



NEWS RELEASE

October 16, 2023
FOR IMMEDIATE RELEASE

JUDGE TERMINATES INJUNCTION REGARDING IDAHO STATE TAX COMMISSION DETERMINATION THAT IDAHO FALLS SCHOOL DISTRICT LEVY WAS “UNLAWFUL”

IDAHO FALLS. Last Tuesday, an Ada County Judge terminated a temporary injunction against the Idaho State Tax Commission, restraining them from notifying Bonneville County that they had determined that Idaho Falls School District #91’s most recent plant facilities levy was “unlawful.”

On October 10, the Tax Commission sent the notice to Bonneville County Prosecuting Attorney Randy Neal and other local officials.

Pursuant to Idaho law, when the local Prosecuting Attorney receives this notice from the Tax Commission, he “shall immediately bring suit in a court of proper jurisdiction against the ... governing authorities of [the] school district ... levying such unauthorized or excess levy to set aside such levy as being illegal.”

“This is a mandatory duty imposed on me by statute, and I did not otherwise choose to become involved in this matter,” Neal explained.

Fortunately, the Idaho Attorney General’s Office is already defending the Tax Commission’s determination.

“These are the experts in tax law,” Neal explained, “and the judge in Ada County is already considering the various arguments being made by the parties.”

Neal stated that while by statute he must file the action to set aside the levy, he intends to see how the judge rules in the case which is already being argued and briefed.

“When the judge issues his ruling, that will be dispositive of how we will proceed,” Neal added.

Neal also intends to hold a public forum on Tuesday, October 17, at 7 p.m. at the Community Room at Smith Chevrolet to answer any questions concerning these issues involving the Idaho Falls School District. Everyone is welcome.

FOR FURTHER INFORMATION:

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