

IN THE SENATE

SENATE BILL NO. 1305

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO BOARDS OF TRUSTEES AND ANNEXATION OF TERRITORY; AMENDING SECTION  
2 33-308, IDAHO CODE, AS AMENDED BY SECTION 24, CHAPTER 341, LAWS OF 2009,  
3 TO PROVIDE REQUIREMENTS RELATING TO LEGAL DESCRIPTIONS OF CERTAIN REAL  
4 PROPERTY AND TO CORRECT A CODIFIER'S ERROR; AND PROVIDING AN EFFECTIVE  
5 DATE.  
6

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

8 SECTION 1. That Section 33-308, Idaho Code, as amended by Section 24,  
9 Chapter 341, Laws of 2009, be, and the same is hereby amended to read as  
10 follows:

11 33-308. EXCISION AND ANNEXATION OF TERRITORY. (1) A board of trustees  
12 of any school district including a specially chartered school district, or  
13 one-fourth (1/4) or more of the school district electors, residing in an area  
14 of not more than fifty (50) square miles within which there is no schoolhouse  
15 or facility necessary for the operation of a school district, may petition  
16 in writing proposing the annexation of the area to another and contiguous  
17 school district.

18 (2) Such petition shall be in duplicate, one (1) copy of which shall  
19 be presented to the board of trustees of the district from which the area is  
20 proposed to be excised, and the other to the board of trustees of the district  
21 to which the area is proposed to be annexed. The petition shall contain:

22 (a) The names and addresses of the petitioners;

23 (b) A legal description of the area proposed to be excised from one

24 (1) district and annexed to another contiguous district. Such legal  
25 description shall be prepared by a licensed attorney, licensed  
26 professional land surveyor, licensed professional engineer or  
27 other individual professionally trained and experienced in legal  
28 descriptions of real property;

29 (c) Maps showing the boundaries of the districts as they presently  
30 appear and as they would appear should the excision and annexation be  
31 approved;

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

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

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

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

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

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

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

6 If either condition is not met, the state board shall disapprove the  
7 proposal. The approval or disapproval shall be expressed in writing to the  
8 board of trustees of each school district named in the petition.

9 (5) If the state board of education shall approve the proposal, it shall  
10 be submitted to the school district electors residing in the area described  
11 in the petition, at an election held in the manner provided in chapter 14,  
12 title 34, Idaho Code. Such election shall be held on the date authorized  
13 in section 34-106, Idaho Code, which is nearest to sixty (60) days after the  
14 state board approves the proposal.

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

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

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

24 (7) If a majority of the school district electors in the area described  
25 in the petition, voting in the election, shall vote in favor of the proposal  
26 to excise and annex the said area, and if in the area the electors voting  
27 on the question of the assumption of bonded debt and interest have approved  
28 such assumption by the proportion of votes cast as is required by section 3,  
29 article VIII, of the constitution of the state of Idaho, the proposal shall  
30 carry and be approved. Otherwise, it shall fail.

31 (8) If the proposal shall be approved by the electors in the manner  
32 prescribed, the board of canvassers shall thereupon promptly notify the  
33 state department of education and the affected school districts of such  
34 results. The superintendent of public instruction shall make an appropriate  
35 order for the boundaries of the affected school districts to be altered,  
36 and the legal descriptions of the school districts shall be altered, as  
37 prescribed in section 33-307, Idaho Code.

38 SECTION 2. This act shall be in full force and effect on and after  
39 January 1, 2011.