

## IDAPA 35 – STATE TAX COMMISSION

### 35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

#### DOCKET NO. 35-0103-1701

#### NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 63-105A, Idaho Code, and Section 63-802, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking may do any of the following:

Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at <https://tax.idaho.gov/i-1141.cfm?com=p>.

1. Attend the negotiated rulemaking meeting(s) and participate in the negotiation process,
2. Attend through a teleconference,
3. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting, and/or
4. Submit written recommendations and comments to the address below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Property Tax Rule 509 – This rule amendment will define the term “abstract” and will explain the verification process by clarifying the requirement that the abstract(s) be signed by the county auditor and assessor.

Property Tax Rule 609 – The examples of partial ownership relative to the homeowner’s exemption will be clarified depending upon the ultimate determination of whether a community property ownership represents 66 2/3% or 50% share when a property is owned by a husband and wife and other person(s).

Property Tax Rule 619 - The application due date (March 15) listed in Rule 619 conflicts with the application due date (April 15) in I. C. 63-602 for the air or water pollution control equipment exemption for properties assessed by the county assessor. It is proposed in the rule that the application due date in Rule 619 be changed to April 15.

Property Tax Rule 700 - The examples of partial ownership relative to the property tax reduction program (circuit breaker program) will be clarified depending upon the ultimate determination of whether a community property ownership represents 66 2/3% or 50% share when a property is owned by a husband and wife and other person(s).

Property Tax Rule 804 - This is an issue with respect to determining when there is a “new” bond that does not generate revenue for an urban renewal agency. There is a need to clarify how the refinancing of debt is to be handled in the levy setting process when the refinancing replaces bonded debt which existed as of December 31, 2007. A new paragraph will be added stating that when debt which existed as of December 31, 2007 is refinanced, the refinanced debt is not to be treated as new debt for levy setting purposes.

Property Tax Rule 995 - The rule will provide consistency to the process of paying taxing districts that were not in compliance, but are now in compliance, for withheld sales tax funds under Section 67-450E(d) Idaho Code. This rule adds the time frame for when the payment of withheld sales tax funds will be paid to the now complying taxing district. The payments will be made by no later than the next quarterly sales tax distribution.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking, contact Alan Dornfest, (208) 334-7742. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission website at the following web address: [www.tax.idaho.gov](http://www.tax.idaho.gov).

All written comments must be directed to the address below.

DATED this 7th day of February, 2017.

Alan Dornfest  
Tax Policy Supervisor  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7742