

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 253

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO COOPERATIVE SERVICE AGENCIES; AMENDING SECTION 33-317,  
 2 IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN LEVIES FOR  
 3 THE PURPOSE OF CONSTRUCTING AND MAINTAINING FACILITIES OF A  
 4 COOPERATIVE SERVICE AGENCY; AMENDING CHAPTER 3, TITLE 33, IDAHO  
 5 CODE, BY THE ADDITION OF A NEW SECTION 33-317A, IDAHO CODE,  
 6 TO PROVIDE THAT A COOPERATIVE SERVICE AGENCY MAY REQUEST  
 7 ADDITIONAL FUNDING TO BE FURNISHED BY A TAX LEVY, TO PROVIDE  
 8 FOR AN ELECTION, TO PROVIDE PROVISIONS RELATING TO A QUESTION  
 9 TO BE SUBMITTED, TO PROVIDE FOR NOTICE, TO PROVIDE FOR CERTAIN  
 10 VOTING PERCENTAGES RELATING TO TAX LEVY RATES, TO PROVIDE  
 11 FOR A TAX LEVY, TO PROVIDE FOR INCREASING THE TERM AND TAX  
 12 LEVY, TO PROVIDE FOR A CONDITION ON COMMENCING PHYSICAL  
 13 CONSTRUCTION, TO PROVIDE PROVISIONS RELATING TO WHEN ONE OR  
 14 MORE MEMBER DISTRICTS FAIL TO APPROVE THE TAX LEVY, TO PROVIDE  
 15 FOR SUBSEQUENT ELECTIONS FOR CERTAIN MEMBER DISTRICTS AND TO  
 16 PROVIDE FOR THE ADMINISTRATION AND ACCOUNTING OF MONEYS.  
 17

18 Be It Enacted by the Legislature of the State of Idaho:

19 SECTION 1. That Section 33-317, Idaho Code, be, and the same is hereby amended to  
 20 read as follows:

21 33-317. COOPERATIVE SERVICE AGENCY – POWERS – DUTIES –  
 22 LIMITATIONS. (1) Two (2) or more school districts may join together for educational purposes  
 23 to form a service agency to purchase materials and/or provide services for use individually or  
 24 in combination. The cooperative service agency thus formed shall be empowered to adopt  
 25 bylaws, and act as a body corporate and politic with such powers as are assigned through its  
 26 bylaws but limited to the powers and duties of local school districts. In its corporate capacity,  
 27 this agency may sue and be sued and may acquire, hold and convey real and personal property  
 28 necessary to its existence. The employees of the service agency shall be extended the same  
 29 general rights, privileges and responsibilities as comparable employees of a school district.

30 (2) A properly constituted cooperative service agency may request from its member  
 31 school districts funding to be furnished by a tax levy not to exceed one-tenth of one percent  
 32 (.1%) for a period not to exceed ten (10) years by such member school districts. Such levy  
 33 must be authorized by an election held in each of the school districts pursuant to chapter  
 34 4, title 33, Idaho Code, and approved by a majority of the district electors voting in such  
 35 election. Moneys received by the member school districts from this source shall be transferred  
 36 to the cooperative service agency upon receipt of billing from the agency. Excess revenue over  
 37 billing must be kept in a designated account by the district, with accrued interest, and may only  
 38 be spent as budgeted by the agency.

1 (3) For the purpose of constructing and maintaining facilities of a cooperative service  
 2 agency, in addition to the levy authorized in subsection (2) of this section, a properly  
 3 constituted cooperative service agency may request from its member school districts additional  
 4 funding to be furnished by a tax levy not to exceed ~~one~~ four-tenths of one percent (.4%)  
 5 for a period not to exceed ten (10) years. Such levy must be authorized by an election held  
 6 in each of the school districts pursuant to chapter 4, title 33, Idaho Code, and approved by  
 7 sixty-six and two-thirds percent (66 2/3%) of the district electors voting in such election. If  
 8 one (1) or more of the member districts fails to approve the tax levy in such election, the  
 9 cooperative service agency may construct the facility through the support of the member  
 10 districts approving the levy, but in no event shall the levy limits authorized in this subsection  
 11 (3) be exceeded. Nothing shall prevent a member district that initially failed to approve the  
 12 levy from conducting a subsequent election, held pursuant to chapter 4, title 33, Idaho Code,  
 13 to authorize that district's participation in construction of the facility. Electors of the districts  
 14 may approve continuation of such levy for an additional ten (10) years at an election held for  
 15 that purpose. There is no limit on the number of elections which may be held for the purpose  
 16 of continuing the levy authorized under this subsection (3) for an additional ten (10) years. The  
 17 administration and accounting of moneys received by imposition of the levy shall be the same  
 18 as provided in subsection (2) of this section.

19 SECTION 2. That Chapter 3, Title 33, Idaho Code, be, and the same is hereby amended  
 20 by the addition thereto of a NEW SECTION, to be known and designated as Section 33-317A,  
 21 Idaho Code, and to read as follows:

22 33-317A. LEGISLATIVE INTENT – COOPERATIVE SERVICE AGENCY –  
 23 SCHOOL PLANT FACILITY LEVY. (1) For the purpose of constructing and maintaining  
 24 facilities of a cooperative service agency, a properly constituted cooperative service agency may  
 25 request from its member school districts additional funding to be furnished by a tax levy not to  
 26 exceed four-tenths of one percent (.4%) of market value for assessment purposes in each year,  
 27 as such valuation existed on December 31, of the previous year, for a period not to exceed  
 28 three (3) years. Such levy shall be authorized by an election held in each of the school districts  
 29 pursuant to chapter 4, title 33, Idaho Code. The question of a levy to be submitted to the  
 30 electors of each member school district and the notice of such election shall state the dollar  
 31 amount proposed to be collected each year during the period of years in each of which the  
 32 collection is proposed to be made, the percentage of votes in favor of the proposal which are  
 33 needed to approve the proposed dollar amount to be collected, and the purposes for which such  
 34 funds shall be used. Said notice shall be given, the election shall be conducted and the returns  
 35 canvassed as provided in chapter 4, title 33, Idaho Code; and the dollar amount to be collected  
 36 shall be approved only if:

37 (a) Fifty-five percent (55%) of the district electors voting in such election are in  
 38 favor thereof if the levy will result in a total levy for school plant facilities of less  
 39 than two-tenths of one percent (.2%) of market value for assessment purposes as such  
 40 valuation existed on December 31 of the year immediately preceding the election;

41 (b) Sixty percent (60%) of the district electors voting in such election are in favor thereof  
 42 if the levy will result in a total levy for school plant facilities of two-tenths of one  
 43 percent (.2%) or more and less than three-tenths of one percent (.3%) of market value for  
 44 assessment purposes as such valuation existed on December 31 of the year immediately  
 45 preceding the election; or

1 (c) Two-thirds (2/3) of the district electors voting in such election are in favor thereof  
2 if the levy will result in a total levy for school plant facilities of three-tenths of one  
3 percent (.3%) or more of market value for assessment purposes as such valuation existed  
4 on December 31 of the year immediately preceding the election.

5 If the question be approved, each member school district of the cooperative service  
6 agency may make a levy, not to exceed four-tenths of one percent (.4%) of market value for  
7 assessment purposes as such valuation existed on December 31 of the previous year, in each  
8 year for which the collection was approved, sufficient to collect the dollar amount approved  
9 and may again submit the question at the expiration of the period of such levy, for the dollar  
10 amount to be collected during each year, and the number of years which the board may at that  
11 time determine. Or, during the period approved at any such election, if such period be less  
12 than three (3) years or the levy be less than four-tenths of one percent (.4%) of market value  
13 for assessment purposes as such valuation existed on December 31 of the previous year, the  
14 cooperative service agency may request that its member school districts submit to the qualified  
15 school district electors in the same manner as before, the question whether the number of years,  
16 not to exceed three (3), or the levy, or both, be increased, but not to exceed the maximum  
17 herein authorized. If such increase or increases be approved by the electors, the terms of such  
18 levy shall be in lieu of those approved in the first instance, but disapproval shall not affect any  
19 terms theretofore in effect.

20 (2) No physical construction shall commence on any facility to be financed pursuant to  
21 the provisions of this section until the estimated cost of constructing such facility has been  
22 collected by the cooperative service agency.

23 (3) If one (1) or more of the member districts fails to approve the tax levy in such  
24 election, the cooperative service agency may construct the facility through the support of the  
25 member districts approving the levy, but in no event shall the levy limits authorized in this  
26 section be exceeded.

27 (4) Nothing shall prevent a member district that initially failed to approve the levy from  
28 conducting a subsequent election, held pursuant to chapter 4, title 33, Idaho Code, to authorize  
29 that district's participation in construction of the facility.

30 (5) The administration and accounting of moneys received by imposition of the levy  
31 provided for in this section shall be the same as provided in section 33-317(2), Idaho Code.