

IN THE SENATE

SENATE BILL NO. 1345

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO TAXATION; AMENDING SECTION 63-111, IDAHO CODE, TO PROVIDE FOR  
2 SECURE ELECTRONIC COMMUNICATION AS A MEANS FOR TRANSMITTING CERTAIN  
3 COMMUNICATIONS; AMENDING SECTION 63-201, IDAHO CODE, TO DEFINE A TERM;  
4 AMENDING SECTION 63-510, IDAHO CODE, TO PROVIDE A CORRECT CODE REF-  
5 ERENCE; AMENDING SECTION 63-2517, IDAHO CODE, TO PROVIDE FOR SECURE  
6 ELECTRONIC COMMUNICATION AS A MEANS FOR TRANSMITTING CERTAIN NOTICES;  
7 AMENDING SECTION 63-3045, IDAHO CODE, TO PROVIDE FOR SECURE ELECTRONIC  
8 COMMUNICATION AS A MEANS FOR TRANSMITTING CERTAIN NOTICES; AMENDING  
9 SECTION 63-3045B, IDAHO CODE, TO PROVIDE FOR SECURE ELECTRONIC COMMUNI-  
10 CATION AS A MEANS FOR TRANSMITTING CERTAIN DOCUMENTS; AMENDING SECTION  
11 63-3061A, IDAHO CODE, TO PROVIDE FOR SECURE ELECTRONIC COMMUNICATION AS  
12 A MEANS FOR TRANSMITTING CERTAIN NOTICES; AMENDING SECTION 63-3065A,  
13 IDAHO CODE, TO PROVIDE FOR SECURE ELECTRONIC COMMUNICATION AS A MEANS  
14 FOR TRANSMITTING CERTAIN NOTICES; AMENDING SECTION 63-3620C, IDAHO  
15 CODE, TO PROVIDE FOR SECURE ELECTRONIC COMMUNICATION AS A MEANS FOR  
16 TRANSMITTING CERTAIN NOTICES AND TO MAKE TECHNICAL CORRECTIONS; AMEND-  
17 ING SECTION 63-4003, IDAHO CODE, TO PROVIDE FOR SECURE ELECTRONIC COM-  
18 MUNICATION AS A MEANS FOR TRANSMITTING TAX COLLECTION COMMUNICATIONS;  
19 PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN  
20 EFFECTIVE DATE.  
21

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

23 SECTION 1. That Section 63-111, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 63-111. CERTIFICATE BY CHAIRMAN -- CHANGES IN ASSESSMENT. (1) On or  
26 before the first Monday of September in each year, the chairman of the state  
27 tax commission must transmit by certified mail ~~or~~, by other commercial de-  
28 livery service providing proof of delivery, or by secure electronic communi-  
29 cation, whichever is the most cost-efficient, to the county auditor of each  
30 county in the state, a certified statement showing all the changes in the as-  
31 sessment of any class or all classes of property, or in the aggregate value  
32 of all property in said county, and the total increase or decrease as a result  
33 of all changes made by the state tax commission in the assessment of property  
34 in said county, and the county auditor shall, upon receipt of such certified  
35 statement, file the same in his office.

36 (2) In transmitting the certified statement, as prescribed in subsec-  
37 tion (1) of this section, the chairman shall also transmit therewith the  
38 certificate showing the total amount of state property and special state  
39 taxes, if any, found to be due from the county, and shall also transmit  
40 therewith a certified statement showing the assessment of any railroad,  
41 telegraph, telephone or electric current transmission or distribution line  
42 and all other operating property under the jurisdiction of the state tax com-

1 mission situated wholly or partly within the county, specifying the number  
2 of miles, the equalized value per mile, and the total equalized value of each  
3 line in the county, and in any taxing district into or through which such  
4 line extends, and the name of such line, if any, and the name and post office  
5 address of the taxpayer or owner of such line, and the county auditor shall,  
6 upon receipt of such certified statement, file the same in his office.

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

9 63-201. DEFINITIONS. As used for property tax purposes in chapters 1  
10 through 23, title 63, Idaho Code, the terms defined in this section shall  
11 have the following meanings, unless the context clearly indicates another  
12 meaning:

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

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

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

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

26 (3) "Cogenerators" means facilities that produce electric energy, and  
27 steam or forms of useful energy that are used for industrial, commercial,  
28 heating or cooling purposes.

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

31 (5) "Credit card" means a card or device, whether known as a credit card  
32 or by any other name, issued under an arrangement pursuant to which a card is-  
33 suer gives to a cardholder the privilege of obtaining credit from the card  
34 issuer or other person in purchasing or leasing property or services, ob-  
35 taining loans, or otherwise.

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

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

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

45 (9) "Fixtures" means those articles that, although once movable chat-  
46 tels, have become accessory to and a part of improvements to real property  
47 by having been physically incorporated therein or annexed or affixed thereto  
48 in such a manner that removing them would cause material injury or damage to  
49 the real property, the use or purpose of such articles is integral to the use

1 of the real property to which it is affixed, and a person would reasonably  
2 be considered to intend to make the articles permanent additions to the real  
3 property. "Fixtures" includes systems for the heating, air conditioning,  
4 ventilation, sanitation, lighting and plumbing of such building.

5 (10) "Floating home" means a floating structure that is designed and  
6 built to be used, or is modified to be used, as a stationary waterborne resi-  
7 dential dwelling.

8 (11) "Improvements" means all buildings, structures, manufactured  
9 homes, as defined in section 39-4105(8), Idaho Code, mobile homes as defined  
10 in section 39-4105(9), Idaho Code, and modular buildings, as defined in  
11 section 39-4301(10), Idaho Code, erected upon or affixed to land, fences,  
12 water ditches constructed for mining, manufacturing or irrigation purposes,  
13 fixtures, and floating homes, whether or not such improvements are owned  
14 separately from the ownership of the land upon or to which the same may be  
15 erected, affixed or attached. The term "improvements" also includes all  
16 fruit, nut-bearing and ornamental trees or vines not of natural growth,  
17 growing upon the land, except nursery stock.

18 (12) "Late charge" means a charge of two percent (2%) of the delin-  
19 quency.

20 (13) "Lawful money of the United States" means currency and coin of the  
21 United States at par value and checks and drafts that are payable in dollars  
22 of the United States at par value, payable upon demand or presentment.

23 (14) "Legal tender" means lawful money as defined in subsection (13) of  
24 this section.

25 (15) "Market value" means the amount of United States dollars or equiva-  
26 lent for which, in all probability, a property would exchange hands between a  
27 willing seller, under no compulsion to sell, and an informed, capable buyer,  
28 with a reasonable time allowed to consummate the sale, substantiated by a  
29 reasonable down or full cash payment.

30 (16) "Operating property" means real and personal property operated  
31 in connection with any public utility, railroad or private railcar fleet,  
32 wholly or partly within this state, and which property is necessary to the  
33 maintenance and operation of the public utility, railroad or private railcar  
34 fleet, and the roads or lines thereof, and includes all rights-of-way ac-  
35 companied by title; roadbeds; tracks; pipelines; bargelines; equipment and  
36 docks; terminals; rolling stock; equipment; power stations; power sites;  
37 lands; reservoirs, generating plants, transmission lines, distribution  
38 lines and substations; and all title and interest in such property, as owner,  
39 lessee or otherwise. The term includes electrical generation plants under  
40 construction, whether or not owned by or operated in connection with any  
41 public utility. For the purpose of the appraisal, assessment and taxation of  
42 operating property, pursuant to chapter 4, title 63, Idaho Code, the value of  
43 intangible personal property shall be excluded from the taxable value of op-  
44 erating property in accordance with the provisions of section 63-602L, Idaho  
45 Code, and the value of personal property, other than intangible personal  
46 property, shall be excluded from the taxable value of operating property in  
47 accordance with the provisions of section 63-602KK, Idaho Code. Operating  
48 property shall be included in taxable value for the purpose of making a levy,  
49 as required in section 63-803, Idaho Code, except when an exemption is pro-  
50 vided or when said levy is to be made against real property only.

1 (17) "Party in interest" means a person who holds a recorded purchase  
2 contract, mortgage, deed of trust, security interest, lien or lease upon the  
3 property. For purposes of notice requirements in section 63-1009, Idaho  
4 Code, recording includes documents recorded in full or by memorandum provid-  
5 ing notice thereof.

6 (18) "Person" means any entity, individual, corporation, partnership,  
7 firm, association, limited liability company, limited liability partner-  
8 ship or other such entities as recognized by the state of Idaho.

9 (19) "Personal property" means everything that is the subject of owner-  
10 ship and that is not included within the term "real property."

11 (20) "Private railcar fleet" means railroad cars or locomotives owned  
12 by, leased to, occupied by or franchised to any person other than a railroad  
13 company operating a line of railroad in Idaho or any company classified as a  
14 railroad by the interstate commerce commission and entitled to possess such  
15 railroad cars and locomotives except those possessed solely for the purpose  
16 of repair, rehabilitation or remanufacturing of such locomotives or rail-  
17 road cars.

18 (21) "Public utility" means electrical companies, pipeline companies,  
19 natural gas distribution companies, or power producers included within fed-  
20 eral law, bargelines, and water companies which are under the jurisdiction  
21 of the Idaho public utilities commission. The term also includes telephone  
22 corporations, as that term is defined in section 62-603, Idaho Code, except  
23 as hereinafter provided, whether or not such telephone corporation has been  
24 issued a certificate of convenience and necessity by the Idaho public utili-  
25 ties commission. This term does not include cogenerators, mobile telephone  
26 service or companies, nor does it include pager service or companies, except  
27 when such services are an integral part of services provided by a certifi-  
28 cated utility company, nor does the term "public utility" include companies  
29 or persons engaged in the business of providing solely on a resale basis, any  
30 telephone or telecommunication service that is purchased from a telephone  
31 corporation or company.

32 (22) "Railroad" means every kind of railway, whether its line of rails  
33 or tracks be at, above or below the surface of the earth, and without regard  
34 to the kind of power used in moving its rolling stock, and shall be consid-  
35 ered to include every kind of street railway, suburban railway or interur-  
36 ban railway excepting facilities established solely for maintenance and re-  
37 building of railroad cars or locomotives.

38 (23) "Real property" means land and all rights and privileges thereto  
39 belonging or any way appertaining, all quarries and fossils in and under the  
40 land, and all other property that the law defines, or the courts may inter-  
41 pret, declare and hold to be real property under the letter, spirit, intent  
42 and meaning of the law, improvements and all standing timber thereon, in-  
43 cluding standing timber owned separately from the ownership of the land upon  
44 which the same may stand, except as modified in chapter 17, title 63, Idaho  
45 Code. Timber, forest, forest land, and forest products shall be defined as  
46 provided in chapter 17, title 63, Idaho Code.

47 (24) "Record owner" means the person or persons in whose name or names  
48 the property stands upon the records of the county recorder's office. Where  
49 the record owners are husband and wife at the time of notice of pending issue

1 of tax deed, notice to one (1) shall be deemed and imputed as notice to the  
2 other spouse.

3 (25) "Secure electronic communication" means a communication trans-  
4 mitted securely by means of an electronic device that includes a secure  
5 logged-in user interface process that meets federal information protection  
6 requirements for accessing data and information or similar systems of meth-  
7 ods that provide documents or other communication to any person by the state  
8 tax commission. Such communication is accomplished and is deemed sent when  
9 the notice, decision, or other document is made available in the logged-in  
10 user interface and is deemed received upon the opening of the communication  
11 by the recipient. Secure electronic communication shall be used only if the  
12 recipient elects to receive documents and other information through such  
13 means.

14 ~~(25)~~ (26) "Special assessment" means a charge imposed upon property for  
15 a specific purpose, collected and enforced in the same manner as property  
16 taxes.

17 ~~(26)~~ (27) "System value" means the market value for assessment purposes  
18 of the operating property when considered as a unit.

19 ~~(27)~~ (28) "Tax code area" means a geographical area made up of one (1)  
20 or more taxing districts with one (1) total levy within the geographic area,  
21 except as otherwise provided by law.

22 ~~(28)~~ (29) "Taxing district" means any entity or unit with the statutory  
23 authority to levy a property tax.

24 ~~(29)~~ (30) "Taxable value" means market value for assessment purposes,  
25 less applicable exemptions or other statutory provisions. When statutory  
26 provisions define taxable value as limited to real property for the purpose  
27 of making a levy, operating property shall not be included.

28 ~~(30)~~ (31) "Transient personal property" is personal property, specifi-  
29 cally such construction, logging or mining machinery and equipment which is  
30 kept, moved, transported, shipped, hauled into or remaining for periods of  
31 not less than thirty (30) days, in more than one (1) county in the state dur-  
32 ing the same year.

33 ~~(31)~~ (32) "Warrant of distraint" means a warrant ordering the seizure of  
34 personal property to enforce payment of property tax, special assessment,  
35 expense, fee, collection cost or charge collected in the same manner as per-  
36 sonal property tax.

37 SECTION 3. That Section 63-510, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 63-510. NOTIFICATION OF VALUATION DUE TO STATE TAX COMMISSION. (1)  
40 Prior to the first Monday of August the auditor of each county in the state  
41 shall notify the state tax commission of the net taxable value of all prop-  
42 erty situated within each taxing unit or district in the county from the  
43 property roll for the current year and shall provide an estimate of the net  
44 taxable value for each taxing unit or district from the current year's es-  
45 timated subsequent and missed property rolls. Such notification shall also  
46 include an estimate of the net taxable value within any area annexed during  
47 the immediate prior year to any taxing unit or district.

48 (2) Prior to the first Monday of March the auditor of each county in the  
49 state shall notify the state tax commission of the net taxable value of all

1 property situated within each taxing unit or district in the county from the  
 2 subsequent and missed property rolls. Such notification shall also include  
 3 an estimate of the net taxable value within any area annexed during the im-  
 4 mediate prior year, and listed on the subsequent or missed property roll, to  
 5 any taxing unit or district.

6 (3) The notification required in subsections (1) and (2) of this sec-  
 7 tion shall be on forms prescribed and provided by the state tax commission  
 8 and shall list separately the value exempt from property taxation in accor-  
 9 dance with section 63-602G, Idaho Code, and the value in excess of the equal-  
 10 ized assessment valuation as shown on the base assessment roll in any revenue  
 11 allocation area, pursuant to chapters 20 and 29, title 50, Idaho Code.

12 (4) For the purposes of this section, "taxing district," as defined in  
 13 section ~~63-201(28)~~ 63-201, Idaho Code, shall include each incorporated city  
 14 in each county, regardless of whether said city certifies a property tax bud-  
 15 get.

16 SECTION 4. That Section 63-2517, Idaho Code, be, and the same is hereby  
 17 amended to read as follows:

18 63-2517. JURISDICTION OVER NONRESIDENTS. A deficiency assessed and  
 19 due and payable by a person not within the state may be prosecuted against  
 20 such person by an action in any court in this state having jurisdiction of  
 21 the subject matter, and the court shall have personal jurisdiction of such  
 22 a person in any such action for taxes imposed and assessed under this act.  
 23 Notice shall be given such person by personal service without the state or  
 24 by publication. In the event such notice shall be by publication, notice  
 25 shall also be mailed by registered or certified mail or secure electronic  
 26 communication to such person at his last known address.

27 SECTION 5. That Section 63-3045, Idaho Code, be, and the same is hereby  
 28 amended to read as follows:

29 63-3045. NOTICE OF REDETERMINATION OR DEFICIENCY -- INTEREST.

30 (1) (a) If, in the case of any taxpayer, the state tax commission de-  
 31 termines that there is a deficiency in respect of the tax imposed by  
 32 this title, the state tax commission shall, immediately upon discovery  
 33 thereof, send notice of such deficiency to the taxpayer by first class  
 34 mail ~~or~~, by other commercial delivery service providing proof of de-  
 35 livery, or by secure electronic communication, whichever is the most  
 36 cost-efficient. The notice shall be sent to the taxpayer's last address  
 37 known to the state tax commission. The notice of deficiency shall be  
 38 accompanied by an explanation of the specific reason for the determi-  
 39 nation and an explanation of the taxpayer's right to appeal. Within  
 40 sixty-three (63) days after such notice is ~~mailed~~ sent, the taxpayer  
 41 may, at his option, file a protest in writing with the state tax commis-  
 42 sion and obtain redetermination of the deficiency.

43 (b) If the taxpayer files a protest with the state tax commission within  
 44 the period set forth in paragraph (a) of this subsection, and such  
 45 protest does not comply with the rules of the state tax commission and  
 46 is therefore inadequate to perfect the taxpayer's right to a redetermi-  
 47 nation of the deficiency determination, then the state tax commission

1 shall notify the taxpayer, in the same manner as set forth in paragraph  
2 (a) of this subsection, of such inadequacies, setting forth in said  
3 notice the corrective action to be taken by the taxpayer to perfect his  
4 protest. The taxpayer shall thereafter have twenty-eight (28) days  
5 from the date of said notice to perfect his protest.

6 (c) No assessment of a deficiency in respect to the tax imposed by this  
7 chapter, and no distraint or proceedings in court for its collection,  
8 shall be made, begun, or prosecuted until such notice has been mailed  
9 sent to the taxpayer, nor until all appeal rights relating to the defi-  
10 ciency have become final.

11 (2) (a) Following a perfected protest, the taxpayer has the right to  
12 an independent administrative redetermination of the originating di-  
13 vision's determination before the state tax commission, including a  
14 hearing. The purpose of the hearing is to discuss the deficiency de-  
15 termination and the taxpayer's protest with a commissioner or duly  
16 authorized representative of the commission. The meeting shall be  
17 held informally and evidence shall be freely admitted regardless of the  
18 rules of evidence.

19 (b) Tax commission staff assigned to the administrative redetermi-  
20 nation may not engage in communications relating to the taxpayer's  
21 protest with employees of the originating division without first  
22 providing the taxpayer the opportunity to participate, except for ques-  
23 tions that involve ministerial, administrative or procedural matters  
24 that do not address the substance of the issues or positions taken in the  
25 case or as otherwise allowed under title 63, Idaho Code, and the rules  
26 promulgated thereunder. The state tax commission shall promulgate  
27 rules governing communications with the originating division to ensure  
28 an independent review process. The provisions of this subsection do  
29 not create a substantive right affecting the taxpayer's tax liability  
30 or the state tax commission's ability to determine, assess or collect  
31 that tax liability, including statutory interest and any penalties, if  
32 applicable.

33 (3) Any hearing conducted under the provisions of this section may  
34 be conducted, in whole or in part, by telephone, television, or other  
35 electronic means if each participant in the hearing has an opportunity to  
36 participate in the entire proceeding while it is taking place.

37 (4) A taxpayer has the right to be represented by, or be accompanied by,  
38 any person of his choice in any proceeding before the tax commission. If the  
39 taxpayer is not present at a proceeding, the representative of that taxpayer  
40 must be designated in writing by the taxpayer as shall be prescribed in ad-  
41 ministrative rules or in any manner acceptable to the tax commission.

42 (5) Following a perfected protest, the taxpayer may submit additional  
43 evidence or documentation during the redetermination process subject to the  
44 provisions of section 63-3045B(3) (a), Idaho Code.

45 (6) If the taxpayer does not file a protest with the state tax commis-  
46 sion within the time prescribed in subsection (1) (a) of this section, the de-  
47 ficiency shall be assessed and shall become due and payable upon notice and  
48 demand from the state tax commission.

49 (7) (a) Interest shall apply to deficiencies in tax and refunds of tax.  
50 Interest shall not apply to any penalty or to unpaid accrued interest.

1 Interest relating to deficiencies or refunds accruing after the origi-  
2 nal due date of the return, but not including extensions of the due date,  
3 shall be computed on the net of any underpayments and overpayments of a  
4 tax liability required to be shown as due on the same return. Interest  
5 on deficiencies shall not accrue for any period beginning on the date  
6 on which the state tax commission identifies a return for possible au-  
7 dit until the date of the issuance of a notice of deficiency determina-  
8 tion. Nor shall interest on deficiencies accrue for any period between  
9 the issuance of a notice of deficiency determination that is subject to  
10 a perfected protest and the final determination of the deficiency by the  
11 state tax commission following the state tax commission's disposition  
12 of the protest.

13 (b) Interest upon any deficiency shall be assessed at the same time as  
14 the deficiency, shall be due and payable upon notice and demand from  
15 the state tax commission and shall be collected as a part of the tax at  
16 the rate per annum determined under the provisions of paragraph (c) of  
17 this subsection from the date prescribed for the payment of the tax.  
18 In the event any of the deficiency is reduced by reason of a carryback  
19 of a net operating loss or a capital loss carryback, such reduction in  
20 deficiency shall not affect the computation of interest under this sub-  
21 section for the period ending with the last day of the taxable year in  
22 which the net operating loss or capital loss arises.

23 (c) The rate of interest accruing during any calendar year, or portion  
24 thereof, upon any deficiency, or payable upon an overpayment or re-  
25 fund, shall be two percent (2%) plus the rate determined under section  
26 1274(d), Internal Revenue Code, by the secretary of the treasury of the  
27 United States as the midterm federal rate as it applies on September 15  
28 of the immediately preceding calendar year rounded to the nearest whole  
29 number.

30 (8) When the time provisions contained in this section conflict with  
31 the provisions of section 63-4208, Idaho Code, relating to the assessment of  
32 taxes on illegal possession of controlled substances, the provisions of sec-  
33 tion 63-4208, Idaho Code, shall prevail.

34 SECTION 6. That Section 63-3045B, Idaho Code, be, and the same is hereby  
35 amended to read as follows:

36 63-3045B. FINAL DECISIONS OF THE COMMISSION. (1) If a taxpayer does  
37 not file a protest within the sixty-three (63) day period allowed, the no-  
38 tice of deficiency of the tax commission becomes final on the day following  
39 the end of the protest period.

40 (2) If a taxpayer files a protest, but does not perfect the protest,  
41 the notice of deficiency of the tax commission becomes final on the twenty-  
42 ninth day following the date the tax commission notified the taxpayer that  
43 the protest was not perfected, except that the tax commission may reduce the  
44 amount of the deficiency during the twenty-nine (29) day period.

45 (3) When a perfected protest has been filed, the state tax commission  
46 shall, within fourteen (14) days thereof, provide the taxpayer with a writ-  
47 ten acknowledgment of the protest. After the acknowledgment, a final deci-  
48 sion of the tax commission must be rendered within one hundred eighty (180)  
49 days from either:

1 (a) A request in writing, in a form prescribed by rules of the tax com-  
 2 mission, from the taxpayer for a final decision on that issue; if the  
 3 taxpayer requests such a decision, the tax commission may refuse to ac-  
 4 cept additional evidence or documentation or refuse to allow an appear-  
 5 ance at any proceeding with the commission or any representative of the  
 6 commission during such one hundred eighty (180) day period; or

7 (b) The conclusion of any hearing pursuant to section 63-3045(2)(a),  
 8 Idaho Code, and the taxpayer has not requested or received any extension  
 9 of time to present additional evidence or testimony.

10 (4) A final decision may be held in abeyance, notwithstanding the re-  
 11 quirements of subsection (3) of this section, with the prior approval in  
 12 writing of the taxpayer.

13 (5) If a final decision of the tax commission is not rendered or the  
 14 protest is not resolved by compromise, consent or withdrawal of the notice of  
 15 deficiency determination within the time limits established by subsection  
 16 (3) of this section, the notice of deficiency shall be null and void ab ini-  
 17 tio, with prejudice.

18 (6) A final decision of the tax commission shall be issued in writing  
 19 and mailed, delivered through secure electronic communication, or served  
 20 upon the taxpayer within the time limits set forth herein. The final written  
 21 decision of the tax commission shall, one hundred twenty (120) days after the  
 22 date of the final written decision, be available for public inspection and  
 23 copying pursuant to the provisions of section 74-102, Idaho Code, except:

24 (a) The taxpayer's name, address, taxpayer identification number, so-  
 25 cial security number, permit number, or other identifying information  
 26 shall be removed from the final written decision of the tax commission  
 27 that is made available to the public; and

28 (b) Any proprietary or other identifying information contained in the  
 29 written decision that the taxpayer requests be excised shall be excised  
 30 by the tax commission in the final written decision made available  
 31 to the public. The taxpayer must make such request in writing before  
 32 ninety-one (91) days have elapsed after the date of the final decision.

33 (7) The tax commission shall label each written decision with a unique  
 34 identification number and shall keep a list containing each decision num-  
 35 ber and the date of issuance, as excised in accordance with the provisions  
 36 of this section. A decision shall serve as precedent for the tax commis-  
 37 sion in future protest determinations unless information excised, court de-  
 38 cisions, changes in the Idaho Code, or changes in applicable administrative  
 39 rules overrule, supersede, modify, distinguish, or otherwise make inappli-  
 40 cable the written decision of the tax commission.

41 SECTION 7. That Section 63-3061A, Idaho Code, be, and the same is hereby  
 42 amended to read as follows:

43 63-3061A. NOTICE OF LEVY AND DISTRAINT. ~~(1)~~ The state tax commission  
 44 shall, at the time of levy, provide to the taxpayer and to any person in pos-  
 45 session of the property subject to distraint, written notice of levy and dis-  
 46 traint. The written notice of levy and distraint may be:

47 ~~(a)~~ (1) Given in person;

48 ~~(b)~~ (2) Left at the dwelling place or usual place of business of such  
 49 person; ~~or~~

1       ~~(e) (3)~~ Sent by first class mail to such person's last known address;  
2       or  
3       ~~(2) (4)~~ Service may be made by other means, including electronic means  
4 as provided in chapter 50, title 28, Idaho Code, the uniform electronic  
5 transactions act, when agreed upon by the state tax commission and the party  
6 served Delivered through secure electronic communication.

7       SECTION 8. That Section 63-3065A, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9       63-3065A. JURISDICTION OVER NONRESIDENTS. A deficiency assessed and  
10 due and payable by a person not within the state may be prosecuted against  
11 such person by an action in any court having jurisdiction of the subject  
12 matter or in personam jurisdiction of such person in any action for taxes,  
13 penalty and interest owed the state tax commission. Notice shall be given  
14 and the action shall proceed in accordance with the applicable rules and  
15 statutes regulating civil procedure. In the event such notice shall be by  
16 publication, notice shall also be mailed by certified mail or secure elec-  
17 tronic communication to such person at his last known address.

18       SECTION 9. That Section 63-3620C, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

20       63-3620C. PROMOTER-SPONSORED EVENTS. (1) The operator or promoter  
21 contracting with persons for participation in a promoter sponsored event,  
22 as a prerequisite to renting or leasing space to any person for conducting  
23 business as a retailer on any premises owned or controlled by that operator  
24 or promoter, shall obtain:

25       (a) Written evidence that the retailer holds a valid seller's permit  
26 issued pursuant to this chapter or will apply to the state tax commis-  
27 sion for a regular or temporary seller's permit; or

28       (b) A written statement from the retailer that the retailer is not of-  
29 fering for sale any item that is taxable under this chapter or is other-  
30 wise not required to hold a valid seller's permit.

31       (2) Such written evidence or statements shall be in such form and con-  
32 tain such information as the state tax commission shall require. The opera-  
33 tor or promoter shall submit the documents to the state tax commission within  
34 ten (10) days following the beginning of the event.

35       (3) (a) The state tax commission may appoint a sponsor or promoter as  
36 its agent for issuing temporary seller's permits to participants in the  
37 event and for accounting for such permits.

38       (b) A sponsor or promoter appointed to issue temporary permits under  
39 this subsection shall be entitled to a credit or refund of income or  
40 franchise taxes imposed under chapter 30, title 63, Idaho Code, in the  
41 amount of one dollar (\$1.00) for each such temporary permit issued by  
42 the sponsor or promoter during the taxable year.

43       (4) Any operator or promoter of a promoter-sponsored event who fails to  
44 comply with this section may be subject to a minimum penalty of fifty dollars  
45 (\$50.00) per event and twenty-five dollars (\$25.00) for each seller over two  
46 (2) sellers for whom such records required by subsection (1) of this section  
47 are not obtained, but not to exceed one thousand dollars (\$1,000) for each

1 such event. Under no circumstances, shall an operator or a promoter be re-  
 2 sponsible for sales or use tax not remitted by a retailer at a promoter\_spon-  
 3 sored event.

4 (5) The penalties provided in subsection (4) of this section shall not  
 5 apply:

6 (a) Unless the state tax commission shall have previously given notice  
 7 to the operator or promoter or its officer, agent or employee, by cer-  
 8 tified mail or secure electronic communication, of the requirements of  
 9 this section and of a violation of this section by the operator or pro-  
 10 moter or its officer, agent or employee; or

11 (b) If the operator or promoter shows that such failure was due to rea-  
 12 sonable cause and not to willful neglect.

13 (6) The state tax commission shall give notice of any penalty provided  
 14 in this section and it shall assess such penalties in the manner provided for  
 15 deficiencies of tax.

16 (7) "Promoter\_sponsored event," as used in this section, means a swap  
 17 meet, flea market, gun show, fair or similar activity involving a series  
 18 of sales sufficient in number, scope and character to constitute a regu-  
 19 lar course of business; or any event at which two (2) or more persons offer  
 20 tangible personal property or services for sale or exchange and at which a  
 21 fee is charged for the privilege of offering the services or displaying the  
 22 property for sale or exchange; or at which a fee is charged to prospective  
 23 buyers for admission to the area where the property or services are offered  
 24 or displayed for sale or exchange.

25 SECTION 10. That Section 63-4003, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27 63-4003. COMMUNICATION IN CONNECTION WITH TAX COLLECTION. (1) Without  
 28 the prior consent of the taxpayer or the express permission of a court of com-  
 29 petent jurisdiction, a revenue officer may not communicate with a taxpayer  
 30 in connection with the collection of any tax obligation:

31 (a) At any unusual time or place or a time or place known or which should  
 32 be known to be inconvenient to the taxpayer. In the absence of knowledge  
 33 of circumstances to the contrary, a revenue officer shall presume that  
 34 the convenient time for communicating with a taxpayer is after 8 o'clock  
 35 antemeridian and before 9 o'clock postmeridian, local time at the tax-  
 36 payer's location;

37 (b) If the tax commission has been notified in writing that the taxpayer  
 38 is represented with respect to such tax obligation and has knowledge of,  
 39 or can readily ascertain such representative's name and address, unless  
 40 the representative fails to respond within seven (7) days to a communi-  
 41 cation with the taxpayer, except:

42 (i) To advise the taxpayer that the revenue officer's further ef-  
 43 forts are being terminated;

44 (ii) To notify the taxpayer as required by law that the revenue of-  
 45 ficer may invoke specified remedies which are ordinarily invoked  
 46 by such revenue officer;

47 (iii) Where applicable, to notify the taxpayer that the revenue  
 48 office intends to invoke a specified remedy;

1 (iv) In regard to matters not within the scope of the notice of the  
2 representative's capacity;

3 but nothing shall prohibit the tax commission from copying to the tax-  
4 payer all written communications with the taxpayer's representative;  
5 or

6 (c) At the taxpayer's place of employment if the revenue officer knows  
7 or has reason to know that the taxpayer's employer prohibits the tax-  
8 payer from receiving such communication.

9 (2) The taxpayer shall be provided the option to receive communications  
10 in connection with the collection of any tax obligation through secure elec-  
11 tronic communication as defined in section 63-201, Idaho Code.

12 ~~(2)~~ (3) Except as provided in chapter 30, title 63, Idaho Code, or sec-  
13 tion 63-4002, Idaho Code, without the prior consent of the taxpayer, or the  
14 express permission of a court of competent jurisdiction, or as reasonably  
15 necessary to effectuate a postjudgment judicial remedy, a revenue officer  
16 may not communicate, in connection with the collection of any tax obliga-  
17 tion, with any person other than the taxpayer, or his representative.

18 ~~(3)~~ (4) If a taxpayer notifies a revenue officer in writing that the  
19 taxpayer refuses to pay a tax obligation or that the taxpayer wishes the rev-  
20 enue officer to cease further communication with the taxpayer, the revenue  
21 officer shall not communicate further with the taxpayer with respect to such  
22 tax obligation, except:

23 (a) To advise the taxpayer that the revenue officer's further efforts  
24 are being terminated;

25 (b) To notify the taxpayer as required by law that the revenue officer  
26 may invoke specified remedies which are ordinarily invoked by such rev-  
27 enue officer; or

28 (c) Where applicable, to notify the taxpayer that the revenue officer  
29 intends to invoke a specified remedy.

30 If such notice from the taxpayer is made by mail, notification shall be  
31 complete upon receipt.

32 SECTION 11. SEVERABILITY. The provisions of this act are hereby de-  
33 clared to be severable and if any provision of this act or the application  
34 of such provision to any person or circumstance is declared invalid for any  
35 reason, such declaration shall not affect the validity of the remaining por-  
36 tions of this act.

37 SECTION 12. An emergency existing therefor, which emergency is hereby  
38 declared to exist, this act shall be in full force and effect on and after  
39 July 1, 2026.