

CHAPTER 5

THE OFFICE OF COUNTY ASSESSOR

The office of county assessor is primarily responsible for determining equitable values on both real and personal property for property tax purposes (63-207). However, the office has one other function that is detailed and time-consuming. The assessor acts as the agent of the Department of Idaho Transportation in titling vehicles, and in handling vehicle registrations (49-205) as well as an authorized vendor of the Idaho State Dept of Parks and Recreation in registering snowmobiles, all-terrain vehicles, off-highway vehicles, motorbikes as defined in §67-7101, certificate of registration, expiration and fees in §67-7008, and §67-7122 describes requirements for procedures for registration, Idaho Code. The law also provides that if the governor thinks it is necessary to call up a militia, he may order the assessor to carry out a registration of all county residents liable for such service (46-104).

The county assessor is elected by the voters for a term of four years (Article 18, Section 6, Idaho Constitution). Candidates for the office are nominated at primary elections. However, if the county chooses an optional form of county government, the structure of the assessor's office could change. Possible changes are changing the term of office, appointing an individual to the office, or eliminating the office and having the duties and responsibilities performed by other elected officers or appointed persons (Title 31, Chapters 52-56). The county commissioners determine the assessor's salary in each county (31-816). The assessor is empowered to appoint deputies as needed to carry out the duties of the office (31-2003). The compensation of the assessor's staff is determined by the county budget approved by the county commissioners. When there is more than one deputy in an office, one must be designated as the senior deputy at the time of appointment. The senior deputy then acts for the assessor if the assessor is absent or in any way incapacitated (31-2006). All deputies and clerks must also take and file an official oath before entering upon their duties (59-406). The assessor is sworn into office on the second Monday in January (59-404). Appointments of deputies must be documented (31-2007), and the oath of office and the appointment form are customarily joined together into one legal document for filing.

The assessor is required to furnish a bond for the performance of his/her duties (31-2015). The bond is currently furnished by the county liability insurance carrier. However, since this office is also involved in selling vehicle licenses, the county commissioners may require an additional amount for this function. The bond limit is not more than \$50,000 for license collectors (31-2015).

ASSESSMENT OF PROPERTY

The office of county assessor is responsible for the first step in property tax administration, determining a value on real and personal property for property tax purposes. The duties of the assessor in regard to this function are prescribed in Title 63 of the *Idaho Code* (31-2501).

Real Property Assessment

Assessment of real property, and of personal property that is entered on the property roll, is a continuing process. Land and improvements on the land, such as buildings, are assigned categories, by rule, to be used to equalize values (63-109). All property is to be assessed uniformly throughout the state at its market value for assessment purposes (63-205).

The assessor is required to have an accurate and complete plat book of land in the county (63-209), with ownership records kept up-to-date (63-307). Some counties do this by contractual arrangement with the local land title office which furnishes photocopies of all changes in ownership, while other counties have deputies in charge of the plats who follow all property transfers and make the necessary changes in the plat books and other assessment records. Some counties review their digital records daily to update their records.

Legal descriptions of new and altered taxing districts and maps of new districts and of altered portions of existing districts must be filed with the county assessor, the county recorder and the state tax commission within thirty (30) days following the effective date of such formation, organization or alteration but no later than the tenth day of January of the year following such formation, organization or alteration, except for Urban Renewal District alterations, which go into effect retroactively to the January 1st of the year they are adopted.

The assessor is to carry out a continuing program of valuation of all properties pursuant to rules prescribed by the state tax commission, to ensure that all parcels of property are appraised at current market value for assessment purposes (63-314). In order to promote uniform assessment of property, taxable property must be appraised or indexed annually (63-314). In order to achieve this goal, all taxable property in a county shall be appraised at least once every five (5) years. Beginning at year one (1) of any five (5) year cycle not less than fifteen percent (15%) of the taxable properties in the county shall be appraised during that year; by the end of year two (2) not less than thirty-five percent (35%) of the taxable properties in the county shall have been appraised during that year and the previous year; by the end of year three (3) not less than fifty-five percent (55%) of the taxable properties in the county shall have been appraised during that year and the previous two (2) years; by the end of year four (4) not less than seventy-five percent (75%) of the taxable properties in the county shall have been appraised during that year and the previous three (3) years; and by the end of year five (5) all one hundred percent (100%) of the taxable properties within the county shall have been appraised during that year and the previous four (4) years. Subsection (6) explains the process if a county falls behind on their five year revaluation program. The results of the annual appraisal must be used, along with all available sales data from the preceding calendar year, to index all property not actually appraised to reflect current market values (63-314). The county assessor must maintain records showing when each parcel or item of property was last appraised (63-314). The board of county commissioners of each county is to furnish the assessor with such additional funds and personnel as may be required to carry out the valuation program and may levy a tax not to exceed four hundredths percent of market value for assessment purposes (0.04%) to pay the costs (63-314).

The state tax commission prepares and distributes to each county assessor rules prescribing the

manner in which market value for assessment purposes is to be determined for tax purposes (63-208). These rules require each assessor to find market value for assessment purposes of all property within his/her county according to recognized appraisal methods and techniques as set by the commission, provided that the actual and functional use must be a major consideration when determining market valuation for assessment purposes (63-208). To maximize uniformity and equity in assessment, the rules require, to the extent practicable, the use of reproduction or replacement cost, less depreciation as opposed to historic cost, less depreciation whenever cost is considered as a single or one of the several factors in establishing market value of depreciable property (63-208). State law (63-205) requires that all property subject to assessment shall be assessed annually for taxation.

The property assessment roll must be completed and delivered to the clerk of the board of county commissioners on or before the fourth Monday of June (63-310). The clerk must transmit it to the board of county commissioners for equalization.

Personal Property Assessment

The 2012 Legislature passed House Bill 315 which amended Id Code 63-602KK exempting the first 100,000 dollars of personal property owned by a business and replacing those tax dollars with funds from state sales tax. Any newly acquired Personal Property after Jan 1, 2013 with a value of (3,000) dollars or less does not have to be reported and is totally exempt. Assessors in the state, in 2013, sent a personal property declaration to property owners, for them to use in reporting their personal property for the year. This declaration was used as the application for the Personal Property Exemption. Annual declarations after 2013 will only be sent out to those businesses that have over (100,000) dollars in personal property. The businesses that have less that (100,000) dollars in personal property will only have to report once every (5) years. (63-602KK) also see administrative rule (626). Since the annual date for assessment is on the first day of January, personal property reporting declarations are sent out early in the year, with a March 15 deadline for their return (63-302). These reports are supplemented by official spot checks by deputies in the field.

The assessment of personal property must be completed, as part of the property roll and delivered to the clerk of the board of county commissioners, on or before the fourth Monday of June (63-310), for equalization (63-501), or as part of the subsequent personal property roll which must be delivered for equalization by the fourth Monday of November (63-311; 63-501).

MOTOR VEHICLE LICENSING AND TITLE

The assessors are agents of the state Department of Transportation and are directed to perform the duties prescribed in the Uniform Registration Act (49-205) and the Idaho Motor Vehicle Title Act (49-401). The Department of Transportation furnishes supplies and license plates (49-201 and 49-443). Assessors also may assist the State Parks and Recreation Department with the sale of boat and snowmobile registrations.

These responsibilities require approximately one-fourth to one-third of all the personnel in the

assessor's office and often as much as one-half of the total space and capital equipment in the office. In January 1970, the motor vehicle license procedure was changed to provide a staggered license expiration period rather than a single date on which motor vehicle licenses expired. The staggered expiration period has reduced the problem of a single workload peak in the county assessor's office.

State law provides 12 registration periods, starting in January and proceeding consecutively through December, each expiring at midnight on the last day of the month (49-402). The number on the vehicle's validation registration sticker determines when the motor vehicle license expires. A sticker with a "1" expires at midnight January 31; a sticker with a "12" expires at midnight December 31 (49-302). A person purchasing his/her first license for a vehicle will receive a new plate with the proper adhesive sticker of renewal. Section 49-402 gives initial authority to register vehicles for less than a 12-month period or more than a 12-month period and to prorate fees on a monthly basis. There has been a policy of not registering vehicles for less than 1 month.

The fee varies for each passenger motor vehicle not used for hire and each pickup truck having a gross weight of not more than 8,000 pounds, depending on its age (49-402). Fees for other types of vehicles are fixed by state law (49-434). Certain types of motor vehicles, such as passenger vehicles used for hire, hearses, ambulances, wreckers, utility trailers, commercial and non-commercial trucks (over 8,000 gw) and motorcycles, have licenses which expire on December 31 of each year rather than on a staggered basis (49-402). Subsection 49-402(8) provides for repossession plates to be used by the reposessor moving a vehicle pursuant to a security agreement.

The following is a partial list of the legal responsibilities lodged in the assessor's office in relation to licensing and titling:

1. Selling license plates: The assessor
 - a. Handles applications for registration for passenger vehicles, trucks, and buses (49-441; 49-403; 49-441(1));
 - 1) Motorcycles are included as licensed vehicles (49-114(7));
 - 2) Trailer houses are included as licensed vehicles (49-422);
 - 3) City buses and school buses are included as licensed vehicles (49-402 and 49-441(1));
 - b. Computes license fees (49-403; 49-442; 49-402; 49-434);
 - c. Keeps a register of the applications and the licenses issued by the license number (49-202);
 - d. Issues registration slips to accompany each set of plates (49-419);
 - e. Mails records to the Department of Transportation by the tenth of each month (49-403 and 49-442);
 - f. Collects registration fees (49-402);

- g. Takes applications for special plates;
 - h. Handles the transfer of license plates from a car that has been disposed of during the licensing period to the owner's new car (49-431);
 - i. May sell pleasure boat license stickers for the Parks and Recreation Department (49-2438), also Idaho state parks pass (49-402(12));
 - j. May devise and implement a system for issuing specific numbered plates upon request (49-156);
 - k. Handles applications for registering Off-road vehicles (ATV, UTV, snowmobiles, and motorbikes/dirt bikes)
2. Titling motor vehicles: The assessor
- a. Handles applications for titles (49-504);
 - b. Handles applications for transfers of titles (49-504);
 - c. Keeps a register of titles, alphabetically, by the name of the owners of the vehicles (49-202);
 - d. Collects fees (49-202);
 - e. Secures from the holder of any lien or encumbrance a properly completed title application and supporting documentation in order for any lien or encumbrance to be perfected in the case of sales of motor vehicles by dealers. A new certificate of this title or a paperless electronic record (substantiated by a written agreement as provided in 49-505) is then created with the name of the owner of the car, the name and address of each holder of a lien or encumbrance, and the data and time of filing (49-510). The title is sent to the lien holder, who retains it until the title has been cleared;
3. Performs special services in connection with duplicate titles, registration slips and licenses (49-202; 49-425; 49-408);
4. Collects sales tax due from car retailers who do not qualify as car dealers (63-3610 and by administrative order of the Sales Tax Division of the State Tax Commission).

County governments receive some compensation for the state mandated duties of county assessors. For example, an administrative fee for actual costs, may be imposed in addition to each motor vehicle registration tax or fee collected under Sections 49-402 and 49-434, *Idaho Code*. A number of other licensing fees are listed in Section 49-202, *Idaho Code*. Idaho law clearly states that county

office-holders collecting fees must turn over their fees to the county treasury (31-3101).

Revenue Allocation Financing of Urban Renewal Projects

The assessor is tasked with tracking and maintaining a base and increment value on the assessment roll for the urban renewal areas or revenue allocation areas within the county. Base values as established as of January 1 of the year in which the urban renewal district is established. Each year thereafter, the assessor must determine the new additional value or increment value of property within this district and must certify this information separately on listings of value by district submitted to the state tax commission (50-2901 to 50-2912).

PUBLIC RELATIONS

The assessor's office is often blamed by taxpayers who feel their tax bills are too high. It is also the place taxpayers go when they want a particular license plate number. Assessors should use these taxpayer contacts as opportunities to educate them about how the property assessment and tax system actually works.

Most tax increases are brought about by inflation and increased budgets which in turn require increases in the levies certified by cities, school, road, library, and other taxing districts. Tax increases can also be the result of the change in value of individual property as compared to the overall change in county property values. For these types of tax increase the assessors bear no responsibility. If taxpayers wish to have their opinions heard concerning levies, they must attend the hearings held by these districts and their cities.

The assessor's office should be active in helping achieve an understanding between the county commissioners and the taxpayers. When there are increases in valuation, holding taxpayer meetings to explain how these increases may or may not affect their taxes can be very helpful in reducing complaints.

County newspapers, radio and television stations are usually willing to cooperate in publicizing county assessment policies. Also an excellent source is having this information on the county website. Publicly explaining the complexity of government can lighten the load of complaints in the assessor's and county commissioner's offices during peak load periods. Assessors have helped this process by sending out letters to accompany and explain the annual valuation statements mailed in June.

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