

IN THE SENATE

SENATE BILL NO. 1305, As Amended

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