

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 141

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO FLOATING HOMES; AMENDING SECTION 55-2704, IDAHO CODE, TO REVISE THE DEFINITION OF "FLOATING HOME"; AND AMENDING SECTION 63-201, IDAHO CODE, TO REVISE THE DEFINITION OF "FLOATING HOME" AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 55-2704, Idaho Code, be, and the same is hereby amended to read as follows:

55-2704. DEFINITIONS. (1) "Floating home" means a floating structure which is designed and built to be used, or is modified to be used, as a stationary waterborne residential dwelling, ~~has no mode or power of its own, is dependent for utilities upon a continuous utility linkage to a source originating on shore, and has a permanent continuous connection to a sewage system on shore.~~

(2) "Floating home moorage marina" or "moorage" means a waterfront facility for the moorage of one (1) or more floating homes and the land and water premises on which such facility is located.

(3) "Landlord" means the owner of a floating home marina and includes the agent of the landlord.

(4) "Moorage site" means a part of a floating home marina located over water and designed to accommodate one (1) floating home.

(5) "Resident organization" means a tenant or homeowner's association, whether or not incorporated, the membership of which is made up of tenants of the floating home marina and/or owners of a floating home.

(6) "Tenant" means any person who rents a floating home moorage site or the person's agent of record.

SECTION 2. That Section 63-201, Idaho Code, be, and the same is hereby amended to read as follows:

63-201. DEFINITIONS. As used for property tax purposes in title 63, chapters 1 through 23, Idaho Code, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning:

(1) "Appraisal" means an estimate of property value for property tax purposes.

(a) For the purpose of estimated property value to place the value on any assessment roll, the value estimation must be made by the assessor or a certified property tax appraiser.

(b) For the purpose of estimating property value to present for an appeal filed pursuant to sections 63-501A, 63-407 and 63-409, Idaho Code, the value estimation may be made by the assessor, a certified property tax appraiser, a licensed appraiser, or a certified appraiser or any party as specified by law.

1 (2) "Bargeline" means those water transportation tugs, boats, barges, lighters and other  
2 equipment and property used in conjunction with waterways for bulk transportation of freight  
3 or ship assist.

4 (3) "Cogenerators" means facilities which produce electric energy, and steam or forms of  
5 useful energy which are used for industrial, commercial, heating or cooling purposes.

6 (4) "Collection costs" are amounts authorized by law to be added after the date of  
7 delinquency and collected in the same manner as property tax.

8 (5) "Credit card" means a card or device, whether known as a credit card or by any  
9 other name, issued under an arrangement pursuant to which a card issuer gives to a cardholder  
10 the privilege of obtaining credit from the card issuer or other person in purchasing or leasing  
11 property or services, obtaining loans, or otherwise.

12 (6) "Debit card" means any instrument or device, whether known as a debit card or by  
13 any other name, issued with or without a fee by an issuer for the use of the cardholder in  
14 depositing, obtaining or transferring funds.

15 (7) "Delinquency" means any property tax, special assessment, fee, collection cost, or  
16 charge collected in the same manner as property tax, that has not been paid in the manner and  
17 within the time limits provided by law.

18 (8) "Electronic funds transfer" means any transfer of funds that is initiated by electronic  
19 means, such as an electronic terminal, telephone, computer, ATM or magnetic tape.

20 (9) "Fixtures" means those articles that, although once movable chattels, have become  
21 accessory to and a part of improvements to real property by having been physically  
22 incorporated therein or annexed or affixed thereto in such a manner that removing them would  
23 cause material injury or damage to the real property, the use or purpose of such articles is  
24 integral to the use of the real property to which it is affixed, and a person would reasonably be  
25 considered to intend to make the articles permanent additions to the real property. "Fixtures"  
26 includes systems for the heating, air conditioning, ventilation, sanitation, lighting and plumbing  
27 of such building. "Fixtures" does not include machinery, equipment or other articles that are  
28 affixed to real property to enable the proper utilization of such articles.

29 ~~(7)10~~ "Floating home" means a floating structure that is designed and built to be used, or  
30 is modified to be used, as a stationary waterborne residential dwelling, ~~has no mode of power~~  
31 ~~of its own, is dependent for utilities upon a continuous utility linkage to a source originating on~~  
32 ~~shore, and has a permanent continuous connection to a sewage system on shore.~~

33 ~~(8)11~~ "Improvements" means all buildings, structures, manufactured homes, as defined in  
34 section 39-4105(8), Idaho Code, mobile homes as defined in section 39-4105(9), Idaho Code,  
35 and modular buildings, as defined in section 39-4301(7), Idaho Code, erected upon or affixed  
36 to land, fences, water ditches constructed for mining, manufacturing or irrigation purposes,  
37 fixtures, and floating homes, whether or not such improvements are owned separately from the  
38 ownership of the land upon or to which the same may be erected, affixed or attached. The term  
39 "improvements" also includes all fruit, nut-bearing and ornamental trees or vines not of natural  
40 growth, growing upon the land, except nursery stock.

41 ~~(10)2~~ "Late charge" means a charge of two percent (2%) of the delinquency.

42 ~~(14)3~~ "Lawful money of the United States" means currency and coin of the United  
43 States at par value and checks and drafts which are payable in dollars of the United States  
44 at par value, payable upon demand or presentment.

45 ~~(12)4~~ "Legal tender" means lawful money as defined in subsection ~~(14)3~~ of this section.

1           ~~13~~(1415) "Market value" means the amount of United States dollars or equivalent for  
 2 which, in all probability, a property would exchange hands between a willing seller, under  
 3 no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to  
 4 consummate the sale, substantiated by a reasonable down or full cash payment.

5           (~~1526~~) "Operating property" means real and personal property operated in connection  
 6 with any public utility, railroad or private railcar fleet, wholly or partly within this state, and  
 7 which property is necessary to the maintenance and operation of the public utility, railroad or  
 8 private railcar fleet, and the roads or lines thereof, and includes all rights-of-way accompanied  
 9 by title; roadbeds; tracks; pipelines; bargelines; equipment and docks; terminals; rolling stock;  
 10 equipment; power stations; power sites; lands; reservoirs, generating plants, transmission lines,  
 11 distribution lines and substations; and all title and interest in such property, as owner, lessee  
 12 or otherwise. The term includes electrical generation plants under construction, whether or not  
 13 owned by or operated in connection with any public utility. For the purpose of the appraisal,  
 14 assessment and taxation of operating property, pursuant to chapter 4, title 63, Idaho Code, the  
 15 value of intangible personal property shall be excluded from the taxable value of operating  
 16 property in accordance with the provisions of section 63-602L, Idaho Code, and the value of  
 17 personal property, other than intangible personal property, shall be excluded from the taxable  
 18 value of operating property in accordance with the provisions of section 63-602KK, Idaho  
 19 Code.

20           (~~1637~~) "Party in interest" means a person who holds a properly recorded mortgage, deed  
 21 of trust or security interest.

22           (~~1748~~) "Person" means any entity, individual, corporation, partnership, firm, association,  
 23 limited liability company, limited liability partnership or other such entities as recognized by  
 24 the state of Idaho.

25           (~~1859~~) "Personal property" means everything that is the subject of ownership and that is  
 26 not included within the term "real property."

27           (~~19620~~) "Private railcar fleet" means railroad cars or locomotives owned by, leased  
 28 to, occupied by or franchised to any person other than a railroad company operating a line  
 29 of railroad in Idaho or any company classified as a railroad by the interstate commerce  
 30 commission and entitled to possess such railroad cars and locomotives except those possessed  
 31 solely for the purpose of repair, rehabilitation or remanufacturing of such locomotives or  
 32 railroad cars.

33           (~~2071~~) "Public utility" means electrical companies, pipeline companies, natural gas  
 34 distribution companies, or power producers included within federal law, bargelines, and water  
 35 companies which are under the jurisdiction of the Idaho public utilities commission. The term  
 36 also includes telephone corporations, as that term is defined in section 62-603, Idaho Code,  
 37 except as hereinafter provided, whether or not such telephone corporation has been issued a  
 38 certificate of convenience and necessity by the Idaho public utilities commission.

39           This term does not include cogenerators, mobile telephone service or companies, nor does  
 40 it include pager service or companies, except when such services are an integral part of services  
 41 provided by a certificated utility company, nor does the term "public utility" include companies  
 42 or persons engaged in the business of providing solely on a resale basis, any telephone or  
 43 telecommunication service which is purchased from a telephone corporation or company.

44           (~~2182~~) "Railroad" means every kind of railway, whether its line of rails or tracks be  
 45 at, above or below the surface of the earth, and without regard to the kind of power used  
 46 in moving its rolling stock, and shall be considered to include every kind of street railway,

1 suburban railway or interurban railway excepting facilities established solely for maintenance  
2 and rebuilding of railroad cars or locomotives.

3 (~~2293~~) "Real property" means land and all rights and privileges thereto belonging or any  
4 way appertaining, all quarries and fossils in and under the land, and all other property which  
5 the law defines, or the courts may interpret, declare and hold to be real property under the  
6 letter, spirit, intent and meaning of the law, improvements and all standing timber thereon,  
7 including standing timber owned separately from the ownership of the land upon which the  
8 same may stand, except as modified in chapter 17, title 63, Idaho Code, ~~and~~. Timber, forest,  
9 forest land, and forest products shall be defined as provided in chapter 17, title 63, Idaho Code.

10 (~~2304~~) "Record owner" means the person or persons in whose name or names the  
11 property stands upon the records of the county recorder's office. Where the record owners are  
12 husband and wife at the time of notice of pending issue of tax deed, notice to one (1) shall be  
13 deemed and imputed as notice to the other spouse.

14 (~~2445~~) "Special assessment" means a charge imposed upon property for a specific  
15 purpose, collected and enforced in the same manner as property taxes.

16 (~~2526~~) "System value" means the market value for assessment purposes of the operating  
17 property when considered as a unit.

18 (~~2637~~) "Tax code area" means a geographical area made up of one (1) or more taxing  
19 districts with one (1) total levy within the geographic area, except as otherwise provided by  
20 law.

21 (~~2748~~) "Taxing district" means any entity or unit with the statutory authority to levy a  
22 property tax.

23 (~~2859~~) "Taxable value" means market value for assessment purposes, less applicable  
24 exemptions or other statutory provisions.

25 (~~29630~~) "Transient personal property" is personal property, specifically such construction,  
26 logging or mining machinery and equipment which is kept, moved, transported, shipped, hauled  
27 into or remaining for periods of not less than thirty (30) days, in more than one (1) county in  
28 the state during the same year.

29 (~~3071~~) "Warrant of distraint" means a warrant ordering the seizure of personal property  
30 to enforce payment of property tax, special assessment, expense, fee, collection cost or charge  
31 collected in the same manner as personal property tax.