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**IDAPA 35
TITLE 01
Chapter 03**

35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

000. LEGAL AUTHORITY.

In accordance with Section 63-513, Idaho Code, the State Tax Commission shall promulgate rules implementing the provisions of the Idaho Statutes relating to the income ad valorem property tax laws and related statutes, Chapters 1 through 22 and Chapters 28 and 35, Title 63, Idaho Code. Rules relating to the market value of recreational vehicles are authorized by Section 49-445, Idaho Code. Rules relating to taxation of newly constructed improvements are authorized by Section 63-3912, Idaho Code. (7-1-93)

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 35, Title 01, Chapter 03, "Property Tax Administrative Rules." (7-1-93)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 52-5201(16)(b)(iv), Idaho Code, the Tax Commission has written statements which pertain to the interpretation of the rules of this chapter or to the documentation of compliance with the rules of this chapter. To the extent that these documents are not confidential under Sections 63-3075 or 9-340, Idaho Code, they are available for public inspection and copying at the main office of the State Tax Commission. (7-1-93)

003. ADMINISTRATIVE APPEALS.

This chapter does allow administrative relief of certain provisions outlined herein. These rules relate to proceedings pursuant to Sections 63-112 and 63-710, Idaho Code. (7-1-93)

004. PUBLIC RECORDS.

The records associated with this chapter are subject to the provisions of the Idaho Public Records Act, Chapter 1, Title 9, Idaho Code, to the extent that these documents are not confidential under Sections 63-3075 or 9-340, Idaho Code. (7-1-93)

005. -- 019. (RESERVED).

020. RECREATIONAL VEHICLE ANNUAL LICENSE.

01. The recreational vehicle license fee shall be prorated by quarter for vehicles purchased from retail inventory after January 1, or owned by a resident and brought into the state after January 1. Said fee shall expire on December 31. The fee resulting from proration shall not be less than eight dollars and fifty cents (\$8.50) and includes the three dollar and fifty cent (\$3.50) charge for the recreational vehicle account. (7-1-93)

02. The assessor shall not issue a license for the chassis of the motor home or travel trailer unless the recreational vehicle fee is paid at the same time. (7-1-93)

03. If after August 31, the required license and sticker have not been purchased and displayed, a taxpayer's valuation assessment notice shall be mailed to the owner of the recreational vehicle. If payment of the license fee and display of the sticker is accomplished prior to the fourth (4th) Monday of November, the assessor shall cancel the assessment. (7-1-93)

021. COUNTY ASSESSOR TO ADMINISTER AND COLLECT LICENSE FEE.

01. The assessor shall administer and collect the recreational vehicle license fee based on the industry valuation guide approved by the Commission. The approved guide is the N.A.D.A., Recreational Vehicle Appraisal Guide, September through December Edition, for the year preceding the year in which the fee. (7-1-93)

02. The fee for motor homes shall be based on a schedule to be published annually by the Commission. This schedule shall exclude any chassis value. The Commission will maintain for a minimum of three (3) years the information on which schedules are based. (7-1-93)

022. -- 099. (RESERVED).

100. LIEN OF TAXES--PERSONAL PROPERTY FROM WITHOUT STATE.

01. Tax Lien. A tax lien is a claim or charge on the property which makes the property security for the discharge of the obligation. Tax liens transfer with the property. (7-1-93)

02. Lien Effective Date. Taxes become a lien on any personal or real property as of January 1 of the assessment year, except in the case of personal property from outside the state. The lien attaches to the property at the time of entrance. The property shall be assessed and placed on the assessment roll quarterly. (7-1-93)

03. Assessment Notice. The assessment notice for leased personal property shall be sent to the owner regardless of any contractual agreements between the lessor and lessee. (7-1-93)

101. -- 103. (RESERVED).

104. PROPERTY EXEMPT FROM TAXATION.

The burden of proof of exemption is on the person claiming exemption for the property. (7-1-93)

105. -- 107. (RESERVED).

108. VALUE OF RESIDENTIAL PROPERTY IN CERTAIN ZONED AREAS.

01. Improvements. The residential improvements and any additional garage, shed, or out-buildings on the same lot shall be appraised equitably with comparable improvements on residential lots in the vicinity. (7-1-93)

02. To Qualify for Exemption. The owner must reside in the residence in order to qualify. A residence purchased after January 1, 1980, in an area zoned other than residential, does not qualify for this exemption. (7-1-93)

109. -- 113. (RESERVED).

114. COMPUTATION OF THE IDAHO IRRIGATION EXEMPTION.

01. Production and Delivery Ratio. This ratio is computed by comparing the Idaho investment in production and delivery property to the investment for all Idaho unitary property. The resulting ratio shall be known as the production and delivery ratio. (4-5-95)

02. Idaho Production and Delivery Value. This is computed by multiplying the allocated Idaho unitary value, before any exemptions, by the production and delivery ratio. (4-5-95)

03. Irrigation Use Ratio. This ratio is computed by comparing Idaho irrigation revenue to the total Idaho revenue from unitary operations. The resulting ratio shall be known as the irrigation use ratio. (4-5-95)

04. Idaho Irrigation Exemption. This is computed by multiplying the Idaho production and delivery value by the irrigation use ratio. (4-5-95)

115. PROPERTY EXEMPT FROM TAXATION--CERTAIN HOSPITALS AND REFUGE HOMES.

01. The assessor shall require an annual declaration of personal property which will include the ownership of the property declared. (7-1-93)

02. Declarations shall comply with the provisions of Sections 63-203, 63-204, 63-1203, and 63-1210, Idaho Code. (7-1-93)

03. Medical equipment is equipment used exclusively in the practice of medicine. Chairs, tables, beds, lighting apparatus, cabinets, office equipment, office furniture, data processing equipment, and similar items of personal property are not medical equipment. (7-1-93)

04. Communication equipment, including shortwave, high frequency, and microwave transmission equipment used to transmit signals outside the hospital or refuge home are not medical equipment. (7-1-93)

05. Leased, nonexempt medical equipment shall be assessed to the owner. (7-1-93)

116. -- 124. (RESERVED).

125. PROPERTY EXEMPT FROM TAXATION--FACILITIES FOR WATER OR AIR POLLUTION CONTROL.

01. Only those portions of installations, facilities, machinery, or equipment which are devoted exclusively to elimination, control, or prevention of water or air pollution are exempt. The owner of the property shall annually petition the assessor for exemption. (7-1-93)

02. Exemption will only be allowed if net income from saleable by-products recovered from installations, facilities, machinery, or equipment will not adequately compensate the owner for the total value of the installation. The exempted value shall be the percentage of total investment not having an economic return from the sale of recovered by-products. Net income shall be determined by subtracting the expenses of sale, raw materials required to produce by-products, and transportation to F.O.B. point from gross sales of recovered by-product.

EXAMPLE:

Purchase Price of Scrubber \$1 million/20 year life
1st Year Calculation of Exemption

Gross sales of precipitate	\$11,000/yr
Transport to F.O.B. point	\$100/yr
Lime to precipitate products	\$900/yr
NET INCOME	\$10,000/yr

Industry Capitalization Rate is 10%

Present worth of 1 per period (20 years/10%) 8.513

Present value of net income \$ 85,130

Therefore, exempt value is (\$1,000,000 - \$85,130) \$914,870
or 91.5% exempt

Indirect costs associated with operating the scrubber such as power, maintenance, etc., are not proper deductions from gross sales to reach net income. (7-1-93)

03. Basic sewage disposal systems as required by city, county, or state codes or by the State Department of Health for residential, commercial, and industrial properties are not exempt under Section 63-105T, Idaho Code, unless the primary purpose of the facilities is the elimination of industrial waste. A determination will be made case by case for the allowable exemption of facilities required by the State Department of Health for control of pollution from industrial wastes. (7-1-93)

04. Landfills, toxic waste dumps, sewage treatment plants or other similar treatment plants, or storage facilities deriving revenue from processing or storing pollution or pollution by-products generated by other persons or businesses are ineligible for this exemption. (7-1-93)

05. Petition for exemption shall be filed in the following manner: (7-1-93)
- a. Forms. Declaration forms for the reporting of real or personal property qualifying for exemption may be obtained from the county assessor or Commission. (7-1-93)
 - b. Declaration. The declaration shall contain an itemized listing of all installations, facilities, machines or equipment qualifying for exemption. Each component part of the system must be identified by a brief description (e.g., Dust Collector), the date of original acquisition, dollar amount of the original cost, and the percentage of the component devoted exclusively to pollution control. The petition must be signed by the owner or duly authorized agent. Lack of required information shall be grounds for denial. (7-1-93)
 - c. Timing. The completed declaration must be filed with the county assessor by March 15th of each year. (7-1-93)
 - d. Inspection. The county or Commission representative may inspect the property or audit the owner's records to identify components petitioned for exemption. Those components listed on the declaration must be identifiable as capital assets of the property. (7-1-93)
06. The assessment notice shall show the assessed value of property subject to taxation and property qualifying for exemption. Exempt value shall be reported on the real and personal property abstracts. (7-1-93)
07. Percentage of Water Corporation Property Exempt from Taxation. (7-1-93)
- a. Public Hearing. The Idaho Public Utilities Commission is requested to notify the Tax Commission on or before June 1 of each current year of the percentage of the total plant of the water company devoted exclusively to the elimination, control, or prevention of water pollution or air pollution. (7-1-93)
 - b. In estimating the market value of the company for assessment purposes, the Tax Commission will take into consideration the percentage as certified by the Public Utilities Commission that such equipment bears to the total invested plant of the company. (7-1-93)
 - c. The Tax Commission will notify the water company of the estimated market value, gross assessed value, and the amount of exemption allowed under Section 63-105T, Idaho Code, on or before July 15 of each current year. (7-1-93)
 - d. Any person or party wishing to contest the percentage of exemption reported to the Tax Commission by the Public Utilities Commission may submit a written request for public hearing to the Tax Commission stating the grounds therefor, by August 1 of the current tax year. The request for hearing shall state the petitioner's grounds for contesting the percentage reported by the Public Utilities Commission. (7-1-93)
 - e. Any person or party requesting a public hearing shall be notified of the time and place of hearing within thirty (30) days. (7-1-93)

126. -- 133. (RESERVED).

134. PROPERTY EXEMPT FROM TAXATION--SPECULATIVE PORTION OF VALUE OF AGRICULTURAL LAND.

01. The taxable value of agricultural land shall be the landlord's share of net income capitalized by the annual rate established by the Commission, plus the local tax rate. (7-1-93)
02. Gross income shall be based on crop rotation and crop share programs typical to the area, five (5) year average yield, and prices at harvest. (7-1-93)
03. Net income shall be determined by deducting the landlord's share of current expenses from gross income. Typical, not individual, income shall be used. (7-1-93)

04. Refer to ASSESSOR'S MANUAL for agricultural land valuation procedures. (7-1-93)

05. The assessment notice shall not include the speculative market value. This value shall be included on the abstract certified to the Commission. (7-1-93)

135. PROPERTY EXEMPT FROM TAXATION RESIDENTIAL IMPROVEMENTS.

01. Homeowner's Exemption. This exemption shall also be known as the homeowners exemption. (3-23-94)

02. Residential Improvements. Primary dwelling place means the claimant's dwelling place on January 1 of the year for which the claim is made. The primary dwelling place is the single place where a claimant has his true, fixed, and permanent home and principal establishment, and to which whenever the individual is absent he has the intention of returning. A claimant must establish the dwelling to which the claim relates as his primary dwelling place by clear and convincing evidence or by establishing that the dwelling is where the claimant resided on January 1 and: (3-23-94)

a. At least six (6) months during the prior year; or (3-23-94)

b. The majority of the time the claimant owned the dwelling if owned by the claimant less than one (1) year; or (3-23-94)

c. The majority of the time after the claimant first occupied the dwelling if occupied by the claimant less than one (1) year. (3-23-94)

03. Requirements. If these requirements are not met, the property upon which the claimant makes application shall be deemed to be the claimant's primary dwelling place if the claimant is otherwise qualified and resides in a care facility and does not allow the property upon which the claimant has made application to be occupied by persons paying a consideration to occupy the dwelling. A care facility is a hospital, skilled nursing facility, intermediate care facility or intermediate care facility for the mentally retarded as defined in Section 39-1301, Idaho Code, or a facility as defined in Section 39-3302(15), Idaho Code, or a dwelling other than the one upon which the applicant makes application where a claimant who is unable to reside in the dwelling upon which the application is made lives and receives help in daily living, protection, and security. (3-23-94)

04. Owner. "Owner" means a person holding title in fee simple or holding a certificate of motor vehicle title (either of which may be subject to mortgage, deed of trust or other lien) or who has retained or been granted a life estate. "Owner" shall also include any person who as grantor created a revocable trust and named himself as beneficiary of that trust. "Owner" shall not include any person that otherwise occupies property as beneficiary of a trust. "Owner" includes a vendee in possession under a land sale contract. (3-23-94)

05. Partial Ownership. Any partial ownership shall be considered ownership for determining qualification for the homeowner's exemption, however, the amount of the exemption shall be reduced to a proportion commensurate with the proportion of partial ownership. Partial ownership, for purposes of this section, means any one (1) person's ownership when property is owned by more than one (1) person. The combined community property interests of both spouses shall not be considered partial ownership. The proportional reduction required under this subsection shall not apply to community property interests. (3-23-94)

136. -- 150. (RESERVED).

151. EXEMPT PROPERTY NOT TO BE ASSESSED--CLAIM PROCEDURE FOR HARDSHIP EXEMPTIONS.

01. The procedure in Section 63-122(6)(a), Idaho Code, is to be used when property tax reduction claims have been denied by the Commission. (7-1-93)

02. Exemptions granted for the current assessment year shall be reported under the proper category on

abstracts submitted to the Commission. (7-1-93)

152. -- 154. (RESERVED).

155. REAL PROPERTY DEFINED.

01. Land includes dirt fill, grading, leveling, and drainage. (7-1-93)
02. Improvements not listed in Section 63-1223, Idaho Code, are real property. (7-1-93)
03. Property which is physically attached to the land or other improvements or affixed to the land in such a manner that it may not be removed without materially damaging the real property or is of such a nature that it would normally be expected to be sold together with the land. (7-1-93)
 - a. Equipment attached only by plug in electrical connection is not considered affixed. (7-1-93)
 - b. Equipment permanently situated and adapted to use in one place is real property. (7-1-93)
 - c. Vault doors, drive-in windows, automatic tellers, and night depositories are real property when owned by the owner of the building to which they are affixed. (7-1-93)
04. An affixed item owned by a tenant is personal property and is assessable to its owner, unless the lease agreement provides that the item becomes part of the real property. (7-1-93)

156. -- 158. (RESERVED).

159. PERSONAL PROPERTY--DEFINED.

Personal property can be moved without marring or defacing real property to which it may be attached. (7-1-93)

01. Equities in State Land. Land purchased from the state under contract is personal property. Tax can be paid in two (2) installments. (7-1-93)
02. Reservations and Easements. Reservations, including mineral rights reserved, divided ownership of property rights. Easements convey use but not ownership. (7-1-93)
03. Machinery, Tools, and Equipment. Mechanical apparatuses, instruments, or implements not permanently integrated with real property, held as tenant improvements, or held for rent or lease are personal property. (7-1-93)
04. Furniture, Fixtures, Libraries, Art, and Coin Collections. Trade articles used commercially for convenience, decoration, service, or storage, including store counters, display racks, typewriters, office machines, surgical and scientific instruments, paintings, books, coin collections, and all such items held for rent or lease are personal property. (7-1-93)
05. Recreational Vehicles. Unlicensed recreational vehicles are personal property. (7-1-93)
06. Boats. Unlicensed watercraft are personal property. (7-1-93)
07. Net Profit of Mines. That amount of money or its equivalent received from the sale or trade of minerals or metals extracted from the Earth after deduction of allowable expenses as defined in Section 63-2802, Idaho Code, or by Commission rule is personal property. (7-1-93)
08. Signs and Signboards. Signs and signboards, their bases and supports are personal property. (7-1-93)

160. -- 164. (RESERVED).

165. LAND ACTIVELY DEVOTED TO AGRICULTURE DEFINED.

01. Each IMPROVED homesite on land actively devoted to agriculture shall be assessed each year. (7-1-93)
 - a. Only land upon which residential improvements are located shall be considered a homesite. (7-1-93)
 - b. Value shall be determined by establishing the value of raw land from market information on comparable land and adding the typical cost of on-site and off-site improvements. Improvements include roads, grading, sanitary facilities, water systems, and utilities. (7-1-93)
02. The homesite acreage will be listed as category 10. (7-1-93)
03. The homesite will be independent of the classification and valuation of the remaining land. (7-1-93)
04. The assessor shall value the remaining land on the following basis: (7-1-93)
 - a. Any land, regardless of size, utilized for the grazing of animals kept primarily for personal use or pleasure and not a portion of a profit making agricultural enterprise, shall be valued utilizing the market data approach and shall not qualify for this exemption. (7-1-93)
 - b. Land in a subdivision with restrictions prohibiting agricultural use shall be valued utilizing the market data approach and shall not qualify for this exemption. (7-1-93)
 - c. Land of five (5) acres or less shall be presumed nonagricultural, shall be valued utilizing the market data approach, and shall not qualify for the exemption. If the owner produces bona fide evidence that the land has been devoted to agricultural use for the last three (3) growing seasons, it agriculturally produced for sale or home consumption fifteen percent (15%) or more of the owner's or lessee's annual gross income, or it produced gross revenue in the immediate preceding year of one thousand dollars (\$1,000) or more, the land shall be valued utilizing the income approach and shall qualify for this exemption. For parcels of five acres or less income is measured by production of crops, grazing, and includes net income from sale of livestock. Income shall be estimated from crop prices at harvest. Application for agricultural classification must be filed with the assessor by March 15. (7-1-93)
 - d. Parcels of more than five (5) contiguous acres under one ownership, producing agricultural field crops, timber, or grazing, or in a cropland retirement or rotation program, as part of a bona fide profit making agricultural enterprise, shall be assessed utilizing the income approach and shall qualify for the exemption. Land not annually meeting any of these requirements shall be valued utilizing the market data approach and shall not qualify for the exemption. (7-1-93)
 - e. Lease income may be considered in determining income qualifications only if the lease terms are defined, the carrying capacity is shown, and the rent is consistent with market rent. (7-1-93)

166. -- 170. (RESERVED).

171. DEFINITIONS OF INCOME, FATHERLESS CHILD, MOTHERLESS CHILD, AND PARTIAL OWNERSHIP.

01. Where community property is held by spouses either of whom reside in a medical care facility household income includes the following: (7-1-93)
 - a. When an applicant's spouse resides in a medical care facility, household income includes one-half (1/2) of the community income plus all separate income of the applicant. One-half (1/2) of medical care expenses shall not be included in household income. (7-1-93)
 - b. When an otherwise qualifying applicant resides in a medical care facility and the applicant's spouse resides in the primary dwelling place, household income includes the community income and separate income of the

applicant and the applicant's spouse. Medical care expenses shall not be included in household income. (7-1-93)

c. Household income under Subsections 171.01.a. and 171.01.b. includes income of non-spouse household members. (7-1-93)

02. In all cases where community property is held by a household member except Subsection 171.01, above, one-half (1/2) of both community income and medical care expenses shall be credited to each spouse. Each spouse's separate income, if any, and share of community income shall be included in household income if the spouse is a household member. (7-1-93)

03. For purposes of Section 63-117(h), Idaho Code, the following definitions apply: (7-1-93)

a. The terms his home and claimant's home mean primary dwelling place; (7-1-93)

b. The terms a home and the home mean dwelling. (7-1-93)

04. Fatherless child for purposes of Section 63-117(f), Idaho Code, means a child judicially determined to be abandoned as defined by Sections 16-1602 or 16-2005, Idaho Code, by the child's male parent or a child whose male parent has had his parental rights terminated pursuant to court order or is deceased. (7-1-93)

05. Motherless child for purposes of Section 63-177(f), Idaho Code, means a child judicially determined to be abandoned as defined by Sections 16-1602 or 16-2005, Idaho Code, or a child whose female parent has had her parental rights terminated pursuant to a court order or is deceased. (7-1-93)

06. The claimant has the burden of proof to establish claimant's eligibility for tax reduction benefits. (7-1-93)

07. Partial ownership interest for purposes of Section 63-117(g), Idaho Code, means property owned by more than one (1) person. A community property interest shall be a single property interest. (7-1-93)

172. -- 174. (RESERVED).

175. NONHOUSEHOLD MEMBERS DEFINED.

To prove nonhousehold member status, a nonhousehold member verification form, as prescribed by the Commission, must be attached to the application for property tax reduction and submitted to the Commission. For the purpose of this section, physician shall mean a licensed physician, as defined in Section 54-1803(3), Idaho Code. (7-1-93)

176. -- 179. (RESERVED).

180. AMOUNT OF TAX REDUCTION.

01. Adjustment. The adjustment effective January 1, 1995, is two and eight tenths percent (2.8 %). (3-22-96)T

02. Effective Date. Effective January 1, 1996, the brackets in Section 63-120(4), Idaho Code, are adjusted as follows: (3-22-96)T

income is \$7,220 or under	\$800, or actual taxes, whichever is less
\$7,221, but not more than \$7,510	\$780, or actual taxes, whichever is less;
\$7,511, but not more than \$7,830	\$760, or actual taxes, whichever is less;
\$7,831, but not more than \$8,140	\$740, or actual taxes, whichever is less;
\$8,141, but not more than \$8,430	\$720, or actual taxes, whichever is less

\$8,431, but not more than \$8,750	\$700, or actual taxes, whichever is less
\$8,751, but not more than \$9,050	\$680, or actual taxes, whichever is less
\$9,051, but not more than \$9,350	\$660, or actual taxes, whichever is less
\$9,351, but not more than \$9,660	\$640, or actual taxes, whichever is less
\$9,661, but not more than \$9,970	\$620, or actual taxes, whichever is less
\$9,971, but not more than \$10,270	\$600, or actual taxes, whichever is less
\$10,271, but not more than \$10,590	\$580, or actual taxes, whichever is less
\$10,591, but not more than \$10,880	\$560, or actual taxes, whichever is less
\$10,881, but not more than \$11,190	\$540, or actual taxes, whichever is less
\$11,191, but not more than \$11,500	\$520, or actual taxes, whichever is less
\$11,501, but not more than \$11,810	\$500, or actual taxes, whichever is less
\$11,811, but not more than \$12,100	\$480, or actual taxes, whichever is less
\$12,101, but not more than \$12,410	\$460, or actual taxes, whichever is less
\$12,411, but not more than \$12,720	\$440, or actual taxes, whichever is less
\$12,721, but not more than \$13,030	\$420, or actual taxes, whichever is less
\$13,031, but not more than \$13,330	\$400, or actual taxes, whichever is less
\$13,331, but not more than \$13,630	\$380, or actual taxes, whichever is less
\$13,631, but not more than \$13,950	\$360, or actual taxes, whichever is less
\$13,951, but not more than \$14,250	\$340, or actual taxes, whichever is less
\$14,251, but not more than \$14,550	\$320, or actual taxes, whichever is less
\$14,551, but not more than \$14,870	\$300, or actual taxes, whichever is less
\$14,871, but not more than \$15,160	\$280, or actual taxes, whichever is less
\$15,161, but not more than \$15,480	\$260, or actual taxes, whichever is less
\$15,481, but not more than \$15,770	\$240, or actual taxes, whichever is less
\$15,771, but not more than \$16,090	\$220, or actual taxes, whichever is less
\$16,091, but not more than \$16,390	\$200, or actual taxes, whichever is less
\$16,391, but not more than \$16,700	\$180, or actual taxes, whichever is less
\$16,701, but not more than \$17,000	\$160, or actual taxes, whichever is less
\$17,001, but not more than \$17,300	\$140, or actual taxes, whichever is less
\$17,301, but not more than \$17,620	\$120, or actual taxes, whichever is less
\$17,621, but not more than \$17,910	\$100, or actual taxes, whichever is less

181. -- 183. (RESERVED).

(3-22-96)T

184. NOTICES OF MODIFICATION OR DISAPPROVAL.

The Board of County Commissioners shall not disapprove claims previously approved by the assessor nor modify the assessor's decision if no appeal has been filed. (7-1-93)

185. -- 187. (RESERVED).

188. PROCEDURE AFTER CLAIM APPROVAL.

01. The property tax reduction roll shall be formatted as required by the Tax Commission. Specific formatting requirements are found in the CIRCUIT BREAKER PROCEDURE MANUAL. (7-1-93)

02. The roll, certified by the assessor to the county auditor and the Tax Commission by the fourth (4th) Monday in June, shall be termed the preliminary property tax reduction roll. The preliminary property tax reduction roll shall list property tax reduction claimants in alphabetical order unless the Tax Commission grants permission for claimants to be listed in an alternate order. Each original claim form shall be submitted to the Tax Commission in the same order as shown on the preliminary property tax reduction roll. (7-1-93)

03. The completed property tax reduction roll, certified by each county clerk to the Tax Commission by the fourth (4th) Monday in October, shall be termed the final property tax reduction roll. The final property tax reduction roll shall list property tax reduction claimants in the same order as shown on the preliminary property tax reduction roll, except that all fully disapproved claimants shall be deleted and not shown on the final property tax reduction roll. Erroneous claims which are partially disapproved by the Tax Commission shall be shown on the final property tax reduction roll after the county clerk has made all adjustments or corrections listed on the notice sent to the county auditor pursuant to Section 63-122(6), Idaho Code, termed county change letter. (7-1-93)

189. -- 199. (RESERVED).

200. PROPERTY ASSESSABLE IN COUNTY.

The burden of claiming exemption and the burden of proof of entitlement to the exemption shall be on the property owner. (7-1-93)

201. -- 203. (RESERVED).

204. RULES AND REGULATIONS PERTAINING TO MARKET VALUE DUTY OF ASSESSORS.

01. Market value is that amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment. (7-1-93)

a. The assessor shall value property as having fee simple title except where statutory exemption exists. (7-1-93)

b. Personal property shall be valued at retail level. (7-1-93)

02. Three (3) approaches to value will be considered on all property. The three (3) approaches to value are: The market approach, which includes: the comparative sales approach, the stock and debt approach - (operating property); , the cost approach; , and the income approach. (7-1-93)

03. Market value shall be determined through procedures, methods, and techniques recommended by nationally recognized appraisal and valuation, institutes, and societies and according to guidelines and publications approved by the Commission. (7-1-93)

04. If a conservation easement as defined by Title 55, Chapter 21, Idaho Code, has been granted, market value for assessment purposes shall be computed as if the easement did not exist. (7-1-93)

205. -- 207. (RESERVED).

208. TAXPAYER'S PROPERTY DECLARATION.

01. Personal property must be listed on the Taxpayer's Property Declaration. This declaration is mandatory and shall include: (7-1-93)

a. A complete itemized list of all taxable personal property including: The name of the manufacturer; the date of acquisition and the installed cost; model, style, type, etc., where applicable; and serial numbers, if available. Once a basic list has been established, only the annual additions to or deletions from this tabulation may be required. In those cases where specific data is not available, the report shall show estimated dates and costs with appropriate notations. (7-1-93)

b. The listing of leased personal property shall also include the name and address of the other party to the lease and terms of the lease. (7-1-93)

02. Property declarations shall be mailed or delivered to taxpayer's last known address. (7-1-93)

03. When the assessor has complied with the statutory requirement and fails to receive proper response, value shall be estimated based on the best available information. (7-1-93)

209. -- 213. (RESERVED).

214. SUBSEQUENT ASSESSMENT OF PROPERTY CONCEALED.

The burden of proof of willfulness is on the assessor. (7-1-93)

215. -- 217. (RESERVED).

218. NONRESIDENT PROPERTY OWNER'S DECLARATION.

01. The Taxpayer's Property Declaration as prescribed in ISTC 31 shall be required and shall list all taxable real and personal property. (7-1-93)

02. The prescribed penalty shall apply to each intentional omission of property and shall apply whether or not the declaration has been filed. (7-1-93)

219. -- 224. (RESERVED).

225. COPY OF TAXPAYER'S VALUATION ASSESSMENT NOTICE TO BE FURNISHED TAXPAYER.

01. Taxpayer's Valuation Assessment Notice shall be referred to as the Assessment Notice. The original shall be retained in the office of the assessor. (7-1-93)

a. This notice must meet minimum standards set by the Commission. (7-1-93)

b. This notice must state the market value and dates and place the county Board of Equalization meets. (7-1-93)

c. Notices for property on the real and personal assessment roll shall be furnished to the taxpayer by the first (1st) Monday of June. Notices for property on the personal assessment roll shall be furnished to the taxpayer before the first (1st) Monday of June. Notices for property on the subsequent assessment roll shall be furnished to the taxpayer before the second (2nd) Monday of November. Notices for property on the missed property assessment roll shall be furnished to the taxpayer by the last day of December. (7-1-93)

d. In order to be heard by the County Board of Equalization, a taxpayer must file an appeal with the clerk of the Board on or before the fourth (4th) Monday in June. (7-1-93)

226. -- 228. (RESERVED).

229. CORRECTED TAXPAYER'S VALUATION ASSESSMENT NOTICE TO BE MAILED TO TAXPAYER.

The taxpayer must be notified by a corrected notice from the assessor if ANY increase or decrease in value is made prior to the Board of Equalization convening. (7-1-93)

230. -- 239. (RESERVED).

240. DESCRIPTION OF PROPERTY.

01. For assessment purposes property shall be described in the tax number book by parcel number, tax number, initial letters, or abbreviation. The description must be indexed to the metes and bounds or other recorded legal description. These records must be provided to the county auditor and treasurer. (7-1-93)

02. Parcel numbers, tax numbers, initial letters, and abbreviations are not acceptable for notice of tax sale, delinquency certificates, or foreclosure proceedings. Such notices must carry a full and accurate legal description, and either: (7-1-93)

a. A street address or other information useful in locating the property; or (7-1-93)

b. The name and telephone number of a person, firm, or business office from whom information concerning the location of the property may be obtained. Section 63-302, Idaho Code. (7-1-93)

03. A parcel number is the tax number when a legal description is entered in the tax number book opposite the parcel number and this book is filed with the county clerk. (7-1-93)

241. -- 243. (RESERVED).

244. COUNTY VALUATION PROGRAM TO BE CARRIED ON BY ASSESSOR.

01. Continuing Program of Valuation Defined. "Continuing program of valuation" means the program by which each assessor completes the appraisal of all taxable properties each year. The assessor shall budget for personnel, supplies and equipment required. The program shall include: (11-28-94)

a. A plan outlining the continuing valuation program. The plan must show the total number of parcels by category and must include maps or written descriptions of the geographic areas to be appraised each year. It must also include the number of parcels to be appraised each year. The plan must be submitted to the Tax Commission on or before the first Monday of February in 1997, and every fifth year thereafter. (11-28-94)

b. A market data bank including sale prices of arm's length transactions of all types of property and information on income and expenses for commercial, industrial, and agricultural properties. (11-28-94)

c. Maps, prepared in accordance with Section 63-301, Idaho Code, and aerial photos or facsimiles of aerial photos which identify the current characteristics of each geographic area. (11-28-94)

d. A property record for each parcel, complete with the property characteristics necessary for an accurate prediction of the current market value. (11-28-94)

02. Appraisal Defined. "Appraisal" is a process which includes a field inspection of at least twenty percent (20%) of the properties each year. Such field inspection shall be comprehensive enough to collect and verify all property characteristics necessary for an accurate prediction of current market value. Appraisal also includes collection, verification, and analysis of market value sales, income and expense data and building cost information, and application of this information to predict market value. (11-28-94)

03. Index Defined. "Index" refers to any annual adjustment or trending factor applied to existing assessed values to reflect current market value. Ratio studies or other market analyses can be used to develop indexes

based on property type, location, size, age or other characteristics. (11-28-94)

04. Assessed Values. Assessed values shall be tested annually by the Tax Commission as described in Section 63-605, Idaho Code, and Idaho Property Tax Administrative Rule 328 to determine whether they "reflect current market value". (11-28-94)

05. Procedures. The Tax Commission may examine the procedures used by each county in determining market value for assessment purposes for any category of property. (11-28-94)

245. -- 249. (RESERVED).

250. RATIO STUDIES.

01. Use of "Ratio Study Manual." Procedures to be used in the ratio study and computation of adjusted market value shall be described in the Tax Commission's "Ratio Study Manual." (3-23-94)

02. Assessor to Identify School Districts. Beginning with the 1994 annual ratio study, each county assessor will provide to the Tax Commission the school district in which each sale submitted for the ratio study is located. (3-23-94)

03. Abstracts of Value by School District. Beginning in 1994, each county auditor shall provide to the Tax Commission abstracts of the taxable value of all property within the portion of each school district in each county. These abstracts shall be submitted in the same manner and at the same time as provided for county abstracts of value. (3-23-94)

04. Exemption to Be Subtracted. The taxable value of each category of property within each school district shall not include the value of any exemption pursuant to Sections 63-105EE Idaho Code. (4-24-96)T

251. -- 259. (RESERVED).

260. ASSESSOR'S PLAT BOOK.

01. Plat maps for all privately owned land shall be prepared as follows:. (7-1-93)

a. Plats shall be drafted on thirty (30) inch by thirty-six (36) inch drafting film. (7-1-93)

b. Section, aliquot part, subdivision, and parcel boundaries shall be drafted with ink. (7-1-93)

c. Plat titles, subdivision names, and parcel dimensions shall be drafted with ink.) (7-1-93)

d. Parcel numbers and other desired information shall be drafted with ink or with film lead. (7-1-93)

e. Plats shall be drafted at the following scales: One (1) township at one (1) inch = one thousand two hundred (1,200) feet.; four (4) sections at one (1) inch = four hundred (400) feet.; one (1) section at one (1) inch = two hundred (200) feet.; one (1) quarter section at one (1) inch = one hundred (100) feet. (7-1-93)

f. The Commission may permit variation from the above format due to computer mapping, photo mapping, or other systems. Requests for such variation shall be submitted in writing. (7-1-93)

g. Section outlines shall be platted according to: Technical descriptions on General Land Office or Bureau of Land Management surveys; field notes of General Land Office or Bureau of Land Management surveys; surveys recorded under Sections 55-1901 through 55-1911, Idaho Code; corner perpetuation records recoded under Sections 55-1601 through 55-1612, Idaho Code; subdivision plats and assessor's plats recorded under Sections 50-1301 through 50-1330, Idaho Code; deeds or contracts with metes and bounds descriptions; highway, railroad, and other engineering quality route surveys; relevant court decisions; and unrecorded data from registered land surveyors. (7-1-93)

- h. Subdivision of sections shall be platted according to Section 31-2709, Idaho Code. (7-1-93)
- i. Subdivision, townsite, and metes and bounds parcels shall be platted according to sources cited in subsection 01.a., above, and also according to: Aerial photo information where necessary; and Bureau of Land Management or Idaho Department of Lands title records. (7-1-93)
02. To link parcel numbers and owners, a companion sheet shall accompany the plat map. It may take two forms: (7-1-93)
- a. A listing of parcel numbers and associated current owners; or (7-1-93)
- b. A listing of parcel numbers and associated past and present owners, as shown in Charts 1 and 2 found in the Idaho Administrative Bulletin, July 1, 1993, Volume 93-1, "Forms, Appendices, Charts, Graphs, Etc...", page 35-158. (7-1-93)
03. Records. Property ownership records shall include a listing of the record owner of the property, or note that the owner is unknown. Other persons with interests of record, and all other persons who appear, from inspection or other information, to have an interest in the property shall be listed. Record ownership can be ascertained from: (7-1-93)
- a. Recorded deeds, contracts, or other muniments of title (7-1-93)
- b. Recorded subdivision or assessor's plats, including those prepared under Section 50-1314, Idaho Code; (7-1-93)
- c. Court decisions, recorded and unrecorded; (7-1-93)
- d. Recorded affidavits of identity or ownership; and (7-1-93)
- e. State and federal land ownership records. (7-1-93)
- f. Unknown owner shall be listed only when diligent research discloses no ownership. (7-1-93)
04. Purchasers, agents, guardians, executors, administrators, heirs, and claimants may have their names inserted with the record owner's name, pursuant to Sections 63-309 through 63-313, Idaho Code. Contract purchasers must produce copies of relevant deeds, contracts, or muniments of title to effect this change. Such copies shall show, at a minimum: Seller and purchaser names; complete legal description of property; and signatures of parties to transaction. (7-1-93)
05. Detailed instructions for mapping, ownership determination, and parcel numbering are found in IDAHO ASSESSOR'S GUIDE TO PLAT MAPPING. (7-1-93)
06. The uniform parcel numbering system shall be used for all parcels for mapping and record keeping purposes. Each parcel's uniform number shall appear on the plat map. The following information shall be used in implementing the uniform parcel numbering system: (7-1-93)

LAND NOT SUBDIVIDED		
		See Quarter Section Breakdown Key
TOWNSHIP and RANGE	SECTION	PARCEL NUMBER
1 0 N 0 5 E	0 4	0 2 3 5

- a. The above number denotes Township 10 North, Range 5 East, Section 4 with the parcel being in the

NENE.

(7-1-93)

LAND NOT SUBDIVIDED INSIDE CITY LIMITS			
			See Quarter Section Breakdown Key
CITY	ZERO'S IF NOT SUBD	SECTION NO	PARCEL NUMBER
A	0 0 0 0	0 2 9	2 1 6 3

- b. The above number tells you the parcel is land not subdivided inside the city limits (7-1-93)
- c. This number indicates the parcel is in city A; it is a tax number denoted by all zeros (0); it is in section 29, and the four (4) digit parcel number 2163 locates it in the SENE. (7-1-93)
- d. When a metes and bounds parcel inside city limits is being numbered, digits 9, 10, 11, 12 locate the parcel to the nearest quarter quarter. (7-1-93)
- e. Should a government lot fall in place of or in addition to a quarter section, the designated numbers shall encompass the entire area, whether smaller or larger than forty (40) acres. (7-1-93)
- f. As a general rule, number all sections starting in the most northeasterly corner, then continue in a counter-clockwise direction throughout each quarter section. (7-1-93)

LAND SUBDIVIDED				
CITY	SUBDIVISION NO.	BLOCK NO.	LOT/PARCEL NO.	SPLIT/COMBO
A	0 0 6 2	0 0 7	0 2 9	A

The first digit shall be zero if the subdivision lies outside the city.

The last digit shall be zero if the lot has not been split or combined with another lot. (7-1-93)

- g. The city designator shall always be a letter which can be selected according to the county's preference. For instance, greatest population could be city A; next in population could be city B. Another choice, where counties do not have cities with names starting with the same letter, would be to use the first letter of the city name; as an example, Challis, Stanley, and Mackay in Custer County could be denoted by C, S, and M. (7-1-93)
- h. Digits 2, 3, 4, and 5 are for the subdivision number and shall not contain alpha characters. Each subdivision shall be assigned a four (4) digit number. An original townsite shall be treated as a subdivision and given a subdivision number. (7-1-93)
- i. Digits 6, 7, and 8 shall be the block number. (7-1-93)
- j. Digits 9, 10, and 11 shall be the lot number designated on the subdivision plat or an assigned number if characters on the subdivision plat are not acceptable. (7-1-93)
- k. Digit 12 shall be a zero (0) if the parcel is acceptable as originally platted. If it has been split once or combined once, then this digit becomes an A. If split a second time, the digit becomes a B, etcetera. These splits or combinations may be accounted for on the companion sheet, depending on companion sheet format. (7-1-93)

l. When one whole lot and part of another adjoining lot are under common ownership, one parcel number shall be assigned. That parcel number shall be written using the whole lot's number. See Land Subdivided Example, Parcel Number A0062007029A. (7-1-93)

m. Personal Property. Personal property shall be numbered in a manner determined by the assessor and the Commission. (7-1-93)

n. Patented Mining Claims. Digits 1 and 2 shall contain nines. Digits 3 through 8 shall denote the township and range, as in the LAND NOT SUBDIVIDED format. Digits 9 through 12 shall be a county assigned sequential account number for individual mines. (7-1-93)

PATENTED MINE		
Mine Designator	Township & Range	Sequential Account Number
9 9	0 3 N 0 4 W	0 5 9 3

(7-1-93)

o. Condominiums. The following example shall be used for condominium properties. The format is parallel to that used for Land Subdivided. . (7-1-93)

CITY A, CONDO #9062, BUILDING #7, UNIT #29				
City	Subdivision or Condominium	Blk. Bldg. or Common Area	Lot or Unit Number	Split/ Combo.
A	9 0 6 2	0 0 7	0 2 9	0
CITY A, CONDO #9062, COMMON AREA #7				
City	Subdivision or Condominium	Blk. Bldg. or Common Area	Lot or Unit Number	Split/ Combo.
A	0 6 2	C 0 7 0	0 0	0

To differentiate between condominiums and subdivisions reserve numbers 0001 through 8999 for subdivisions. Reserve numbers 9000 through 9999 for condominiums. (7-1-93)

p. Improvements on Private Leased Land. To number real property improvements on PRIVATE LEASED LAND IN RURAL AREAS, use the same format as LAND NOT SUBDIVIDED, assigning the next number above the land designation number to the improvement. (7-1-93)

IMPROVEMENTS ON RURAL LEASED LAND			
Township & Range	Section	(1/4 Sec. Key) Parcel Number	Remarks on Comparison Sheet
0 3 N 3 9 E	2 4	0 5 6 0	E2NE Land Only
0 3 N 3 9 E	2 4	0 5 6 1	Improvements only on Parcel 0560

q. To number improvements on PRIVATE LEASED LAND in a subdivided area, use the LAND SUBDIVIDED format with the alpha designator "L" as the twelfth (12th) digit character. Enter an appropriate

explanation entry on the companion sheet.

(7-1-93)

IMPROVEMENTS ON SUBDIVIDED LEASED LAND					
Subdiv. or City	Blk. Bldg. or Condo.	Lot or Common Area	Unit Number	Split/ Combo	Rmks on CmprsnSht
A	0 0 6 2	0 0 7	0 2 9	0	Lot29, Blk7 Ringo SubDiv. (Land Only)
A	0 0 6 2	0 0 7	0 2 9	"L"	Improvements Only on Par 029

r. With the uniform numbering system, the assigned parcel number may also be the tax number. Refer to Section 63-302, Idaho Code, and ISTC 36. For improvements to leased land, enter an appropriate explanation on the companion sheet. (7-1-93)

s. As long as the property boundary does not change, the new owner's name shall be assigned to the same parcel number on the companion sheet. A parcel number that exists at the time a property is divided or added to shall be canceled and a new number or numbers assigned. (7-1-93)

t. When rivers, roads, etcetera, are described by metes and bounds and accepted by dedication, a separate parcel number shall be assigned. (7-1-93)

u. Properties contiguous under common ownership but split by county line, section line, or tax code area boundary shall require separate parcel numbers. Before starting parcel numbering, a work map must be made showing taxing jurisdiction boundaries. (7-1-93)

07. A tax code area program shall be established and maintained by the Operating Property Bureau of the Commission. (7-1-93)

261. -- 268. (RESERVED).

269. ENTRY OF PROPERTY UPON ROLL.

The assessor shall list property using categories as defined in ISTC 044. (7-1-93)

270. -- 273. (RESERVED).

274. MANUFACTURED HOME DESIGNATED AS REAL PROPERTY.

01. Statement of Intent to Declare (SID). To declare a manufactured home real property, the homeowner shall complete a "Statement of Intent to Declare," SID, form as prescribed by the Commission. (3-23-94)

a. All information and signatures requested on the form shall be provided prior to recordation. (3-23-94)

b. The homeowner shall record the completed form. (3-23-94)

c. The homeowner shall provide the assessor a copy of the recorded SID form and the title or Manufacturer's Statement of Origin, MSO. If proof of ownership is being provided through the MSO, the buyer's purchase agreement shall be accepted by the assessor pending receipt of the MSO. For the purpose of this rule, the Manufacturer's Statement of Origin and Manufacturer's Certificate of Origin are synonymous. (3-23-94)

d. For new manufactured homes, the assessor shall verify that sales or use tax has been collected or shall collect such tax. Any sales or use tax collected by the assessor shall be remitted to the Commission. (3-23-94)

e. The assessor shall forward a copy of the SID form and the title or MSO to the Idaho Transportation Department. The Idaho Transportation Department will cancel the title. (3-23-94)

02. Reversal of Declaration of Manufactured Home as Real Property. To provide for the reversal of the declaration of the manufactured home as real property, the homeowner shall complete the "Reversal of Declaration of Manufactured Home as Real Property" form as prescribed by the Commission. The homeowner shall submit this completed form to the assessor within the required time period. (3-23-94)

a. The homeowner shall also submit to the assessor a title report with the appropriate signatures of consent attached. (3-23-94)

b. The assessor shall transmit to the Idaho Transportation Department a copy of the completed reversal form, title report with appropriate signatures of consent, and the application for title to the manufactured home. (3-23-94)

03. Definition of Permanently Affixed. (3-23-94)

a. For manufactured home installations prior to 1989, permanently affixed means physically attached or connected to a foundation in a manner which will maintain and continue said manufactured home in the same location. (3-23-94)

b. For manufactured home installations from 1989 to present, permanently affixed means complying with Section 44-2205, Idaho Code. (3-23-94)

275. -- 299. (RESERVED).

300. PROGRAM OF EDUCATION.

01. The education program shall be the responsibility of the Commission through its education director. The structure of the annual appraisal school shall be planned with the education committee of the Idaho Association of County Assessors. The assessors' education committee and the Commission's education director shall structure schools and seminars, so that each student may plan an annual schedule to include all courses important to appraising property for assessment purposes. (7-1-93)

02. An applicant for certification must satisfactorily complete Commission Course No. 1, IAAO Course No. 2, or equivalent courses, and must have a minimum of twelve (12) months experience appraising for tax assessment purposes in Idaho. These requirements must be completed in the five (5) year period immediately preceding application. (7-1-93)

a. To maintain certification each appraiser, shall be required to complete thirty-two (32) hours of appraisal education during each two (2) year period following certification. (7-1-93)

b. Equivalency for Course No. 1 and No. 2 shall be established by the Commission and approved by the examination committee. (7-1-93)

c. The examination committee shall determine which courses, seminars, or workshops meet the requirements for certification maintenance and the hours of credit awarded for each. To receive credit, each course must be completed with a passing grade. The appraiser has the responsibility to report education hours completed. The report shall be on a form provided by the Commission and shall be submitted to the education director. The Commission shall maintain such reports to show the number of hours completed during each two (2) year period. (7-1-93)

d. An appraiser failing to meet the continuing education requirements shall be placed on six (6) month probation by the examination committee. An appraiser failing to meet the continuing education requirements within the probationary period shall forfeit certification or may, on a one (1) time only basis, petition in writing to the examination committee for a six (6) month extension of probation. This petition must be made at least thirty (30) days

prior to the expiration date of the first probationary period. (7-1-93)

e. For recertification, the appraiser must apply to the examination committee within five (5) years of the date certification was canceled. An applicant for recertification must satisfactorily complete a written examination approved by the committee. The time and place of the examination is to be determined by the committee. If more than five (5) years have lapsed since certification was canceled, recertification shall not be granted. After the five (5) year period, an applicant must apply for certification under the same conditions as required for initial certification. (7-1-93)

f. The county shall reimburse the appraiser for expenses necessary for registration, tuition, fees, texts, travel, food, and lodging required to comply with these rules. (7-1-93)

g. Independent appraisers contracting with state or county governments to appraise for tax assessment purposes must be certified. (7-1-93)

h. Persons making decisions regarding final values for assessment purposes shall be certified. (7-1-93)

03. The examination committee shall be composed of three assessors, one member of the Idaho Association of Assessment Personnel, and the Commission's education director. Committee appointments shall be made by the Commission. The committee will operate by majority rule. (7-1-93)

a. Terms. The term of the Commission's education director shall be continuous. The other members shall serve four (4) year terms. The education director shall maintain records of dates of appointments. (7-1-93)

b. If any member fails to serve the full appointed term, the Commission shall appoint another person for the remainder of the unexpired term. The appointee shall be from the same category as the one who failed to serve. (7-1-93)

c. The committee shall elect a chairman each year. (7-1-93)

d. The committee shall administer and grade the courses required for certification. (7-1-93)

e. The committee shall: notify applicants of time, place, and the order in which examinations will be given; and outline a uniform method of grading and notification. (7-1-93)

f. The examinee may appeal to a review board any complaints concerning matters involving examination structure, grading, or grievances concerning the committee. The review board shall consist of four (4) persons: the president of the Idaho Assessors' Association; a person appointed by the president of the Idaho Assessors' Association; a person appointed by the examination committee; and a person appointed by the Commission. No board member may be an assessor of the examinee's county; or a member of the examination committee. (7-1-93)

g. The applicant may request, in writing to the Commission's education director, permission to take the examination for Commission Course No. 1. The director shall set the time and place for the examination. (7-1-93)

04. The legislature and Commission recommend that counties offer pay incentives to encourage appraisers to obtain prompt certification. These pay incentives should include at least three parts: state certification; successful completion of additional professional appraisal courses or seminars; and designation from a recognized professional appraisal organization. (7-1-93)

301. MAKE, ADOPT, AND PUBLISH RULES.

Any person, group, or other association may petition the Commission for promulgation, amendment, or repeal of a rule pursuant to the Administrative Procedures Act, Section 67-5255, Idaho Code. Such petitions may be submitted to the Commission in any written form but must contain an express statement that the writing is intended to be such a

petition. In the case of a petition to promulgate or amend a rule, the petition must include suggested language to effect the desired regulatory action. The petition shall also include a statement of the reasons the petitioner believes the proposals should be adopted, and shall also include a statement of anticipated economic impact of the proposed change. Within thirty (30) days of receipt of a petition, the Commission shall notify the petitioner whether or not the Commission will institute rule making procedures in accordance with the Administrative Procedures Act for the purpose of considering the petitioner's proposal. The petitioner shall receive written notice of time and place of all public hearings which the Commission may hold in regard to such a proposed rule. (7-1-93)

302. -- 319. (RESERVED).

320. RULES.

01. The Commission may meet with county Boards of Equalization. (7-1-93)
02. The Commission's district supervisors will act as a liaison between county officials and the Commission. (7-1-93)
03. The Commission shall study categories of property for ad valorem purposes. (7-1-93)
04. The Commission may challenge assessment procedures which do not appear to conform to the statutes or rules. (7-1-93)
05. Hearings may be held by the Commission for investigation of assessments. (7-1-93)
06. For operating property assessment procedure, refer to ISTC 49. (7-1-93)

321. -- 326. (RESERVED).

327. EQUALIZATION BY CATEGORY--IDENTIFICATION AND REAPPRAISAL.

01. Identification of Property. Property shall be identified for assessment purposes in the categories outlined below. These categories are to be used on the assessment notice and on the abstract of assessment. Categories segregate properties into groups of like status and function. (7-1-93)
 - a. CATEGORY 1. Irrigated Agricultural Land. Irrigated land capable of and normally producing machine harvestable crops. (3-23-94)
 - b. CATEGORY 2. Irrigated Pasture Land. Irrigated land used for pasture and not normally capable of producing machine harvestable crops. (3-23-94)
 - c. CATEGORY 3. Non-irrigated Agricultural Land. Land capable of and normally producing machine harvestable crops without man-made irrigation. (3-23-94)
 - d. CATEGORY 4. Meadow Land. Land capable of lush production of grass. (3-23-94)
 - e. CATEGORY 5. Dry Grazing Land. Land capable of supporting grasses and browse, but incapable of supporting crops on regular rotation. (3-23-94)
 - f. CATEGORY 6. Productivity Forestland. Forestland assessed under the productivity option. (3-23-94)
 - g. CATEGORY 7. Bare Forestland. Forestland assessed as bare land with the yield tax option. (3-23-94)
 - h. CATEGORY 8. Reforestation Land. Land for which the owner agrees to carry on specified reforestation practices. (3-23-94)

- i. CATEGORY 9. Patented Mineral Land. (3-23-94)
- j. CATEGORY 10. Homesite Land. Land being utilized for homesites on categories 1 through 9. (3-23-94)
- k. CATEGORY 11. Recreational Land. Land used in conjunction with recreation but not individual homesites. (3-23-94)
- l. CATEGORY 12. Rural Residential Tracts. Rural residential land not in a properly recorded subdivision. (3-23-94)
- m. CATEGORY 13. Rural Commercial Tracts. Rural commercial land not in a properly recorded subdivision. (3-23-94)
- n. CATEGORY 14. Rural Industrial Tracts. Rural industrial land not in a properly recorded subdivision. (3-23-94)
- o. CATEGORY 15. Rural Residential Subdivisions. Rural residential land in a properly recorded subdivision. (3-23-94)
- p. CATEGORY 16. Rural Commercial Subdivisions. Rural commercial land in a properly recorded subdivision. (3-23-94)
- q. CATEGORY 17. Rural Industrial Subdivisions. Rural industrial land in a properly recorded subdivision. (3-23-94)
- r. CATEGORY 18. Other Land. Land not compatible with other categories. (4-5-95)
- s. CATEGORY 19. Waste. Public Rights-of-Way includes roads, ditches, and canals. Use this category to account for total acres of land ownership. Acres in this category shall be listed on the abstract. (4-5-95)
- t. CATEGORY 20. Residential Lots or Acreages. Land INSIDE city limits zoned residential. (3-23-94)
- u. CATEGORY 21. Commercial Lots or Acreages. Land INSIDE city limits zoned commercial. (3-23-94)
- v. CATEGORY 22. Industrial Lots or Acreages. Land INSIDE city limits zoned industrial. (3-23-94)
- w. CATEGORY 25. Common Areas. Land and improvements not included in individual property assessments. (4-5-95)
- x. CATEGORY 26. Residential Condominiums or Townhouses. Land and improvements included in individual assessments of condominiums or townhouses in areas zoned residential. (3-23-94)
- y. CATEGORY 27. Commercial or Industrial Condominiums. Land and improvements included in individual assessments of condominiums in areas zoned commercial or industrial. (3-23-94)
- z. CATEGORY 30. Improvements. Other than residential, located on category 20. (3-23-94)
- aa. CATEGORY 31. Improvements. Residential improvements located on category 10 that qualify for circuit breaker programs. (3-23-94)
- bb. CATEGORY 32. Improvements. Other than residential, located on categories 1 through 12 and 15. (3-23-94)
- cc. CATEGORY 33. Improvements. Located on category 11. (3-23-94)

- dd. CATEGORY 34. Improvements. Residential in nature, located on category 12. (3-23-94)
- ee. CATEGORY 35. Improvements. Commercial in nature, located on category 13. (3-23-94)
- ff. CATEGORY 36. Improvements. Industrial in nature, located on category 14. (3-23-94)
- gg. CATEGORY 37. Improvements. Residential in nature, located on category 15. (3-23-94)
- hh. CATEGORY 38. Improvements. Commercial in nature, located on category 16. (3-23-94)
- ii. CATEGORY 39. Improvements. Industrial in nature, located on category 17. (3-23-94)
- jj. CATEGORY 40. Improvements. Located on category 18. (3-23-94)
- kk. CATEGORY 41. Improvements. Residential in nature, located on category 20. (3-23-94)
- ll. CATEGORY 42. Improvements. Commercial in nature, located on category 21. (3-23-94)
- mm. CATEGORY 43. Improvements. Industrial in nature, located on category 22. (3-23-94)
- nn. CATEGORY 44. Improvements. Taxable improvements located on otherwise exempt property under the same ownership. (3-23-94)
- oo. CATEGORY 45. Utility Systems. Locally assessed utility systems not under the jurisdiction of the Commission. (3-23-94)
- pp. CATEGORY 46. Manufactured Housing. Structures transportable in one or more sections, built on a permanent chassis, for use with or without permanent foundation. (3-23-94)
- qq. CATEGORY 47. Improvements to Manufactured Housing. Additions not typically moved with manufactured housing. (3-23-94)
- rr. CATEGORY 48. Manufactured Housing. Manufactured housing on which a statement of intent to declare as real property has been filed. (3-23-94)
- ss. CATEGORY 55. Boats or Aircraft. Unlicensed watercraft or unregistered aircraft. (3-23-94)
- tt. CATEGORY 56. Construction Machinery, Tools, and Equipment. Unlicensed equipment such as cranes, tractors, scrapers, and rock crushers, used in the building trade or road construction. (3-23-94)
- uu. CATEGORY 57. Equities in State Property. Property purchased from the state under contract. (4-5-95)
- vv. CATEGORY 58. Farm Machinery, Tools, and Equipment. Unlicensed farm or ranch machinery, shop tools, or equipment not assessed as real property. (3-23-94)
- ww. CATEGORY 59. Furniture, Fixtures, Libraries, Art, and Coin Collections. Trade articles used commercially for convenience, decoration, service, storage, including store counters, display racks, typewriters, office machines, surgical and scientific instruments, paintings, books, coin collections, and all such items held for rent or lease. (3-23-94)
- xx. CATEGORY 60. Improvements on Railroad Rights-of-Way. Improvements located on railroad rights-of-way under separate ownership. (3-23-94)
- yy. CATEGORY 61. Improvements by Lessee Other Than Category 62. Improvements made by the tenant or lessee to landlord's property. (3-23-94)

- zz. CATEGORY 62. Improvements on Exempt or Public Land. Taxable improvements which are owned separately from exempt or public land on which they are located. (3-23-94)
- aaa. CATEGORY 63. Logging Machinery, Tools, and Equipment. Unlicensed logging machinery, shop tools, and equipment not assessed as real property. (3-23-94)
- bbb. CATEGORY 64. Mining Machinery, Tools, and Equipment. Unlicensed mining machinery, shop tools, and equipment not assessed as real property. (3-23-94)
- ccc. CATEGORY 65. Manufactured Housing. Manufactured housing not considered real property located on exempt land. (3-23-94)
- ddd. CATEGORY 66. Net Profits of Mines. That amount of money or its equivalent received from the sale or trade of minerals or metals extracted from the Earth after deduction of allowable expenses as defined in Section 63-2802, Idaho Code, or by Commission rule. (3-23-94)
- eee. CATEGORY 67. Operating Property. Property assessed by the Commission. (3-23-94)
- fff. CATEGORY 68. Other Miscellaneous Machinery, Tools, and Equipment. Unlicensed machinery, tools, and equipment not used in agriculture, construction, logging, or mining. (3-23-94)
- ggg. CATEGORY 69. Recreational Vehicles. Unlicensed recreational vehicles. (3-23-94)
- hhh. CATEGORY 70. Reservations and Easements. Reservations, including mineral rights reserved divide ownership of property rights. Easements convey use but not ownership. (3-23-94)
- iii. CATEGORY 71. Signs and Signboards. Signs and signboards, their bases and supports. (3-23-94)
- jjj. CATEGORY 72. Tanks, Cylinders, Vessels. Containers. (3-23-94)
- kkk. CATEGORY 81. Exempt Property. For county use in keeping an inventory, including acreage, of exempt real and personal property. (3-23-94)

328. USE OF RATIO STUDY IN EQUALIZATION.

01. Annual Ratio Study. Each year, beginning in 1996, the Tax Commission shall conduct a ratio study to assist in the equalization of assessments of property within and among the categories of property established in Idaho Administrative Rule 327. The ratio study shall be conducted in accordance with the "Standard on Ratio Studies" published in 1990 by the International Association of Assessing Officers. The annual ratio study shall test assessments as of January 1 of each year. The study shall be based on sales occurring between October 1 preceding the January 1st assessment date through September 30 following the January 1st assessment date. The study shall be completed in February following the end of the period studied. The appropriate ratio study statistical measure of level shall be determined as follows: (4-5-95)
- a. Given a normal distribution, the probability that the true mean level of assessment is between ninety percent (90%) and one hundred ten percent (110%) must be at least five percent (5%) or the mean based ninety five percent (95%) (one tailed) confidence interval must include some part of the range between ninety percent (90%) and one hundred percent (110%); or (4-5-95)
- b. Given a nonnormal distribution, the median based ninety percent (90%) (two tailed) confidence interval must include some part of the range between ninety percent (90%) and one hundred ten percent (110%). (4-5-95)
02. Tested for Equalization. Categories which will be tested for equalization purposes will include the following, provided that adequate samples can be obtained: (4-5-95)

- a. Improved Urban Residential: Abstract Items 20 and 41; (4-5-95)
- b. Unimproved Urban Residential: Abstract Item 20; (4-5-95)
- c. Improved Rural Residential: Subcategory 1 (tracts): Abstract Items 12, 18, 34, and 40; Subcategory 2 (subdivisions): Abstract Items 15 and 37; (4-5-95)
- d. Unimproved Rural Residential: Subcategory 1 (tracts): Abstract Items 12 and 18; Subcategory 2 (subdivisions): Abstract Item 15; (4-5-95)
- e. Commercial: Abstract Items 11, 13, 16, 21, 27, 33, 35, 38, and 42. (Urban and rural categories and land and improved categories will be analyzed separately, if adequate samples are available. (4-5-95)
- f. Condominiums: Abstract item 26; (4-5-95)
- g. Manufactured Housing: Abstract Items 46, 47, 48 and 65. (4-5-95)
- 03. Separate Analyzations. Categories 18 and 40 may be analyzed separately from Catagories 12 and 34 if adequate samples are available. If these categories (18 and 40) are not used for residential property, they should not be included in the 12/34 study. (4-5-95)
- 04. Follow Up Ratio Study. When the annual ratio study provided in Subsections 328.01 and 328.02 of this rule, discloses that assessments in any category of property in a county are out of compliance with the equalization standards of Subsection 328.03 of this rule, the Tax Commission shall conduct a follow up ratio study. The follow up ratio study shall test the assessments for January 1 of the year following the year tested by the annual ratio study and shall be based on property sales occurring during the calendar year immediately preceding that date. The Tax Commission shall notify the county assessor of the results of the follow up ratio study. The notice shall indicate whether any adjustments will be considered by Tax Commission at its next equalization meeting in August based on either the annual or any follow-up ratio study and the reason for the proposed adjustments. (4-5-95)
- 05. Use of Ratio Study Results. The results of the annual ratio study or any follow-up ratio study shall be one source of information upon which the Tax Commission may rely when equalizing assessments of property by category under Section 63-605, Idaho Code. When the results of any ratio study show, with reasonable statistical certainty, that the appropriate measure of level of a category studied is less than ninety percent (90%) or greater than one hundred ten percent (110%), the assessment of property within that category may be considered not equalized. When this occurs, the Tax Commission may, at its annual meeting commencing on the second Monday in August, order the county auditor to adjust the value of all property in the category in an amount the Tax Commission finds necessary to accomplish equalization of assessments of property in that category. (4-5-95)
- 06. Use of Alternate Ratio Study. When the follow-up ratio study required by Subsection 328.04 of this rule does not measure the true assessment level, the Tax Commission may consider adjustment based on the most recent annually conducted ratio study or other information relevant to equalization. If the Tax Commission has reason to question the representativeness of the sample used in an annual or follow up ratio study conducted on any category of property, the Tax Commission may delay implementation of any order to adjust property values until two successive years' ratio studies fail to produce an appropriate ratio study measure of level between ninety percent (90%) and one hundred ten percent (110%). (4-5-95)
- 07. Submission of Additional Information. Any party may petition the State Tax Commission to consider any information or studies relevant to equalization. The petition shall include a description of the information to be presented and the petitioner's conclusions drawn from the information. (4-5-95)

329. -- 349. (RESERVED).

350. TAX LEVY DETERMINED IN DOLLARS--CERTIFICATION DATE .

01. Budget Certification To Be Expressed in Dollars. The certification required shall be made to each board of county commissioners representing each county in which the district is located. The certification shall be on

a form prescribed by the Tax Commission.

(3-23-94)

02. Use of "Budget and Levy Procedure Manual." Information required to comply with this section shall be submitted by each county clerk to the Tax Commission in accordance with procedures found in the current year's "Budget and Levy Procedure Manual" prepared by the Tax Commission. The county auditor is not required to certify to the tax commission a budget for irrigation and drainage districts, forest protection associations, and other taxing districts which require no money from property tax sources.

(3-23-94)

03. Cross Reference. Additional certification of full market value by taxing district is required as specified in PTR 635.

(3-23-94)

351. -- 368. (RESERVED).

369. OPERATING STATEMENT--CONTENTS.

01. The operator's statement, required to be filed under Section 63-704 Idaho Code, and operating statement, specified in Section 63-705, Idaho Code, shall be interpreted as being one and the same statement.

(7-1-93)

a. The contents of the operating statement, provided in this section, among other things, requires railroad companies to report total number of miles of each line within each state, the number of miles of mail line, branch line, second track, siding and spurs being separately shown, and the number of miles within any county. For purposes of such reporting, the words mail line shall be interpreted as meaning main line of railroad trackage.

(7-1-93)

b. The reporting of the number of miles of railroad track, electrical and telephone wire miles, pipeline miles, etc., in each taxing district or taxing authority must be carried to two (2) figures beyond the decimal point and will be reported by the uniform tax code area method.

(7-1-93)

02. Tax Code Maps. Current tax code area maps shall be made available in the following manner:

(7-1-93)

a. Immediately following January 1 of each year the Commission shall update tax code area tracings from which blue line prints can be made. The updated tax code area tracings and blue line prints shall include new taxing districts and changes in district boundaries of existing taxing districts.

(7-1-93)

b. Approximately January 30 of each year, the Commission shall circulate to all companies having operating property within the state of Idaho, except car companies, a mimeographed list of all changes in tax code areas in all counties.

Hypothetical example: BINGHAM COUNTY

Tax Code Area

Number

01 Has been enlarged to include annexation to City of Blackfoot. Such annexation occurring is SW 1/4 Section 2, T 3 N, R 35 E, B.M.

Number

041 New number added due to incorporation of the City of Springfield located in SW 1/4 Section 28, T 4 S, R 32 E, B.M., such area being previously included in tax code area No. 18.

(7-1-93)

c. It then becomes the responsibility of the reporting company to review the mimeographed list of changes to determine if any changes affect their company.

(7-1-93)

- d. Blue line prints of tax code area maps may be obtained from the Tax Commission at cost. (7-1-93)
03. Reporting of Mileage. (7-1-93)
- a. Railroads. The report of track mileage for all railroads shall consist of the name of the main line and branch lines, and the track miles of such lines shall be reported under the column captioned Main track miles. Track miles consisting of passing track, yard switching, spurs, sidings, etc., shall be reported under the column captioned Second track miles. All track miles shall be reported by tax code area numbers and extended to two figures beyond the decimal point. (7-1-93)
- b. Electric Power Companies--Definition. To obtain clarification in distinguishing between transmission and distribution lines, the following definitions will be used, which as far as practicable are in conformity with those set forth by the Federal Power Commission in their booklet entitled Uniform System of Accounts. Transmission system means: all land, conversion structures and equipment, employed at a primary source of supply, i.e., generating station or point of receipt in the case of purchased power, to change the voltage of electrical energy for the purpose of its more efficient or convenient transmission; all land, structures, lines, switching and conversion stations, high tension apparatus, and their control and protective equipment, between a generating or receiving point and the entrance to a distribution center or wholesale point; and all lines and equipment whose primary purpose is to augment, integrate or tie together the sources of power supply. Distribution system means: All lands, structures, conversion equipment, lines, line transformers, and other facilities, employed between the primary source of supply, i.e., generating station or point of receipt in the case of purchased power, and the customer, which are not includable in transmission systems as defined in subsection (a) above, whether or not such lands, structures and facilities are operated as part of a transmission system or as part of a distribution system. Substations which change the energy from transmission to distribution voltage shall be classified as distribution systems. Where poles or towers support both transmission and distribution conductors, the poles, towers, anchors, guys and right of way shall be classified as transmission systems. The conductors, crossarms, braces, grounds, tie wires, insulators, etc., shall be classified as transmission or distribution facilities according to the purpose for which used. Land, other than rights of way, and structures used jointly for transmission and distribution purposes shall be classified as transmission or distribution according to the major use thereof. (7-1-93)
04. Electric Transmission Lines. To be classified as transmission, the line shall be designed to accommodate forty-four thousand (44,000) volts or more. REAs may insert thirty-four thousand five hundred (34,500) volts as transmission. Transmission lines shall be reported by single linear wire mile and by tax code area numbers on the appropriate pages of the company's annual report to the Commission. (7-1-93)
- a. A line generally consists of three wires per circuit. Example: Fifteen (15) single circuit miles = forty-five (45) single linear wire miles. (7-1-93)
- b. Two (2) three (3) wire circuits constructed on the same line of poles or structures provide double circuit facilities and shall be reported as six (6) single linear wire miles per mile of pole line. Example: Fifteen (15) double circuit miles = ninety (90) single linear wire miles. (7-1-93)
- c. In special cases, a single wire may be used to provide service to isolated points. Example: Fifteen (15) single wire miles = fifteen (15) single linear wire miles. (7-1-93)
- d. Underground cable lines should be reported on a single linear wire mile basis in the same manner as aerial wire. Underground transmission system may consist of three (3) separate energized conductor wires and no neutral conductor wire. The cable is protected by a grounded metallic shield which should not be considered or reported as a conductor for allocation purposes. Example: One (1) mile of cable x three (3) energized conductor wires = three (3) single linear wire miles. (7-1-93)
- e. The use of one (1) or more additional wires to serve as ground, shield, or static wire on the transmission circuit, are to be included in the investment plant account, but shall not be reported or included in the report of wire miles for allocating assessed value into the various taxing districts. (7-1-93)
05. Electric Distribution Lines. To be classified as distribution, the line shall be less than forty-four thousand (44,000) volts. Distribution lines shall be reported by single linear wire mile and by tax code area number

on the appropriate pages of the company's annual report to the Commission.

(7-1-93)

a. Distribution lines may vary from a single wire to any number and may consist of various groups and combinations of single, two (2), three (3), and four (4) wire circuits of either primary, secondary, or street light wires. Wire miles may, therefore, vary from a single or two (2) wire line in rural areas to a multiplicity of wires comprising several primary, secondary, and street light circuits on a feeder or express line.

(7-1-93)

b. Distribution wire miles to be reported are the product of the distance in feet of pole line or cable times the number of wires, divided by five thousand two hundred eighty (5,280) feet.

(7-1-93)

Distance in feet of pole line or cable X number of wires 5,280 wire miles	= Single linear
Distribution line examples:	
	Single Linear Wire Miles
9,240 ft. 4-wire primary circuit (9,240 x 4 / 5,280)	= 7.00
6,000 ft. 2-wire primary circuit (6,000 x 2 / 5,280)	= 2.27
1,500 ft. 3-circuit 4-wire primary (1,500 x 12 / 5,280)	= 3.41
1,500 ft. 2-wire street light circuit (1,500 x 2 / 5,280)	= 0.57
350 ft. 3-wire secondary circuit (350 x 3 / 5,280)	= 0.20
Underground	
660 ft. 3 single conductor w/concentric neutral (660 x 4 / 5,280)	= 0.50
350 ft. 3 conductor PILC (Paper Insulated Lead Cover) (350 x 3 / 5,280)	= 0.20
350 ft. neutral in duct (350 x 1 / 5,280)	= 0.07

c. Overhead Conductor and Underground Cable (Primary and Secondary).-Overhead or underground circuits may contain from one (1) to three (3) conductor wires and may be accompanied by a neutral wire. Each conductor and neutral shall be used for calculating wire miles. The neutral wire shall be reported for wire miles whether it is a separate wire or concentric wrapped on a cable. A shield wire on an overhead circuit must be used as a neutral to be considered in the calculation of wire miles.

(7-1-93)

d. If an underground circuit is constructed with more than one (1) cable, each having a concentric neutral and with all cable installed in a common trench or duct, the concentric neutrals shall be considered as one neutral.

(7-1-93)

e. Other Wires. Wires other than those covered above, consisting principally of highline and other communication conductors used in conjunction with a power system, are not to be reported on the basis of wire miles. Costs of communications systems are reported in investment plant account but linear wire mileage does not apply as the basis for apportioning assessed value into the various tax code areas. Distribution lead-in wires from the transformer to the panel or meter at the residence or business should not be reported for allocation purposes.

(7-1-93)

05. Telephone Companies. All telephone wire mileage shall be reported on a single linear wire mile basis, giving equal weight to those wires capable of transmitting telephone messages and any ground wires which may be necessary to complete the circuit. Every single linear wire mile contained in a cable shall be given the same consideration as an aerial single linear wire mile strung on poles. Example: A fifty-two (52) pair cable for one mile should be reported as having one hundred four (104) single linear wire miles. Coaxial cable shall be reported on a single linear tube mile basis. Coaxial cables range from a single tube to many tubes which are covered with a sheath. A coaxial cable having four (4) tubes for a distance of one mile would be reported as having four (4) single linear

tube miles. (7-1-93)

06. Telegraph Companies. Telegraph companies shall report on a single linear wire mile basis where it is appropriate. (7-1-93)

07. Gas and Water Distribution Companies. All gas and water distribution companies shall report the actual length and size of pipeline miles. All mileage shall be converted and reported on a three (3) inch comparison basis. (7-1-93)

Three-inch comparison basis example:

1" equals 0.33	6" equals 2.00	11" equals 3.66
2" " 0.66	7" " 2.33	12" " 4.00
3" " 1.00	8" " 2.66	13" " 8.00
4" " 1.33	9" " 3.00	14" " 12.00

08. Transmission Pipelines. Transmission pipelines are normally constructed of a uniform size of pipe for great distances. Therefore, it is not necessary to make an adjustment in such actual pipe sizes in order to properly report. (7-1-93)

09. Microwave Stations or Radio Relay Towers. Companies having operating property comprised of microwave stations or radio relay towers with communications transmitted from one (1) station or tower to another without being physically connected by a wire, the investment, undepreciated, of each unit shall be reported on a situs basis in the tax code area in which it is located. (7-1-93)

10. Permanent Record of Real Estate Ownership. (7-1-93)

a. A permanent record of real estate owned, leased, or operated by railroads and telegraph, telephone, electric, pipeline, water, and barge line companies shall be maintained in the office of the Commission, company, and affected county assessor's office. (7-1-93)

b. Record of real estate ownership shall be filed in triplicate on the STC Form R, together with two copies of a map locating such property, and a statement as to the intended use of the property. The Commission shall determine whether such property should be designated operating or nonoperating. (7-1-93)

c. Each time a parcel of real estate is acquired, transferred between operating and nonoperating status, or sold, it shall be necessary to file a new STC Form R with the Commission. (7-1-93)

d. Railroad companies are required to file original railroad right-of-way maps with the Commission in lieu of STC Form R's. For each transaction thereafter, Subsection 369.10.a. applies. Such right-of-way maps must be prepared in a draftsmanlike manner and show the boundary of such right-of-way, together with parcels of real estate which may be adjacent to such right-of-way and considered reasonably necessary for the successful operation of the company. (7-1-93)

d. Blue line prints of tax code area maps may be obtained from the Tax Commission at cost. (7-1-93)

370. -- 372. (RESERVED).

373. MANNER OF ASSESSMENT--VALUATION.

All railroad, pipeline, and utility companies, operating in the state, shall furnish and file with the Commission, by April 30, on forms provided or approved by the Commission, information pertinent to the company ownership and operation. Information is to be prepared and presented in such manner as to be reliable data for purposes of preparing a mathematical estimate of market value. Reference: ISTC 047 for specific contents. (7-1-93)

374. -- 376. (RESERVED).

377. MANNER OF ASSESSMENT--VALUATION.

01. Appraisal Techniques. Appraisal techniques used by the Commission in estimating market value for assessment purposes will be the same as recognized by court decisions, supported by text books and technical publications common to the industry. These techniques include the cost approach, income approach, and stock and debt or market approach. By correlation of these approaches, market value is estimated. (3-4-96)L

02. Unitary Method of Valuation. The unitary method of valuation is, in most cases, used by the department on centrally assessed properties. This method values the entire units of property as one (1) thing or going concern. valuation. For example, the estimated market value of a line of interstate railroad or utility is something more than an aggregation of the value of separate parts of it, operated separately. It is the aggregate of these values plus that arising from the unitary operation of the whole which constitutes the full value of property. Then each state has an equal right to a just proportion of that value. (3-1-96)L

03. Material Relating to Valuation. The material relating to valuation, value approaches, reproduction and replacement cost approaches to value, historical and original cost approaches to value, the income approach and stock and debt approach to value shall also apply to the assessment of private railroad car companies except as provided otherwise in Idaho Property Tax Administrative Section 204 of these rules. (3-1-96)L

04. Value Approaches. The level of market value sought shall be consistent with the market value concept defined in Section 204 of these rules. The appraiser shall consider one (1) or more of the following, as may be appropriate for the property being appraised. (3-4-96)L

a. The price or prices at which the property and comparable properties have recently sold the comparative sales approach. (7-1-93)

b. The prices at which fractional interests in the property or comparable property have recently sold, and the extent to which prices would have been increased had there been no prior claims on the assets (stocks and debt approach). (7-1-93)

c. The cost of replacing reproducible property with new property of similar utility, or of reproducing the property at its present site and at present price levels, less the extent to which the value has been reduced by depreciation, including both physical deterioration and obsolescence the replacement or reproduction cost approach. (7-1-93)

d. The amount invested in the property or the depreciation computed the method employed by the regulatory agency if the income from the property is regulated by law and the regulatory agencies use historical cost or historical cost less depreciation as a rate base the historical cost approach. (7-1-93)

e. The amount that investors would be willing to pay for the right to receive the income that the property would be expected to yield, with the risk attendant upon its receipt the income approach. (7-1-93)

05. Reproduction and Replacement Cost Approaches to Value. (7-1-93)

a. The reproduction or replacement cost approach to value is used in conjunction with other value approaches and is preferred when neither reliable sales data including sales or fractional interests nor reliable income data are available and when the income from the property is not so regulated as to make such costs irrelevant. It is particularly appropriate for construction work in progress. (7-1-93)

b. The reproduction cost of a property may be extended either by 1) adjusting the property's original cost for price level changes and abnormalities, if any, or 2) applying current prices to the property's labor, material, components, with appropriate additions for managerial services, interest on borrowed or owner-supplied funds, or other costs typically incurred in bringing the property to a finished state (or to a lesser state as unfinished on the lien date). Estimates may be made by using square feet, cubic feet, or other unit costs; a summarization of the in place costs of all components; a quantity survey of all material, labor and other cost elements; or combination of these

methods.

(7-1-93)

c. The original costs of reproducible property shall be adjusted, i the aggregate or by groups, for price level changes since original construction by multiplying the cost incurred in a given year by an appropriate price index factor. When detailed investment records are unavailable for earlier years or when only a small percent of the total investment is involved, the investments in such years may be lumped and factored to present price levels by means of an index number that represents the appraiser's best judgement of the weighted average price change. If the property was not new when acquired by its present owner and its original cost is unknown, its acquisition cost may be substituted for original cost in the foregoing calculations.

(7-1-93)

d. The replacement cost of property may be estimated as indicated by applying current prices to the labor and material components of a substitute property capable of yielding the same services and amenities, with appropriate additions as specified in Subsection 377.05.b.

(7-1-93)

e. Reproduction or replacement cost shall be reduced by the amount that such cost is estimated to exceed the current value of the reproducible property by reason of physical deterioration, misplacement, over-or-under improvement, and other forms of depreciation or obsolescence. The percent that the remainder represents, of the reproduction or replacement cost, is the property's percent good.

(7-1-93)

06. Historical and Original Cost Approaches to Value.

(7-1-93)

a. Historical cost is the first cost of a property item regardless of the present owner or interim sales transactions. It usually refers, in utility properties, to the cost of a property item when first devoted to public service.

(7-1-93)

b. Original cost is the cost of a property item to the present owner. At times, it is used as equivalent to historical cost. The majority of utility companies have had their major growth under control of state and federal regulatory bodies. Original cost has been defined by the regulatory agencies as the cost of property when first devoted to utility service. This amount is nearly always the amount shown on the books of the company as investment in operative plant. If one operating company were to purchase another operating company, and consolidate the books, the amount the surviving company would be permitted--and required--to show in its investment in plant accounts is the amount the dead company had invested, regardless of whether the purchase price was more or less than the book amount, with the difference being carried in a balance sheet account, the amount to be written off during a period of time through surplus. This depreciated original cost is the basis used by the regulatory bodies to develop a rate base upon which the utility may earn.

(7-1-93)

07. The Income Approach to Value.

(7-1-93)

a. The income approach to value should be used in conjunction with other recognized approaches when the property under appraisal is typically purchased in anticipation of a money income. It is the preferred approach for the appraisal of land when reliable sales data for comparable properties are not available. It is the preferred approach for the appraisal of improved real properties and personal properties when reliable sales data are not available and the cost approaches are unreliable because the reproducible property has suffered physical depreciation, functional or economic obsolescence, is a substantial over-or-under improvement, is misplaced, or is subject to legal restriction on income that is unrelated to cost.

(7-1-93)

b. Using the income approach, an appraiser values an income property by computing the present worth of future income. This present worth depends upon the size, shape, duration of the estimated income stream and upon the capitalization rate at which future income is discounted to its present worth.

(7-1-93)

c. The income to be capitalized is the amount which an informed owner and informed buyer may anticipate on the lien date that the taxable property existing on that date will yield under prudent management and subject to such legal enforceable restrictions as such persons may foresee as of that date. This income is the amount of operating income or revenue left after paying operating expenses and certain other recognized obligations but before payment of any interest on debt or dividends on stock. These terms mean the net income available to all interests in the property, i.e., the debt holders and the stockholders.

(7-1-93)

d. The income approach shall be used according to nationally accepted appraisal techniques. The direct capitalization techniques or derivatives thereof shall not be used in estimating the value for the income approach. (3-4-96)L

08. Stock and Debt Approach to Value. (7-1-93)

a. Application. It is important to use the stock and debt approach to value in conjunction with other approaches to the unit value of property 1) when the value of the stock and debt can be adequately measured by reference to market transactions and 2) when the value of the property approaches the value of all the property of the enterprise or can be extracted from the value of all the property of the enterprise by means of reasonable allocation devices. The approach is based on the accounting concept that the value of the assets, property, of an enterprise equals the sum of the values of the enterprise's capital stock and its liabilities. (7-1-93)

b. Valuation of Stocks. The stocks to be valued are the outstanding shares of preferred and common stock other than those held by an affiliate included in the unit to be valued, plus any publicly held shares of such affiliates. The value of the shares of preferred or common stock is indicated by their market prices per share on the lien date, or the average prices per share over a recent relatively short period, multiplied by the number of shares outstanding on the lien date or at the end of the period. For shares traded over the counter, either the average of their bid-and-ask prices or their actual sales prices may be used as market prices. If neither market prices nor bid-and-ask prices are available for a stock that is a comparatively unimportant part of the capitalization, such stock may be valued by reference to preferred stock yields or common stock yields and price/earnings ratios for issues of comparable quality. (7-1-93)

c. Valuation of Current Liabilities. The current liabilities to be valued are those current and deferred liabilities that are actual legal obligations. The market value of these debts is indicated by their face or book value in the absence of evidence to the contrary. Contingent liabilities should be excluded unless there is evidence that they represent actual legal obligations. The objective is to include any obligation that purchasers of the total equity interest would assume, at the amount the purchaser would reduce the price he pays for the equity interest by reason of the obligation assumed. (7-1-93)

d. Exclusions. The market value of the stock plus the market value of the debts equals the value of the enterprise. When the enterprise owns nontaxable property, such as cash, receivables, and securities, or property assessable by other agencies, the enterprise value must be reduced by the amount these items are estimated to contribute to the stock and debt value in order to arrive at the market value of the assessable property. If the objective of the appraiser is to arrive at an indicator of the value of the taxable unitary property, the enterprise value must also be reduced by the value of any non-unitary property within the assessor's jurisdiction. (7-1-93)

e. Additions. The stock and debt value includes only the so-called bonus value of leased property, which may be positive or negative. Consequently, if leased properties are included in the unit that is being appraised, the capitalized net rental payments must be added to the stock and debt value to derive the unit value indicator. (7-1-93)

09. Method of Apportionment Situs Property. (7-1-93)

a. Property which is of such nature that it cannot be reasonably apportioned on the basis of rail, wire, or pipeline mileage shall be referred to as situs property. The word SITUS shall be interpreted as meaning the place where something exists. Undepreciated cost is considered by the Commission to be of prime importance and the basis of apportionment for such situs property to the county and district in which this property is situated. Property having this status is generally considered as being microwave stations and radio relay towers which are not physically connected with wires; fish facilities of an electrical power company where in such facilities are located in a district in which no wire miles exist; furniture and fixtures located in a district having no track, wire or pipeline miles. (7-1-93)

b. Leased machinery and equipment, leased land, buildings and improvements located thereon which are considered as being used as a stage of utility or materiality to the operating company's business are situated to insure proper identification of property assessment. and billing of taxes to the lessee as well as the lessor. (7-1-93)

378. -- 380. (RESERVED).

381. ATTENDANCE OF AGENTS OF UTILITY.

01. The Commission may require the attendance of the person to be assessed under Section 63-701, Idaho Code, et seq., or Section 63-801, Idaho Code, et seq., or the officers, managers or agents of such person with or without a formal hearing. Notice of the Commission's requirement of testimony may be given by mail, and if a formal hearing has been requested, the notice may be sent with the Notice of Hearing. (7-1-93)

02. The Commission may require the person to be assessed to designate a witness who consents to testify on any matter designated by the Commission which in the judgement of the Commission, would assist it in fixing the value of the property. The person designated shall testify as to matters known or reasonably susceptible to being ascertained by the person to be assessed. (7-1-93)

03. The notice may also require the person to be assessed to produce all documents or items which the Commission might designate to enable it to value or assess the property, whether or not a formal hearing has been requested or testimony is to be taken. (7-1-93)

382. -- 385. (RESERVED).

386. TAXPAYER ENTITLED TO HEARING--PROCEDURES BEFORE THE STATE TAX COMMISSION.

01. Procedure Governed. These rules shall govern all practice and procedure before the Commission in all matters arising under Section 63-701, Idaho Code, et seq., and Section 63-801, Idaho Code, et seq. (7-1-93)

02. Liberal Construction. These rules shall be liberally construed to secure just, speedy and economical determination of all issues presented to the Commission. In special cases, where good cause appears, not contrary to statute, the Commission may permit deviation from these rules insofar as it may find compliance therewith to be impracticable or unnecessary. (7-1-93)

03. Communication. All notices and petitions herein required to be filed with the Commission must be in writing, identify the filing party, signed by the filing party, dated and give the filing party's mailing address and telephone number. Filing shall not be complete until the documents or items are received by the Commission. (7-1-93)

04. Service by Commission. All notices and orders required to be served by the Commission may be served by mail and service thereof shall be complete when a true copy of such document, properly addressed and stamped, is deposited in the United States mail. (7-1-93)

05. Parties. (7-1-93)

a. Petitioner. Persons petitioning for formal hearings shall be called petitioners. (7-1-93)

b. Staff. Commission staff may appear as a party at any hearing and may be represented by Deputy Attorney Generals assigned to the Commission. (7-1-93)

06. Appearances and Practice. (7-1-93)

a. Rights of Parties. At any hearing, all parties shall be entitled to enter an appearance, to introduce evidence, examine and cross-examine witnesses, make arguments, and generally participate in the conduct of the proceeding. (7-1-93)

b. Taking of Appearances. The presiding officer conducting the hearing may require appearances to be stated and shall see that all parties present are identified on the record. (7-1-93)

c. Representation of Parties. Appearances and representation of parties shall be made as follows: A

party who is a natural person may represent himself or herself or be represented by an attorney. A partnership may be represented by a partner, duly authorized full-time employee or by an attorney. A corporation may be represented by an officer, duly authorized full-time employee or by an attorney. A municipal corporation or nonprofit organization may be represented by an officer, duly authorized full-time employee or by an attorney. All other parties may appear and shall be represented by an attorney. An attorney who is not admitted to practice in the state may not appear and represent parties unless such attorney is duly admitted to practice and in good standing before the highest court of any state and is associated with an attorney who is admitted to practice and in good standing in the state. (7-1-93)

07. Pre-Hearing Conferences. (7-1-93)

a. General. The Commission may, upon written or other sufficient notice to all interested parties, hold a pre-hearing conference for the purpose of formulating or simplifying the issues, obtaining admissions of fact and of documents which will avoid unnecessary proof, arranging for the exchange of proposed exhibits or prepared expert testimony, limitation of number of witnesses, procedure at the hearing, and such other matters which may expedite orderly conduct and disposition of the proceedings or settlements thereof. (7-1-93)

b. Action Taken. The actions taken at such conference and the agreements made thereat by the parties concerned shall be recorded and the Commission may issue a pre-hearing order in respect thereto. When so issued such pre-hearing order will control the course of subsequent proceedings unless modified at the hearing to prevent manifest injustice. (7-1-93)

c. Facts Disclosed Privileged. Facts disclosed in pre-hearing conferences are privileged. Except by agreement, they shall not be used against participating parties, before the Commission or elsewhere, unless proved by evidence other than that employed in disclosing such facts. (7-1-93)

08. Hearings. (7-1-93)

a. Request for Hearing. All requests for formal hearings shall be in the form of a petition and two (2) copies filed with the Commission on or before August 1st of the current year. The petition shall state all factual and legal basis on which the request is based. (7-1-93)

b. Notice of Hearing. The Commission shall notify all petitioners of the place, date and time of the formal hearing. (7-1-93)

c. Motions. Motions may be submitted for the Commission's decision on either written or oral argument and the filing of affidavits in support or contravention thereof may be permitted. Motions filed by different parties but involving the same point of law may be set for hearing at the same time. The practice respecting motions and forms thereof shall conform insofar as practicable with the practice in the district courts of the state. (7-1-93)

d. Hearing Officer. The hearing shall be conducted by the Commissioner supervising the ad valorem section of the Commission or his designate. The Commissioner shall not vote on any matters where he has been staff supervisor. (7-1-93)

e. Testimony Under Oath. All testimony to be considered by the Commission in formal hearings, except matters noticed officially or entered by stipulation, shall be sworn testimony. Before taking the witness stand each person shall swear, or affirm, that the testimony he is about to give in hearing before the Commission shall be the truth, the whole truth and nothing but the truth. (7-1-93)

f. Rules of Evidence. In conducting any investigation, inquiry or hearing, neither the Commission nor any officer or employee thereof shall be bound by the technical rules or evidence, and no informality in any proceeding or in the manner of taking of testimony shall invalidate any order, decision, or rule made, approved or confirmed by the Commission. Rules of evidence before the courts of the state will be generally followed but may be relaxed at the discretion of the Commission when deviation from the technical rules of evidence will aid in ascertaining the facts. When objection is made to the admissibility of evidence such evidence may be received subject to later ruling by the Commission. The Commission, at its discretion either with or without objection may exclude inadmissible, incompetent, cumulative or irrelevant evidence or order such evidence discontinued. Parties objecting to the introduction of evidence shall briefly state the grounds of objection at the time such evidence is offered. The

evidence to be admitted at hearing shall be material and relevant to the issue. (7-1-93)

g. Recessing Hearing for Conference. In any proceeding the presiding officer may, in his discretion, call all parties together for a conference prior to the taking of testimony, or may recess the hearing for such conference, with the view of carrying out the purpose of this rule. The presiding officer shall state on the record the results of such conference. (7-1-93)

h. Transcript. An official transcript of the hearing will be taken. Any party desiring the taking of stenographic notes by a qualified court reporter may so request in writing. The party requesting the report shall bear the expense of the reporter's attendance fees and if the reporter's transcript is deemed by the Commission or presiding officer as the official transcript of the hearing, the party requesting the reporter shall furnish the Commission a transcript free of charge. (7-1-93)

i. Transcript Copies. Any person desiring a copy of the record of proceedings taken at any hearing must inform the Commission in writing or on the record. Upon completion of the record, the Commission shall notify the person requesting a copy of its completion and the fee for producing such record. Upon receipt by the Commission of the amount of the fee in cash, certified check or money order, the Commission will forward a copy of the record to the requesting party. (7-1-93)

387. -- 390. (RESERVED).

391. RE-EXAMINATION OF VALUE--COMPLAINT BY ASSESSOR.

A complaint by an assessor to the Commission to examine the valuation and allocation of value of operating property will be acknowledged as being properly filed if such complaint is submitted in the following manner and contains the particulars outlined below: (7-1-93)

01. Complaint Must Be in Writing. Complaint must be in writing and contain clear and concise statements, in paragraphs separately numbered, of the matters that lay a foundation for re-examination. (7-1-93)

02. Final Filing Day. The final day for filing a complaint must be within twenty (20) days following the Commission's certification of values of operating property to the county auditor. (7-1-93)

03. Complaint Shall State Specific Grounds. Complaint shall state the specific grounds for examining valuation or allocation and must precisely express: reason for re-examination of value as to change of allocation or change in value, if any; the basis for such reason; the particular matter submitted for determination; a concise recital of the facts affecting such matter; a concise specification of the particular relief sought; a statement of the case law, if any, relied upon. (7-1-93)

04. Examination of Complaint by Commission. Upon a filing of a complaint by the assessor, the Commission will examine same and notify the complainant as to its acceptance, or if said complaint is unacceptable, within five (5) days. (7-1-93)

05. Request for Appearance. The Commission may request appearance of assessor or representative of any company whose operating property may be in question. (7-1-93)

06. Notice of Findings. Upon a filing of acceptable complaint, the Commission will make an examination of valuation or allocation of value and give notice of the findings of such examination within thirty (30) days following the notice of acceptance of such petition. (7-1-93)

07. Idaho Code Provisions. Nothing contained in this section or rule should be interpreted as replacing or modifying in any way the provisions under Section 63-712, Idaho Code, providing for the county auditor to carefully examine the statement of assessed values from the Commission with the previous year's assessment and shall notify the Commission, if in the opinion of the county auditor errors were made or any property in the county subject to assessment by the Commission has not been assessed, as soon as any error or omission in such statement is discovered by the county auditor. (7-1-93)

392. -- 399. (RESERVED).

400. CAR COMPANIES DEFINED--STATEMENT.

01. Representatives of all railroad car companies or business enterprises, other than railroad companies operating a line of railroad or any sleeping cars owned by a car company, owning or operating any cars or having any property in the state for the year ending December 31 of the preceding year, shall by April 30 of each year, file a statement with the Commission. (7-1-93)

02. To obtain uniformity, the Commission has prepared a report form for car companies. The report form will be T.C. Form AR-1 captioned RAILROAD CAR COMPANIES ANNUAL REPORT. Three copies of such report forms will be mailed by the Commission to all known car companies following the assessment date, January 1, each year. One completed copy of the report form must be returned to the Commission by April 30 of each year. Additional report forms will be available upon request. (7-1-93)

03. The fact that report forms are inadvertently not mailed or a company may not have received report forms will in no case be grounds to obviate an assessment or payment of tax. (7-1-93)

04. In addition to the above report, it is requested that a copy of the last annual report of the Board of Directors, or other officers, for the stockholders of the company, and a copy of its Interstate Commerce Commission Report, be furnished the Commission. (7-1-93)

401. -- 403. (RESERVED).

404. STATEMENT BY RAILROAD COMPANY.

01. The president or other officer of every railroad company whose lines of railroad track runs through, in or into this state shall, by April 15 of each year file a statement with the Commission. The statement has been prepared and will be available upon request to the Commission. The statement will be referred to as STC Form C-1 entitled RAILROAD COMPANY'S REPORT OF PRIVATE CAR COMPANIES--ANNUAL STATEMENT OF MILEAGE MADE BY PRIVATE line cars in the state of Idaho for the year ending December 31, _____. (7-1-93)

a. Such complete statement will show: the name of the reporting railroad company; the name of each private car company, defined under Section 63-803, Idaho Code; business address of car companies; classification of cars by symbol, XC, SC, etc., according to Official Railway Equipment Register or by general description such as flat, tank, refrigerator, etc.; car initials; total number of miles traveled on their lines of railroad trackage, main line, branches, sidings, spurs, and warehouse or industrial trackage in this state during the year ending December 31 of the preceding year; rate per mile stated in cents, and amounts paid for mileage in Idaho. (7-1-93)

02. The use of STC Form C-1 by the various railroad companies is optional so long as the information received is legible and virtually in the same manner and order as specified on the approved statement. (7-1-93)

03. In addition to using such report as the basis of assessment, it will serve as a means of alerting the Commission of any car companies operating within the state for the first time, which in turn will enable the Commission to supply such car companies with the necessary reports to be filed with the Commission. (7-1-93)

405. -- 407. (RESERVED).

408. MANNER OF ASSESSMENT.

01. Type Valuation Data. Private car companies have little fixed property in the state. Their properties are largely railroad cars which are by nature very mobile. But generally the same evidences of value in estimating market value for assessment purposes can be used on private car companies as on operating property, namely: replacement/reproduction cost new less depreciation, original cost less depreciation, capitalized income, stock and debt method, and sales. (7-1-93)

02. Special Rule. Any car company having one thousand (1,000) or less miles of total wheelage, and/or

a car located within the state fifteen (15) days or less, in case of repairs, idle products, storage use or otherwise, during the prior calendar year ending December 31, may be considered as not being sufficient to economically justify the assessment and collection of the property tax effective January 1 of the current year. However, this rule may be exercised ONLY by the Commission and in no case shall be reason for not filing the required annual reports with the Commission. Car companies having one thousand one (1,001) or more miles of total wheelage and/or a car located within the state sixteen (16) days or more shall be considered as having sufficient property to justify the cost of assessment and collection of the tax. (7-1-93)

03. Allocation of Number of Cars, Value, to the State. Based upon available data and statistics, the Commission will develop the quantity of cars assignable to the state on the basis of the average number of cars within its boundaries for the twelve (12) month period prior to the assessment date rather than attempting to ascertain the number of cars actually in the state on the assessment date. (7-1-93)

04. Situs Count Method/Approach. Consideration will be given to a car quantity which is divided into two (2) counts, one (1) titled standing count and the other running count. The standing count utilizes the daily yard checks made by railroad companies as of 7:00 A.M. each work day. This count includes all cars on industrial spurs, side tracks, yard tracks and storage tracks. It does not include cars that are made up into trains. A sampling of approximately twenty-six (26) staggered days across the calendar will be used. The total count is averaged and assumed to be equivalent to the average annual count of standing cars in the state. The running count is intended to be the average number of cars in the state necessary to generate the car miles that are reported traveled in the state. From railroad company data the average speed of a train in through-mainline service is estimated. Currently, four hundred (400) miles per car per day is applicable. Therefore, when the total car miles traveled in Idaho are divided by a factor composed of four hundred (400) miles per day multiplied by three hundred sixty-five (365) days in a year, one hundred forty-six thousand (146,000) miles the average number of running cars per year necessary to generate the state's car miles is estimated. By adding the standing count of cars and the running count of cars, the total number of cars for the state is estimated by the situs count approach. (7-1-93)

05. Prorate/Wheelage Method. Another approach to developing car quantity is allocation by prorate or wheelage method. (7-1-93)

a. Several sources of data and computable steps are required to produce a reliable estimate of the number of cars allocable to Idaho. (7-1-93)

b. One such type of data required is the total miles within the United States traveled by all cars owned or leased by the car company for the previous year. This data is available from the car company and is required by the Commission to be furnished prior to April 30th each year, on forms provided by the Commission. Again, the reported total miles traveled is for the prior year for the calendar months of January through December. Example: Car company report due April 30 covers the total car miles traveled by all cars owned or leased during the preceding months of January through December. (7-1-93)

c. Another required statistic is the total car miles of all owned or leased cars that traveled within the state and is to be furnished by the car company. The various companies are also required by the Commission to compile car mileage for each car company and submit to the Commission. If there is a difference between the two (2) sources of data, the two (2) must be reconciled. (7-1-93)

d. With the above information in hand, i.e., total car miles traveled within the prior year by car company and total car miles traveled within the state, an average percentage of the company fleet of cars within Idaho during the year is obtainable by dividing the total miles traveled by all cars within the U.S. into the total miles traveled within Idaho. The percentage thus developed is applied to the in service owned and leased cars of the company. The result is an average of the number of cars within the fleet allocable to Idaho by the prorate or wheelage method. (7-1-93)

06. Correlation of Methods. The arithmetic or weighted average of the situs count and prorate methods will be utilized to estimate the number of cars allocable to the state. The average number of cars thus developed will be converted to estimated market value for assessment purposes through multiplying the average estimated value per

car. Example:

Average Value of Car	\$ 10,000
Average No. of Cars Allocable to Idaho	10
Estimated Market Value, for Assessment Purposes	\$100,000

See ISTC 412

(7-1-93)

409. -- 411. (RESERVED).

412. APPORTIONMENT OF ASSESSED VALUES WITHIN THE STATE.

01. Railroad companies' reports to the Commission include the various in service main and branch line track miles by county and tax code area for purposes of apportioning railroad valuation. The same track miles are used for the apportionment of assessed values, of five hundred thousand dollars (\$500,000) or more, of private car companies. (7-1-93)

02. This car company value is first assigned to the railroad systems generating the mileages of each company in the proportion that the individually produced miles compare to the total state mileage. The assigned values are then divided by the in service main track mileage, of that particular railroad, to obtain a rate per mile. This rate is then used to apportion value on the basis of the number of miles of track existing in each county and tax code area. For the purpose of apportioning value by miles traveled, main track is interpreted as including branch lines, which are the main tracks of the railroad between designated points, as well as main lines normally considered as being used for through freight, wherein both contribute to the total mileage, but does not include industrial spurs, sidings or passing tracks. (7-1-93)

03. The Commission will, from time to time, conduct studies to ascertain the trackage, of the railways, over which the various types of cars are traveling. For example, the freight car movement over the Simplot spur of the Oregon Short Line Railroad Company, located between Fort Hall, Idaho, and the Gay Mine in Bingham County, consisting of twenty-one and forty-nine one hundredths (21.49) miles, is entirely a shale rock haul and would never, under present conditions, have refrigerator-type cars wheeled over such line. Therefore, the Commission is justified in eliminating such trackage from the track mileage used for prorating the value on refrigerator-type cars in the county by tax code areas. The county auditor places such valuation on the assessment rolls of the county and applies the appropriate tax levies to determine the amount of tax to be collected by the county treasurer in the same manner as applies to personal property. (7-1-93)

04. Assessed value in counties and taxing districts within the state is allocated by prorating on a mileage basis as follows:

Example: Assume that private car company P has an assessed value of one hundred two thousand dollars (\$102,000); that the cars of company P were propelled by the following railroad companies over their trackage for a total of twenty-three million five hundred forty-two thousand one hundred (23,542,100) miles within the state.

The number of miles of railroad track over which cars were propelled, existing in each county and tax code area, as reported to the Commission by each railroad company, times rate per mile, Column 7 above, equals the assessed value to be certified to the county auditor. Assessed value of car companies as provided in Section 63-804A, Idaho Code, and apportioned to the counties shall be placed on the personal property assessment rolls of the counties. Collection of such taxes shall be made in the same manner as other personal property taxes. See Title 63, Chapter 13, Idaho Code. (7-1-93)

05. Determination of Average Tax Rate--Car Companies Under Five Hundred Thousand Dollars (\$500,000) Assessed Value. For car companies having an assessed value of less than five hundred thousand dollars (\$500,000), the Commission shall determine the tax to be charged on their property, by applying to the assessed value the average tax rate in the state for the current year. The average tax rate is ascertained by obtaining from each county

auditor the amount of tax computed in such county in which assessed value was allocated, and dividing the total of all the counties' taxes by the total assessed value for all car companies having as assessed value of five hundred thousand dollars (\$500,000) or more in the state.

Total computed tax received from all county auditors = Average Tax Rate Assessed value all car companies over \$500,000, state of Idaho

The Commission will circulate a letter of inquiry to all county treasurers, requesting the amount of such taxes approximately October 15 of each year which must be returned to the Commission by November 1 of each year. (7-1-93)

06. Collection of Taxes--Car Companies Under Five Hundred Thousand Dollars (\$500,000) Assessed Value. The Commission will prepare tax notices for the various car companies having an assessed value under five hundred thousand dollars (\$500,000) and mail such tax notice to the companies by the fourth (4th) Monday of November of each year. Taxes on private car companies become delinquent on the twentieth day of December. In the event of delinquency in the payment of tax, a two percent (2%) penalty of the amount of the taxes plus one percent (1%) interest per month dating back to January 1st will be added to the original amount of the tax as provided in Section 63-1302, Idaho Code. (7-1-93)

413. -- 415. (RESERVED).

416. PENALTY FOR FAILURE TO MAKE STATEMENT.

In the event a car company should fail or refuse to make statement, report as provided by Section 63-802, Idaho Code, by April 30 of each year, the Commission shall add a fifty percent (50%) penalty to the assessed value as determined by the Commission, as provided by this section; provided, however, that in the event an emergency may exist, the company may petition the Commission for an extension of time for filing, not to exceed thirty (30) days; provided further that for such petition to be valid it must be submitted in writing to the Commission, Property Tax Division, by April 30 of each year. (7-1-93)

417. -- 429. (RESERVED).

430. MUNICIPAL TAXES CERTIFICATION OF VALUATION.

01. For the budget preparation of a unit of government, the certification to all taxing districts of full market value less exemptions must be made by the assessor and auditor between the first (1st) and fourth (4th) Monday of January. (7-1-93)

02. The certification of full market values less exemptions by the assessor and auditor under this section is the full market value of all real, personal, and operating property of the prior calendar year. (7-1-93)

03. The full market value of operating property less exemptions shall be obtained by district from the Commission's data printout certification filed with the auditors. (7-1-93)

431. -- 459. (RESERVED).

460. TRANSIENT PERSONAL PROPERTY DEFINED.

01. Transient personal property is property that is not properly registered for highway use in accordance with Section 49-434, Idaho Code, and that moves from county to county and spends more than thirty (30) days but less than one (1) year in any county. (7-1-93)

02. Farm machinery and other personal property not used in construction, logging, or mining shall not be considered transient personal property. (7-1-93)

03. For payment of taxes refer to Section 63-1302, Idaho Code. (7-1-93)

461. -- 479. (RESERVED).

480. DEFINITIONS.

01. Forest land shall include parcels currently classified or eligible for classification under ISTC 44. (7-1-93)
02. Present use shall mean that the land contains actively growing trees of a marketable species which may be accepted by a commercial mill in the forest value zone. (7-1-93)
03. Silvicultural treatment shall include the following activities: site preparation, planting, vegetation control, precommercial thinning, commercial thinning, fertilization, mechanical or chemical pest and disease control, pruning, inventorying, cruising, or regeneration surveys, fencing, and genetic tree improvement. (7-1-93)
04. Forest land management plan shall mean a written management plan performed and submitted by a professional consulting forester, Idaho Department of Lands woodland forester, professional industry forester, or federal government forester, to include eventual harvest of the forest crop. Professional forester is defined as an individual holding at least a B.S. degree in forestry from an accredited four (4) year institution. (7-1-93)
05. Bare forest land shall qualify as forest land only if, within five (5) years after harvest or initial assessment, they are planted or regenerated naturally to minimum stocking levels as specified by the Idaho Forest Practices Act. (7-1-93)
06. Joint ownership as used in ISTC 62 includes ownership of a single parcel of forest land by two or more legal entities irrespective of their proportionate ownership interests in the parcel, but shall not include the community property interests of a spouse. (7-1-93)

481. -- 483. (RESERVED).

484. LANDS OF LESS THAN FIVE ACRES.

Forest land of four and nine hundred ninety-nine one thousandths (4.999) contiguous acres or less shall not be eligible for valuation and taxation as forest land, whether or not the landowner owns other parcels which are eligible. The five (5) acre size is determined EXCLUSIVE of homesite. (7-1-93)

- a. Example 1. Landowner owns a fifteen (15) acre parcel which contains four acres of forest, nine (9) acres of irrigated row crop, and two (2) acres of homesite. The four (4) acres of forest is not eligible for valuation and taxation as forest land. (7-1-93)
- b. Example 2. Landowner owns eight (8) one (1) acre parcels of forest, and one (1) five hundred (500) acre parcel of forest. The eight (8) one (1) acre parcels are not eligible for valuation and taxation as forest lands. (7-1-93)

485. -- 487. (RESERVED).

488. CERTAIN FOREST LANDS TO BE DESIGNATED FOR TAXATION BY OWNER -- LIMITATIONS.

01. A forest landowner may choose to have the total acreage of forest land parcels owned within the state designated under the provisions of either Section 63-1705 or 63-1706, Idaho Code. The forest landowner cannot have parcels in both designations. If the new owner owns no forest land in the state designated under Section 63-1705 or 63-1706, Idaho Code, he may choose the option of forest taxation he desires. Designation shall be made by December 31st, of the year preceding assessment and will be effective for the following year. Where forest property is held in joint ownership, all co-owners must mutually agree on property designation under Section 63-1703(a) and (b), Idaho Code. Each co-owner must make a timely designation. Where co-owners are unable to agree on a mutual designation or fail to make a designation, the forest land shall be subject to appraisal and assessment as provided in ISTC 484 of these rules. (7-1-93)

02. Reforestation lands shall be eligible for designation at time of contract expiration or when declassified by the state, so long as the land qualifies for classification as forest land. (7-1-93)

03. If the forest landowner fails to make a designation by December 31st of the year preceding assessment, the forest lands shall be assessed under Section 63-1702, Idaho Code, until a timely designation is made. (7-1-93)

04. After January 1st and by December 31st of the tenth (10th) year of designation, a landowner may change designations for the upcoming ten (10) year period, subject to any recapture of deferred taxes caused by such choice. Failure to make a new designation shall cause an automatic renewal for ten (10) years of the existing designation. (7-1-93)

05. Failure to notify the assessor of the change in use when lands have been designated shall cause forfeiture of the designation as to the changed acres, and the property shall be appraised, assessed and taxed, as provided in Section 63-1702, Idaho Code, from the date of latest designation or renewal. (7-1-93)

06. There are no deferred taxes on lands designated under Section 63-1705, Idaho Code. (7-1-93)

07. Recapture of deferred taxes on lands designated under Section 63-1706, Idaho Code, shall be handled as follows: (7-1-93)

a. Ownership Interest/Deferred Taxes. Upon removal of the designation, a substantial change in use, or ownership transfer and subsequent change in designation, forest land designated under Section 63-1706, Idaho Code, shall be subject to a recapture of deferred taxes. Where forest land is held in joint ownership, a transfer of ownership for purposes of recapturing deferred taxes shall occur when any one of the legal entities holding an ownership interest in the subject property shall convey, transfer, or otherwise dispose of their ownership interest or portion thereof. Any such transfer of ownership shall subject the entire parcel to recapture of deferred taxes, unless the new owner timely redesignates the parcel. (7-1-93)

b. Recaptured deferred taxes shall be the responsibility of the selling landowner. Deferred taxes shall constitute a lien on the land. (7-1-93)

c. All deferred tax amounts shall be due and payable to the treasurer on demand and subject to the provisions of Sections 63-1102 and 63-1117, Idaho Code, from date of delinquency. (7-1-93)

d. All deferred tax amounts shall be certified to the real property roll immediately following delinquency. (7-1-93)

e. Forest lands designated under Section 63-1706, Idaho Code, and subsequently removed from the designation by change in use with no ownership transfer, unless such transfer is a parcel less than five (5) acres in size, to any taxing category other than designation under Section 63-1705, Idaho Code, shall cause a recapture of deferred taxes calculated in the following manner: the difference between the current bare land value for the correct class of land in the forest value zone in which the parcel lies and the current market value for assessment purposes of the property during the current year, multiplied by the current levy for the tax code area or areas in which the parcel lies, (c.) multiplied by the number of years, including the entire current year, the lands have been subject to designation under Section 63-1706, Idaho Code, not to exceed ten (10) years. A credit shall be allowed for any yield tax paid up to the amount of the deferred taxes. (7-1-93)

f. Forest land designated under Section 63-1706, Idaho Code, upon transfer of ownership or removal to designation under Section 63-1705, Idaho Code, provided the transfer is a parcel equal to or greater than five (5) acres in size, shall be subject to a recapture of deferred taxes calculated in the following manner: the difference between the current bare land value for the correct class of land in the forest value zone in which the parcel lies and the current productivity value for the correct class of land in the forest value zone in which the parcel lies, during the current year, multiplied by the current levy for the tax code area or areas in which the parcel lies, multiplied by the number of years, including the entire current year, which the lands have been subject to designation under Section 63-1706, Idaho Code, not to exceed ten (10) years. A credit shall be allowed for any yield tax paid up to the amount of the deferred taxes. (7-1-93)

g. In the event of nonpayment, the yield taxes due shall constitute a lien on all real and personal property of the landowner. (7-1-93)

08. Investment lands are defined as those in categories 1, 2, 3, 4, 5, and 9, as defined in ISTC 044. (7-1-93)

489. - 491. (RESERVED).

492. TAXATION OF LARGE SIZE FOREST TRACTS.

01. Taxation under the provisions of Section 63-1705, Idaho Code, shall not include timber inventory in addition to the productivity value since the value of timber growing on the land is included in the productivity formula. The productivity formula used to determine the forest value shall be as follows:

$$\text{MAI} \times \text{SV} + \text{other agricultural related income} - \text{costs}$$

Capitalization Rate

KEY:

MAI = Mean Annual growth Increment, board feet/acre/year

SV = Stumpage Value, preceding five (5) year rolling average of timber harvested within the forest value zone from state timber sales or the best available data for the same five (5) year period.

Other Agricultural Related Income = Grazing income from the forest land.

Costs = Annualized expenses directly related to producing the forest crop, including, but not limited to the establishment, maintenance, improvement, and management of the crop over the rotation period, including the forest protection fee currently charged by the Idaho Department of Lands.

Capitalization Rate = Shall be the five (5) year rolling average from the Spokane Federal Land Bank determined in accordance with the procedures described for the determining of the capitalization rate for agricultural lands in Section 63-105CC, Idaho Code.

(7-1-96)

02. The state shall be divided into four forest valuation zones:

ZONE 1 - Boundary, Bonner, Kootenai counties.

ZONE 2 Benewah, Shoshone, Latah, Clearwater, Nez Perce, Lewis, Idaho counties.

ZONE 3 Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore, Camas, Blaine, Gooding, Lincoln, Jerome, Minidoka counties.

ZONE 4 - The remaining nineteen (19) counties.

03. Classification of Forest Lands. Forest valuation Zones 1 and 2: There shall be three separate productivity classes of forest land poor, medium, and good. These broad classes are related in the following manner by definition to the MEYER AND HAIG TABLES. These classes apply to forest land which may or may not be stocked with commercial or young growth timber. (7-1-93)

a. Poor productivity class is defined as forest land having a mean annual increment, MAI, of one hundred (100) board feet per acre per year, based on an eighty (80) year rotation and sixty-five percent (65%) of

normal stocking by the end of the rotation period. This productivity class includes western white pine site index 35-45 and ponderosa pine site index 45-80. One hundred (100) board feet per acre MAI shall be used in the productivity formula. (7-1-93)

b. Medium productivity class is defined as forest land having a mean annual increment, MAI, of two hundred twenty-five (225) board feet per acre per year, based on an eighty (80) year rotation and sixty-five percent (65%) of normal stocking by the end of the rotation period. This productivity class includes western white pine site index 46-60 and ponderosa pine site index 81-110. Two hundred twenty-five (225) board feet per acre MAI shall be used in the productivity formula. (7-1-93)

c. Good productivity class is defined as forest land having a mean annual increment, MAI, of three hundred fifty (350) board feet per acre per year, based on an eighty (80) year rotation and sixty-five percent (65%) of normal stocking by the end of the rotation period. This productivity class includes western white pine site index 61 and above and ponderosa pine site index 111 and above. Three hundred fifty (350) board feet per acre MAI shall be used in the productivity formula. (7-1-93)

d. Forest valuation Zones 3 and 4: Criteria shall be the same as that used in Zones 1 and 2 with the following adjustments made for lower moisture levels. Poor productivity class, one hundred (100) board feet per acre MAI shall be used in the productivity formula. Medium productivity class, two hundred thirteen (213) board feet per acre MAI shall be used in the productivity formula. Good productivity class, three hundred twenty (320) board feet per acre MAI shall be used in the productivity formula. (7-1-93)

04. The recommended MAI's to be used in the productivity formulas for the appropriate forest valuation zones are according to the best available information and subject to change upon receipt of updated information. The MAI's shall be considered as midpoints of a class in the following manner:

MP	
Zones 1 and 2:	
Poor	38 - 100 - 162 board feet per acre
Medium	163- 225 - 286 board feet per acre
Good	287 - 350 and greater board feet per acre
MP Zones 3 and 4:	
Poor	44 - 100 - 156 board feet per acre
Medium	157 - 213 - 268 board feet per acre
Good	269 - 320 and greater board feet per acre

(7-1-93)

05. The Commission shall provide a field appraisal manual on forest valuation as deemed necessary. (7-1-93)

06. Lakes, solid rock bluffs, talus slopes, and continuously flooded swampy areas, larger than five contiguous acres in size which can be identified on aerial photos shall be valued at forty percent (40%) of the poor bare land and yield value in accordance with Section 63-1706, Idaho Code. These areas are defined as being incapable of growing trees. (7-1-93)

493. -- 495. (RESERVED).

496. YIELD TAX ON APPLICABLE FOREST PRODUCTS.

01. The formula shown below will be used to update the bare forest land value for tax assessment purposes on an annual basis: (7-1-93)

See formula in the appendices at end of this chapter

The stumpage value used in the formula shall be the same as that used in the productivity formula by zone, and the bare forest land values shall be reviewed by the Commission periodically (7-1-93)

02. Previous calendar year's delinquent yield taxes owing shall be certified to the real roll for collection no later than November 1. (7-1-93)

03. By December 31, of each year the county treasurer shall make a written report to include the forest landowner's name, legal description of forest property owned, and yield taxes paid for the current assessment year. This report shall be submitted to the county auditor and shall be kept on file. (7-1-93)

497. -- 499. (RESERVED).

500. PROPERTY EXEMPT FROM TAXATION.

Christmas tree farms shall be categorized on the tax rolls under the applicable agricultural category. Section 63-1708, Idaho Code, shall only apply to Christmas trees harvested from designated lands. (7-1-93)

501. -- 524. (RESERVED).

525. MEETING OF COMMISSIONERS AS BOARD OF EQUALIZATION.

01. Subsequent Roll Required. The assessor shall prepare a subsequent roll of all assessable property not included on the current year's rolls which were equalized between the fourth (4th) Monday of June and the second (2nd) Monday of July. (7-01-93)

02. Adjournment of County Board of Equalization. Boards of Equalization may RECESS and meet as business warrants but must meet and adjourn on the second Monday of July and on the first Monday of December. Early adjournment of the Board shall not preclude taxpayer appeals. (7-01-93)

03. Missed Property Roll. Real and personal property not previously assessed during the current year shall be assessed between the fourth (4th) Monday of November and December 31, and listed on the missed property roll which shall be equalized at the first regular meeting of the Board of Equalization in January. (7-01-93)

04. Additional Abstract Required. An abstract shall be prepared for the assessment roll that includes any property discovered and assessed, for the current year, and equalized by the county commissioners during their monthly meeting, as a Board of Equalization in January of the following year. This abstract shall be forwarded to the Tax Commission no later than the 4th Monday of January. (3-23-94)

526. -- 549. (RESERVED).

550. TAXING DISTRICTS NEWLY ORGANIZED OR ALTERED.

01. The following documentation shall be filed with the county assessor, county recorder, and Tax Commission no later than ten (10) days following the effective date of any action creating a new district or municipal boundary or altering an existing district or municipal boundary. (7-1-93)

a. A legal description which plainly and clearly defines the boundary of a new district or municipality, or the altered portion of an existing district or municipality with a copy of the ordinance or order effecting the formation or alteration. (7-1-93)

b. A copy of a map prepared in a draftsmanlike manner or a record of survey as defined by Chapter 19, Title 55, Idaho Code, which matches the legal description. (7-1-93)

02. Legal description means a narrative which describes, by metes and bounds, a definite boundary of an area of land that can be mapped on a tax code area map, and shall include: (7-1-93)

- a. Section, township, range, and meridian. (7-1-93)
- b. An initial point, being a government surveyed corner, such as a section corner, quarter corner, meander corner, or mineral survey corner. (7-1-93)
- c. A true point of beginning, defined by bearings and distances from the initial point, that begins the new or altered district or municipal boundary. (7-1-93)
- d. Bearings and distances that continuously define an area boundary with a closure accuracy of at least one (1) part in five thousand (5,000). Variations from closure requirements of this subsection may be approved when verified documentation is provided: When boundaries follow mountain ranges, rivers, lakes, canals, etc., that are clearly delineated on published U.S. Geological Survey quadrangle maps at scale 1:24,000 or, if not available, at scale 1:62,500; or when references to cardinal directions, government survey distances, and section or aliquot part corners are used and modern survey information is not available; or when legislatively established boundaries are defined by Idaho Code, a duplication and reference to that section of the code shall be provided. (7-1-93)
- e. The legal description to annex to an existing district, shall duplicate the metes and bounds of the existing district, or shall reference the former legal description as, formerly known as, unless the existing district can be clearly identified. (7-1-93)

03. Map prepared in a draftsmanlike manner means an original graphic representation or precise copy matching the accompanying legal description and drafted to scale using standard mechanical drawing instruments or a computer. The map shall include: Section, township, range, and meridian identifications. North arrow, bar scale, and title block. District name and ordinance number or order date. Bearing and distance annotation between boundary points. Clearly defined boundary lines of the newly formed district or altered district, together with reference to the existing boundary where contiguous. District boundaries delineated on recorded surveys, engineer drawings, or U.S. Geological Survey Quadrangle maps are also acceptable. General hunting and fishing, city street, or nonscaled maps will not be accepted. (7-1-93)

04. Contiguous means being in actual contact or touching along a boundary or at a point. (7-1-93)

05. December 31 of the current year shall be the deadline for completion of any action that creates, alters, or dissolves any taxing district requiring a revision of the Commission's tax code area maps for the following year, unless the law provides otherwise. (7-1-93)

06. Any district altering its boundary during the year shall provide to the Commission a complete legal description of the new district including all alterations, by January 10 of the following year. (7-1-93)

07. No property tax levy shall be approved by the Tax Commission for any newly formed district or altered portion of an existing district: That fails to provide documentation plainly and clearly designating the boundaries of such district; or whose boundaries overlap with like districts. (7-1-93)

08. The Commission will prepare one uniform system of tax code area numbers and maps which shall be used by each county for property tax purposes. (7-1-93)

09. Each tax code area shall have a separate tax code area number which shall be initiated or changed only by the Commission. (7-1-93)

10. The Commission will furnish annually, without charge, one set of updated tax code area maps, a listing of taxing districts included in each tax code area, and a list of changes in taxing district boundaries to the county assessor, recorder, and treasurer. There shall be a charge for all other tax code area maps. (7-1-93)

551. -- 561. (RESERVED).

562. LIMITATION ON BUDGET REQUESTS, SECTION 63-2220A, IDAHO CODE.

01. Budget Requests. Each Board of County Commissioners shall submit a budget request for each taxing district in the county that certifies a budget request to finance the ad valorem portion of its annual budget to the Tax Commission and shall not submit other documents unless requested to do so by the Tax Commission. Documents not to be submitted to the Tax Commission unless requested include newspaper advertisements, school district budget books, entire budget documents, other than the budget request, and similar documents. (6-30-95)

02. Property Values. The value of property subject to the occupancy tax pursuant to Chapter 39, Title 63, Idaho Code, shall be the non-prorated value. The value shall not include any portion of the value of improvements subject to property tax. If the exemption provided by Section 63-105DD, Idaho Code, has been granted, the value of improvements not subject to property tax must be reduced by the value of said exemption. (6-30-95)

03. Building Permits for Preceding Year. "Building permit for the preceding year" means a building permit, issued in the calendar year preceding submission of the formula, for installing new manufactured housing or for constructing improvements. Building permit shall not include any building permit issued for additions or alterations to existing residential improvements. Building permit shall not include any plumbing, electrical, or mechanical permit. Building permit shall not include any building permit refunded or cancelled by the issuing authority in the calendar year preceding submission of the formula. (6-30-95)

04. Use of Quantitative Formula. Any taxing district electing to use a quantitative formula based on the value of building permits for the preceding year must submit such formula and a building permit report to the State Tax Commission. The formula must be submitted no later than June 1 of the current tax year for any taxing district with a fiscal year beginning July 1 and no later than August 1 of the current tax year for all other taxing districts. (6-30-95)

05. Formula Use Limitations. The formula shall sum the values stated on the building permits and shall exclude building permits for properties known to be fully exempt from property tax. (6-30-95)

06. Approval of Formula by Commission. Upon receipt of the formula, the State Tax Commission must approve or disapprove said formula and must notify the taxing district and the county clerk of each county in which the district is located of the approved formula within 28 days. Upon disapproval of a formula, a district may submit a different formula within the time limits provided in subsection .04 of this rule. (6-30-95)

07. Building Permit Report Requirements. The building permit report required in subsection .04 of this section must be a list of the following: (6-30-95)

- a. Each building permit number, building address, or parcel number; (6-30-95)
- b. A description of the improvement authorized by each building permit; (6-30-95)
- c. The tax code area of the improvement authorized by each building permit; and (6-30-95)
- d. The value stated on each building permit. (6-30-95)

563. -- 579. (RESERVED).

580. VALUATION OF MINES FOR TAXATION.

The prices referred to in Section 63-2801, Idaho Code, for patented lode and placer claims are five dollars (\$5) and two dollars fifty cents (\$2.50), per acre, respectively. (3-23-94)

581. -- 584. (RESERVED).

585. GUIDE TO REPORTING NET PROFITS OF MINES.

01. Revenues Included in Report. The only items which are proper revenues TO BE INCLUDED within the net profits reported for ad valorem taxation are the moneys or their equivalent received from the sale of

minerals or metals extracted from the Earth. Moneys received from rents, commissaries, discounts on purchases, and investments are NOT TO BE INCLUDED. The net profit statement shall be filed between January 1 and May 1, each year with the assessor of the county in which the mine(s) or mineral or metal deposits are located. The person, corporation, or association engaged in mining shall complete the statement on forms prescribed by the Commission using as a guide the following allowable deductions to arrive at net profit. None of the nondeductible items can be claimed. (7-1-93)

02. Allowable Deductions. (7-1-93)

a. The actual expenditure of money and labor in and about extracting the metals and minerals from the mine, transporting same to mill, concentrators, or reduction works, reduction thereof and conversion into money, or its equivalent. Expenditures for necessary labor, machinery, and supplies needed and used in mining operations. Improvements necessary in and about the mine for reducing ores and for the construction of mills and reduction works. (7-1-93)

b. Social Security, compensation insurance, forest fire fighting, fire and water protection, first aid and safety devices, mine rescue materials, experimental work reasonably connected with reduction of the ores. (7-1-93)

c. Deductions for improvements can be only for the year immediately preceding the filing of annual net profits statement. (7-1-93)

03. Nondeductible Items. (7-1-93)

a. Taxes. State and county, state corporation license, federal income, capital stock, war facilities. (7-1-93)

b. Depreciation, depletion, royalties, donations, including allotments to schools for experimental work, war work, and aid. (7-1-93)

c. Insurance. No deduction for insurance except as listed in Subsection 585.02.b. (7-1-93)

d. Construction and Repairs. Dwellings for employees, boarding and bunkhouses, community buildings, such as halls, schools, swimming pools, ball parks, commissaries, including water, fuel, heat and light. (7-1-93)

e. Miscellaneous Administrative and Other Expenses. Periodicals, tax service; assessment work, other mining claims; director's salaries and expenses; secretaries' salaries and expenses; corporation organization expense; appraisals, property insurance; maintenance of offices in other states; Secret Service, strike breakers, guns; subscriptions to mine organizations and societies; expenses entered on books with no detail attached; publication of meetings, financial statements; audits; political; burial expense; stock transfer costs; advertising; premium on surety bonds; legal retainers and litigation; and traveling expenses to outside properties, conventions, hearings. (7-1-93)

586. -- 599. (RESERVED).

600. COOPERATIVE ELECTRICAL ASSOCIATIONS--TAXING GROSS EARNINGS--DEFINITIONS.

01. The cost of power purchases and generation dollar amounts shall be taken from the RURAL ELECTRIFICATION ADMINISTRATIONS UNIFORM SYSTEM OF ACCOUNTS BULLETIN 181-1. (7-1-93)

a. To develop generation expense figures Accounts 500 through 554 shall be used. (7-1-93)

b. To develop cost of power purchases Accounts 555, 556 and 557 shall be used. (7-1-93)

02. For any utility not a borrower from the Rural Electrification Administration, the actual costs of purchased power and generation shall be the same as subsections 600.01.a. and 600.01.b., above. (7-1-93)

601. -- 634. (RESERVED).

635. CERTIFICATION OF SALES TAX DISTRIBUTION.

01. Most Current Census. Population shall be from the most current population census or estimate available from the Bureau of the Census during the quarter of the year for which any distribution of sales tax money is to be made. (3-24-94)

02. Market Value for Assessment. Market value for assessment purposes shall mean the market value, including homeowners exemptions, and the amount of real and personal property value which exceeds the assessed value shown on the base assessment roll for a revenue allocation area as defined in Section 50-2903(12), Idaho Code, for the calendar year immediately preceding the current fiscal year. (3-24-94)

03. Incorporated City. Incorporated city shall, for the current fiscal year, have a duly elected mayor and city council, and be recognized by the Bureau of the Census, U.S. Department of Commerce, for the distribution of federal general revenue sharing monies. (3-24-94)

04. Population and Valuation Estimates. Population and valuation estimates for distribution of revenue sharing monies shall be updated at least annually. Updated estimates shall be used beginning with the October distribution. (3-24-94)

05. Determination Date. The eligibility of each city for revenue sharing monies shall be determined as of July 1 of the current year. (3-24-94)

06. Quarterly Certification. The Commission shall certify quarterly to the counties the BASE and EXCESS shares of the six percent (6.0%) distribution. Each county clerk shall calculate and certify the distribution of these monies to the eligible taxing districts based on the directives of the Commission. The clerk shall prepare and transmit to the county treasurer and the Commission separate certifications for BASE and EXCESS distributions. (3-24-94)

07. Prescribed Filing. Upon receipt of the current operating property roll from the Commission, and by the fourth Monday of September, each county auditor shall certify to the Commission the full market value of each taxing district within the county. The auditor shall use a form prescribed by the Commission and shall show for each district the net taxable market value used for levy certification, the value of the homeowners exemption, and the full market value after adding back the homeowners exemption. Values shall be shown for all cities, regardless of levy requests. (3-24-94)

636. -- 649. (RESERVED).

650. OCCUPANCY TAX ON NEWLY CONSTRUCTED IMPROVEMENTS ON REAL PROPERTY.

01. Manufactured Housing. Occupancy tax shall apply to industrial structures and NEW manufactured housing. Used manufactured housing is not subject to the occupancy tax. (3-23-94)

02. Value Prorated Monthly. The value for occupancy tax purposes shall be prorated at least monthly. (3-23-94)

03. Market Value. The market value for occupancy tax purposes shall be entered on an occupancy tax valuation roll. Occupancy tax shall not be included in the assessed value of any taxing district, but must be declared in the certified budget. (3-23-94)

04. Certified Copy. The county clerk shall certify a copy of the occupancy tax valuation roll to the Commission by the fourth (4th) Monday of January immediately following the year of first occupancy. (3-23-94)

651. -- 654. (RESERVED).

655. HOMEOWNERS EXEMPTION ON OCCUPANCY TAX ROLL.

01. Exemption. The exemption granted by Section 63-3905, Idaho Code, applies only to the pro rata improvement value that appears on the Occupancy Roll. (3-23-94)

02. Eligibility For Double Exemption. Obtaining the exemption in Section 63-105DD, Idaho Code, will not preclude a property owner from eligibility for the exemption granted by Section 63-3905, Idaho Code. (3-23-94)

03. Limitation to One Exemption. The limitation to one (1) exemption in Section 63-105DD, Idaho Code, is not applicable to newly constructed and occupied residential structures. (3-23-94)

04. Separate Applications. The application for this exemption shall not substitute for the application required by Section 63-105DD, Idaho Code. (3-23-94)

05. Examples and Procedures. Examples and procedures are addressed in the Idaho Assessor's Manual. (3-23-94)

656. -- 999. (RESERVED).

CHART I

COMPANION SHEET FOR LAND NOT SUBDIVIDED

Township & Range	Sec	Parcel No.	Grantor	Grantee	Remarks	Deed Type	Date	Inst No.
23N10E	29	7985	Little, Dwayne	Downend, Robt	See Par #7832	WD	1/10/7	492183
23N10E	29	7990	Downend, Robt		Split frm 7985			
23N10E	29	8000	Downend, Robt	Wood, Don	"	WD	3/9/74	641809
23N10E	29	8010	Downend, Robt		Split frm 7990			
23N10E	29	7250	Downend, Robt	Dunford, H.	"	WD	4/9/79	642186

CHART 2

COMPANION SHEET FOR LAND SUBDIVIDED
QUARTER SECTION BREAKDOWN KEY

City No	Sub No	Blk No	Lot & Spt No	Grantor	Grantee	Remarks	Deed Type	Date	Inst No
A	0054	001	0090	Long, Phil	Dick, Carol		WD	1/11/69	190624
A	0054	001	009A	Dick, Carol		Retaining N1/2 of Lot 9			
A	0054	001	0096	Dick, Carol	Lusk, Earl	S1/2 of Lot 9	WD	2/12/77	299486
A	0054	001	0098	Lusk, Earl	Craig, Ron	SI/2 of Lot 9	WD	6/9/79	299999

THIS KEY IS TO BE USED ONLY FOR LAND NOT SUBDIVIDED

CHART 3

QUARTER SECTION BREAKDOWN KEY

THIS KEY IS TO BE USED ONLY FOR LAND NOT SUBDIVIDED

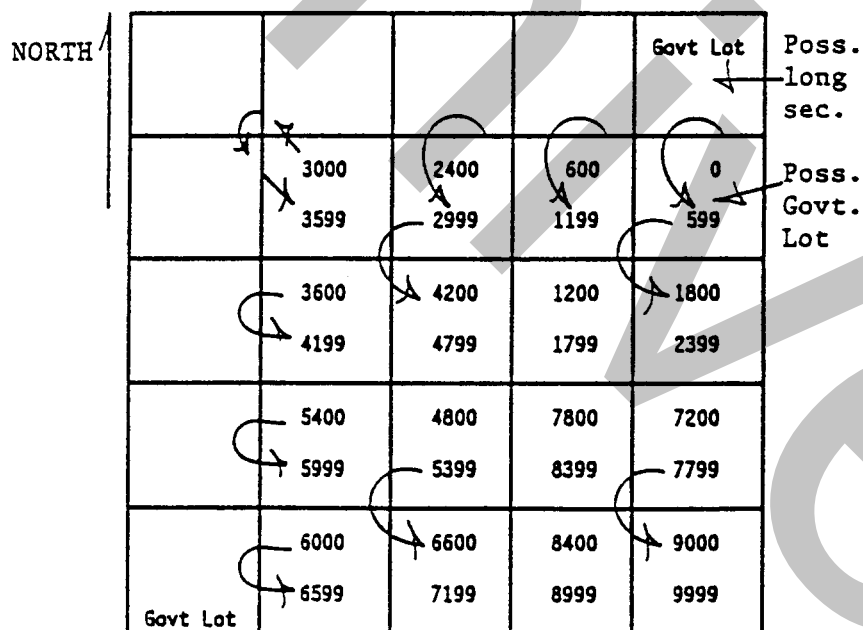


CHART 4

(1)	(2)	(3)		(4)		(5)		(6)		(7)
R.R. Co.	Miles Co. P Cars were propelled- Reported by R.R.	% Each R.R. Co. (Col.2 Col. 2.Tot.		Assessed Val. -Car Co. P		Assessed Val. allocated to R.R. Trackage (Col 3 x Col 4)		Miles Track Over Which Cars were Propelled		Rate per mi.Assessed val. (Col. 5-Col 6)
A	10,421,050	44.27%	x	\$120,000		\$ 45,155	-	650	=	\$69.469
B	8,520,800	36.19%	x	120,000	=	36,194		830	=	44.475
C	4,600,250	<u>19.54%</u>	x	120,000	=	<u>19,931</u>		<u>370</u>	=	53-868
	23,542,100	100.00%				\$102,000		1,850		

EQUATION

$$BLV_{y+1} = \frac{1}{2} \times \frac{T_{n+1} - T_n}{y} + BLV_y$$

KEY:

BLV_{y+1} = Bare land value for next year

BLV_y = Bare land value for current year

T_{n+1} = Five year average stumpage value (\$/MBF) for the period ending in the current year

T_n = Five year average stumpage value (\$/MBF) for the period ending one year ago