
22 property is used exclusively for one (1) or more or any combination of the ex-
23 empt purposes provided hereunder.

24 (3) All exemptions from property taxation claimed shall be approved an-
25 nually by the board of county commissioners or unless otherwise provided:

26 (a) Exemptions pursuant to sections 63-602A, 63-602F, 63-602I,
27 63-602J, 63-602L(1), 63-602M, 63-602N, 63-602R, 63-602S, 63-602U,
28 63-602V, 63-602W, 63-602Z, 63-602DD(1), 63-602EE, 63-60200, 63-2431,
29 63-3502, 63-3502A and 63-3502B, Idaho Code, do not require application
30 or approval by the board of county commissioners. For all other exemp-
31 tions in title 63, Idaho Code, the process of applying is as specified in
32 the exemption statutes or, if no process is specified and application is
33 necessary to identify the property eligible for the exemption, annual
34 application is required. Exemptions in other titles require no appli-
35 cation.

36 (b) For exemptions that require an application, provided such exemp-
37 tions are for property otherwise subject to assessment by the county
38 assessor, the application must be made to the county commissioners by
39 April 15 and the taxpayer and county assessor must be notified of any de-
40 cision by May 15, unless otherwise provided by law. The decision of the
41 county commissioners and any subsequent assessment notices sent to the

1 taxpayer may be appealed to the county board of equalization pursuant to
2 sections 63-501 and 63-501A, Idaho Code.

3 (c) For exemptions that require an application, provided such exemp-
4 tions are for property otherwise subject to assessment by the state tax
5 commission, application for exemption shall be included with the an-
6 nual operator's statement as required pursuant to section 63-404, Idaho
7 Code. Notice of the decision and its effect on the assessment will be
8 provided in accordance with procedures specified in chapter 4, title
9 63, Idaho Code. Appeals shall be made to the state tax commission in ac-
10 cordance with section 63-407, Idaho Code.

11 (4) An owner of property that is intended for a tax-exempt purpose may
12 apply to the board of county commissioners for a provisional property tax ex-
13 emption, pursuant to section 63-1305C, Idaho Code.

14 SECTION 2. An emergency existing therefor, which emergency is hereby
15 declared to exist, this act shall be in full force and effect on and after
16 July 1, 2023.