

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 228

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-208, IDAHO CODE, TO PRO-
2 VIDE THAT THERE WILL BE NO ADJUSTMENT FOR OBSOLESCENCE WITHOUT EVIDENCE
3 OF THE CAUSE OF CLAIMED OBSOLESCENCE, THE QUANTITY OF SUCH OBSOLESCENCE
4 AND THAT THE ASSERTED CAUSE OF THE OBSOLESCENCE ACTUALLY NEGATIVELY
5 AFFECTS THE SUBJECT PROPERTY, TO PROVIDE APPLICATION, TO PROVIDE FOR
6 RULES AND TO PROVIDE SEVERABILITY.
7

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

9 SECTION 1. That Section 63-208, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 63-208. RULES PERTAINING TO MARKET VALUE -- DUTY OF ASSESSORS. (1) It
12 shall be the duty of the state tax commission to prepare and distribute to
13 each county assessor and the county commissioners within the state of Idaho,
14 rules prescribing and directing the manner in which market value for assess-
15 ment purposes is to be determined for the purpose of taxation. The rules pro-
16 mulgated by the state tax commission shall require each assessor to find mar-
17 ket value for assessment purposes of all property, except that expressly ex-
18 empt under chapter 6, title 63, Idaho Code, within his county according to
19 recognized appraisal methods and techniques as set forth by the state tax
20 commission; provided, that the actual and functional use shall be a major
21 consideration when determining market value for assessment purposes; pro-
22 vided further, that there will be no adjustment for obsolescence without ev-
23 idence of the cause of claimed obsolescence, the quantity of such obsoles-
24 cence and that the asserted cause of the obsolescence actually negatively
25 affects the subject property.

26 The state tax commission is hereby authorized to promulgate rules to im-
27 plement the provisions of this section.

28 The provisions of this section are hereby declared to be severable and
29 if any provision of this section or the application of such provision to any
30 person or circumstance is declared invalid for any reason, such declaration
31 shall not affect the validity of the remaining portions of this act.

32 (2) To maximize uniformity and equity in assessment of different cat-
33 egories of property, such rules shall, to the extent practical, require the
34 use of reproduction or replacement cost less depreciation as opposed to his-
35 toric cost less depreciation whenever cost is considered as a single or one
36 (1) of several factors in establishing the market value of depreciable prop-
37 erty. The state tax commission shall also prepare and distribute amendments
38 and changes to the rules as shall be necessary in order to carry out the in-
39 tent and purposes of this title. The rules shall be in the form as the commis-
40 sion shall direct, and shall be made available upon request to other public
41 officers and the general public in reasonable quantities without charge. In
42 ascertaining the market value for assessment purposes of any item of prop-

1 erty, the assessor of each county shall, and is required to, abide by, adhere
2 to and conform with rules promulgated by the state tax commission.