

S 1061 -- Redline

Engrossed to Engrossed -- EDUCATION - Amends existing law to revise provisions regarding school levies.

Deletions ~~struck~~ · Insertions underlined

1061, As Amended, As Amended in the House BY EDUCATION COMMITTEE AN ACT RELATING TO EDUCATION;
~~AND~~ AMENDING SECTION 50-2908, IDAHO CODE, TO PROVIDE CORRECT CODE ~~REFERENCES~~ REFERENCES;
AMENDING SECTION 33-308, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN VOTER APPROVAL OF THE ASSUMPTION OF BONDED INDEBTEDNESS AND INTEREST WITH REGARD TO SCHOOL DISTRICT EXCISIONS AND ANNEXATIONS AND TO MAKE TECHNICAL CORRECTIONS;
AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.
~~(52)~~ (52)(a) The board of trustees of any school district that has, for at least seven (7) consecutive years, been authorized through an election held to certify a supplemental levy that has annually been equal to or greater than twenty percent (20%) of the total general maintenance and operation fund, may submit the question of an indefinite term ~~supplemental~~ supple- mental levy to the ~~elec- electors- tors~~ of the school district the question of a levy with the term of three (3) to ten (10) years .
Such question shall clearly state the dollar amount that will be certified annually and that the duration of the levy will be for an indefinite number of ~~years~~ years.
~~The (b) In the event that the levy approved rate resulting from the original levy ap- proved pursuant to paragraph (a) of this subsection may increase by reduced more by than a three majority percent vote (3%) after the first two (2) years of the duration of the levy, the board of trustees shall hold an election according to section 34-106, Idaho Code, during any that same fiscal year- year, to put to the vot- ers the question of whether to reauthorize the continuance of the levy.~~
~~An The indefinite reauthorization term of supplemental the levy in must effect on and before July 1, 2019, shall remain in effect and may be reduced approved by a majority vote of the board district of electors trustees voting during on any the fiscal question. - year.~~
Voter approval to reautho - rize the continuance of the levy shall be required for every two (2) year period in which the levy rate exceeds the original levy rate by more than three percent (3%).
If the levy is not reauthorized by the voters pur - suant to this paragraph, the levy shall terminate at the end of the same fiscal year.
(c) An indefinite term supplemental levy in effect on or before July 1, 2019, shall remain in effect.
(d) Any The levy approved pursuant to this subsection may be reduced by a majority vote of the board of trustees during any fiscal year.
(1) A charter district with a maintenance and operation levy in the immediately previous year that shall adjust its market value for assessment purposes in accordance with the pro- visions of section ~~33- 802(633-802(63), -3),~~ Idaho Code, relating to termination of a rev- enue allocation area, shall advertise its action by publishing in at least the newspaper of largest paid circulation published in the county of the dis- trict, or if there is no such newspaper, then in a newspaper published near- est to the district where the advertisement is required to be published.
SECTION 5.
That Section 33-308, Idaho Code, be, and the same is hereby amended to read as follows:
33-308.
EXCISION AND ANNEXATION OF TERRITORY.
(1) A board of trustees of any school district, including a specially chartered school district, or one- fourth (1/4) or more of the school district electors, residing in an area of not more than fifty (50) square miles within which there is no schoolhouse or facility necessary for the operation of a school district, may petition in writing proposing the annexation of the area to another and contiguous school district.
(2) Such petition shall be in duplicate, one (1) copy of which shall be presented to the board of trustees of the district from which the area is pro- posed to be excised, and the other to the board of trustees of the district to which the area is proposed to be annexed.
The petition shall contain:
(a) The names and addresses of the petitioners;
(b) A legal description of the area proposed to be excised from one (1) district and annexed to another contiguous district.
Such legal description shall be prepared by a licensed attorney, licensed profes- sional land surveyor or licensed professional engineer professionally trained and experienced in legal descriptions of real property;
(c) Maps showing the boundaries of the districts as they presently ap- pear and as they would appear should the excision and annexation be ap- proved;

(d) The names of the school districts from and to which the area is proposed to be excised and annexed;

(e) A description of reasons for which the petition is being submitted;

and (f) An estimate of the number of children residing in the area described in the petition.

(3) The board of trustees of each school district, no later than ten (10) days after its first regular meeting held subsequent to receipt of the petition, shall transmit the petition, with recommendations, to the state department of education.

(4) The state board of education shall approve the proposal, provided:

(a) The excision and annexation is in the best interests of the children residing in the area described in the petition;

and (b) The excision of the territory, as proposed, would not leave a school district with a bonded debt in excess of the limit then prescribed by law.

If either condition is not met, the state board shall disapprove the proposal.

The approval or disapproval shall be expressed in writing to the board of trustees of each school district named in the petition.

(5) If the state board of education shall approve the proposal, it shall be submitted to the school district electors residing in the area described in the petition, submit the ballot questions to the appropriate voters as described in subsections (6) and (7) of this section at an election held in the manner provided in chapter 14, title 34, Idaho Code.

Such election shall be held on the date authorized in section 34-106, Idaho Code, which that is nearest to sixty (60) days after the state board approves the proposal.

(6) At the election there shall be submitted to the electors having the qualifications of electors in a school district bond election and residing in the area proposed to be annexed:

(a) The question of whether the area described in the petition shall be excised from school district no. () and annexed to contiguous school district no.

();

and (b) The question of assumption of the appropriate proportion of any bonded debt, and the interest thereon, of the proposed annexing school district.

(7) Also at the election, there shall be submitted a question to the electors having the qualifications of electors in a school district bond election and residing in the area remaining in the district from which the area is proposed to be excised.

The question shall ask such electors whether they approve the assumption of the portion of the school district bond and the interest thereon held by the electors proposing to leave the school district.

This subsection shall apply only to a proposed excision from a school district that has a bonded indebtedness and where the proposed excision would subtract ten percent (10%) or more of the market value for assessment purposes on the property in the school district from which the area is proposed to be excised.

(8) If a majority of the school district electors in the area described in the petition, voting in the election, shall vote in favor of the proposal to excise and annex the said area, and if in the area the electors voting on the question questions of the assumption of bonded debt and interest set forth in subsections (6) and (7) of this section, if applicable, have approved such assumption by the proportion of votes cast as is required by section 3, article VIII, of the constitution of the state of Idaho, the proposal shall carry and be approved.

Otherwise, it shall fail.

(89) If the proposal shall be approved by the electors in the manner prescribed, the board of canvassers shall thereupon promptly notify the state department of education and the affected school districts of such results.

The superintendent of public instruction shall make an appropriate order for the boundaries of the affected school districts to be altered, and the legal descriptions of the school districts shall be altered, as prescribed in section 33-307, Idaho Code.

SECTION 6.

An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Section 5 of this act shall be in full force and effect on and after passage and approval.

Sections 1 through 4 of this act shall be in full force and effect on and after July 1, 2019.