

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 269

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO COOPERATIVE SERVICE AGENCIES; AMENDING SECTION 33-317,  
 2 IDAHO CODE, TO PERMIT A COOPERATIVE SERVICE AGENCY TO ELECT  
 3 TO BE ITS OWN FISCAL AGENT FOR A CERTAIN PURPOSE UNDER CERTAIN  
 4 CIRCUMSTANCES AND TO REQUIRE CERTAIN EDUCATIONAL SUPPORT  
 5 UNITS TO BE DISTRIBUTED TO THE AGENCY SERVING AS THE FISCAL  
 6 AGENT; AND AMENDING SECTION 33-601, IDAHO CODE, TO PERMIT A  
 7 SCHOOL DISTRICT TO AUTHORIZE THE TRANSFER OR CONVEYANCE OF  
 8 ANY REAL OR PERSONAL PROPERTY OWNED BY THE SCHOOL DISTRICT TO  
 9 A COOPERATIVE SERVICE AGENCY.  
 10

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

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

14 33-317. COOPERATIVE SERVICE AGENCY – POWERS – DUTIES –  
 15 LIMITATIONS. (1) Two (2) or more school districts may join together for educational purposes  
 16 to form a service agency to purchase materials and/or provide services for use individually or  
 17 in combination. The cooperative service agency thus formed shall be empowered to adopt  
 18 bylaws, and act as a body corporate and politic with such powers as are assigned through its  
 19 bylaws but limited to the powers and duties of local school districts. In its corporate capacity,  
 20 this agency may sue and be sued and may acquire, hold and convey real and personal property  
 21 necessary to its existence. The employees of the service agency shall be extended the same  
 22 general rights, privileges and responsibilities as comparable employees of a school district. The  
 23 cooperative service agency may elect to be its own fiscal agent for the purposes of providing an  
 24 alternative school program, with the concurrence of the school districts for which it provides  
 25 such services. In doing so the educational support program payments made pursuant to section  
 26 33-1002, Idaho Code, that would have been distributed to the school district acting as the fiscal  
 27 agent, shall instead be distributed to the cooperative service agency.

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

37 (3) For the purpose of constructing and maintaining facilities of a cooperative service  
 38 agency, in addition to the levy authorized in subsection (2) of this section, a properly

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

17 SECTION 2. That Section 33-601, Idaho Code, be, and the same is hereby amended to  
 18 read as follows:

19 33-601. REAL AND PERSONAL PROPERTY – ACQUISITION, USE OR  
 20 DISPOSAL OF SAME. The board of trustees of each school district shall have the following  
 21 powers and duties:

22 (1) To rent to or from others, school buildings or other property used, or to be used, for  
 23 school purposes.

24 (2) To contract for the construction, repair, or improvement of any real property, or the  
 25 acquisition, purchase or repair of any equipment, or other personal property necessary for the  
 26 operation of the school district.

27 Except for the purchase of curricular materials as defined in section 33-118A, Idaho Code,  
 28 such contract shall be executed in accordance with the provisions of chapter 28, title 67, Idaho  
 29 Code.

30 (3) To designate and purchase any real property necessary for school purposes or in the  
 31 operation of the district, or remove any building, or dispose of any real property. Prior to, but  
 32 not more than one (1) year prior to, any purchase or disposal of real property, the board shall  
 33 have such property appraised by an appraiser certified in the state of Idaho, which appraisal  
 34 shall be entered in the records of the board of trustees, and shall be used to establish the value  
 35 of the real property. The board of trustees shall determine the size of the site necessary for  
 36 school purposes. The site shall be located within the incorporated limits of any city within  
 37 the district; provided, however, that if the board finds that it is not in the best interests of the  
 38 electors and the students of the district to locate the site within the incorporated limits of a city,  
 39 the board, by duly adopted resolution setting forth the reasons for its finding, may designate a  
 40 site located elsewhere within the district. In elementary school districts, except upon removal  
 41 for highway purposes, a site may be designated or changed only after approval of two-thirds  
 42 (2/3) or more of the electors voting at the annual meeting.

43 (4) (a) To convey, except as provided by paragraph (b) of this subsection, by deed, bill  
 44 of sale, or other appropriate instrument, all of the estate and interest of the district in  
 45 any property, real or personal. In elementary school districts, except such conveyance

1 as is authorized by subsection (6) of this section, any of the transactions authorized in  
2 this subsection shall be subject to the approval of two-thirds (2/3) or more of the electors  
3 voting at the annual meeting.

4 Prior to such sale or conveyance, the board shall have the property appraised pursuant  
5 to this section, which appraisal shall be entered in the records of the board of trustees.  
6 The property may be sold at public auction or by sealed bids, as the board of trustees  
7 shall determine, to the highest bidder. Such property may be sold for cash or for such  
8 terms and conditions as the board of trustees shall determine for a period not exceeding  
9 ten (10) years, with the annual rate of interest on all deferred payments not less than  
10 seven percent (7%) per annum. The title to all property sold on contract shall be retained  
11 in the name of the school district until full payment has been made by the purchaser, and  
12 title to all property sold under a note and mortgage or deed of trust shall be transferred to  
13 the purchaser at the point of sale under the terms and conditions of the mortgage or deed  
14 of trust as the board of trustees shall determine. Notice of the time and the conditions  
15 of such sale shall be published twice, and proof thereof made, in accordance with  
16 subsections g. and h. of section 33-402, Idaho Code, except that when the appraised  
17 value of the property is less than one thousand dollars (\$1,000), one (1) single notice by  
18 publication shall be sufficient and the property shall be sold by sealed bids or at public  
19 auction.

20 The board of trustees may accept the highest bid, may reject any bid, or reject all  
21 bids. If the real property was donated to the school district the board may, within a  
22 period of one (1) year from the time of the appraisal, sell the property without additional  
23 advertising or bidding. Otherwise, the board of trustees must have new appraisals made  
24 and again publish notice for bids, as before. If, thereafter, no satisfactory bid is made and  
25 received, the board may proceed under its own direction to sell and convey the property.  
26 In no case shall any real property of the school district be sold for less than its appraisal.

27 The board of trustees may sell personal property, with an estimated value of less  
28 than one thousand dollars (\$1,000), without appraisal, by sealed bid or at public auction,  
29 provided that there has been not less than one (1) published advertisement prior to the  
30 sale of said property. If the property has an estimated value of less than five hundred  
31 dollars (\$500), the property may be disposed of in the most cost-effective and expedient  
32 manner by an employee of the district empowered for that purpose by the board, provided  
33 however, such employee shall notify the board prior to disposal of said property.

34 (b) Real and personal property may be exchanged hereunder for other property.  
35 Provided, however, that aside from the provisions of this paragraph, any school district  
36 may by a vote of one-half (1/2) plus one (1) of the members of the full board of trustees,  
37 by resolution duly adopted, authorize the transfer or conveyance of any real or personal  
38 property owned by such school district to the government of the United States, any city,  
39 county, the state of Idaho, any hospital district organized under chapter 13, title 39, Idaho  
40 Code, any cooperative service agency formed pursuant to section 33-317, Idaho Code,  
41 any other school district, the Idaho housing and finance association, any public charter  
42 school, any library district, any community college district, or any recreation district,  
43 with or without any consideration accruing to the school district, when in the judgment  
44 of the board of trustees it is for the interest of such school district that said transfer  
45 or conveyance be made. Prior to any transfer or conveyance of any real or personal  
46 property pursuant to this paragraph (4)(b), the board shall have the property appraised by

1 an appraiser certified in the state of Idaho, which appraisal shall be entered in the records  
2 of the board of trustees, and shall be used to establish the value of the real or personal  
3 property.

4 (5) To enter into contracts with any city located within the boundaries of the school  
5 district for the joint purchase, construction, development, maintenance and equipping of  
6 playgrounds, ball parks, swimming pools, and other recreational facilities upon property owned  
7 either by the school district or the city.

8 (6) To convey rights-of-way and easements for highway, public utility, and other  
9 purposes over, upon or across any school property and, when necessary to the use of such  
10 property for any such purpose, to authorize the removal of school buildings to such new  
11 location, or locations, as shall be determined by the board of trustees, and such removal shall  
12 be made at no cost or expense to the school district.

13 (7) To authorize the use of any school building of the district as a community center, or  
14 for any public purpose, and to establish a policy of charges, if any, to be made for such use.

15 (8) To exercise the right of eminent domain under the provisions of chapter 7, title 7,  
16 Idaho Code, for any of the uses and purposes provided in section 7-701, Idaho Code.

17 (9) If there is a great public calamity, such as an extraordinary fire, flood, storm,  
18 epidemic, or other disaster, or if it is necessary to do emergency work to prepare for national  
19 or local defense, or it is necessary to do emergency work to safeguard life, health or property,  
20 the board of trustees may pass a resolution declaring that the public interest and necessity  
21 demand the immediate expenditure of public money to safeguard life, health or property. Upon  
22 adoption of the resolution, the board may expend any sum required in the emergency without  
23 compliance with this section.