

IN THE SENATE

SENATE BILL NO. 1422

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-804, IDAHO CODE, TO PROVIDE THAT
2 IN CERTAIN FISCAL YEARS THE BOARD OF TRUSTEES OF ANY SCHOOL DISTRICT
3 WITH A PREVIOUSLY APPROVED PLANT FACILITIES LEVY MAY SUBMIT TO THE
4 QUALIFIED ELECTORS OF THE SCHOOL DISTRICT THE QUESTION OF CONVERTING
5 A PREVIOUSLY APPROVED PLANT FACILITIES LEVY TO A SUPPLEMENTAL LEVY
6 SUBJECT TO CERTAIN CONDITIONS AND REQUIREMENTS, TO PROVIDE FOR A QUES-
7 TION TO BE SUBMITTED AND TO PROVIDE PROVISIONS RELATING TO ELECTIONS;
8 AMENDING SECTION 33-804, IDAHO CODE, AS AMENDED BY SECTION 47, CHAPTER
9 341, LAWS OF 2009, TO PROVIDE THAT IN CERTAIN FISCAL YEARS THE BOARD OF
10 TRUSTEES OF ANY SCHOOL DISTRICT WITH A PREVIOUSLY APPROVED PLANT FACIL-
11 ITIES LEVY MAY SUBMIT TO THE QUALIFIED ELECTORS OF THE SCHOOL DISTRICT
12 THE QUESTION OF CONVERTING A PREVIOUSLY APPROVED PLANT FACILITIES LEVY
13 TO A SUPPLEMENTAL LEVY SUBJECT TO CERTAIN CONDITIONS AND REQUIREMENTS,
14 TO PROVIDE FOR A QUESTION TO BE SUBMITTED AND TO PROVIDE PROVISIONS
15 RELATING TO ELECTIONS; AMENDING SECTION 33-1004, IDAHO CODE, TO PROVIDE
16 THAT FOR A CERTAIN PERIOD A DISTRICT MAY SHIFT UP TO FIVE PERCENT OF
17 CERTAIN POSITIONS TO FEDERAL FUNDS; PROVIDING THAT FOR A CERTAIN PERIOD
18 CERTAIN MONEYS MAY BE SPENT AT THE DISCRETION OF THE SCHOOL DISTRICT
19 AND TO PROVIDE THAT SUCH AMOUNT SHALL BE DETERMINED BY THE STATE DE-
20 PARTMENT OF EDUCATION PURSUANT TO A CERTAIN FORMULA; PROVIDING THAT
21 SCHOOL DISTRICTS MAY TRANSFER MONEYS FROM A PLANT FACILITIES RESERVE
22 FUND TO THE GENERAL FUND DURING A CERTAIN PERIOD AND SUBJECT TO CERTAIN
23 CONDITIONS; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION
24 AND PROVIDING EFFECTIVE DATES.
25

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

27 SECTION 1. That Section 33-804, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 33-804. SCHOOL PLANT FACILITIES RESERVE FUND LEVY. In any school dis-
30 trict in which a school plant facilities reserve fund has been created, ei-
31 ther by resolution of the board of trustees or by apportionment to new dis-
32 tricts according to the provisions of section 33-901, Idaho Code, to provide
33 funds therefor the board of trustees shall submit to the qualified school
34 electors of the district the question of a levy not to exceed four-tenths of
35 one percent (.4%) of market value for assessment purposes in each year, as
36 such valuation existed on December 31 of the previous year, for a period not
37 to exceed ten (10) years.

38 The question of a levy to be submitted to the electors of the district
39 and the notice of such election shall state the dollar amount proposed to
40 be collected each year during the period of years in each of which the col-
41 lection is proposed to be made, the percentage of votes in favor of the pro-
42 posal which are needed to approve the proposed dollar amount to be collected,

1 and the purposes for which such funds shall be used. Said notice shall be
 2 given, the election shall be conducted and the returns canvassed as provided
 3 in chapter 4, title 33, Idaho Code; and the dollar amount to be collected
 4 shall be approved only if:

5 1. Fifty-five percent (55%) of the electors voting in such election
 6 are in favor thereof if the levy will result in a total levy for school plant
 7 facilities and bonded indebtedness of less than two-tenths of one percent
 8 (.2%) of market value for assessment purposes as such valuation existed on
 9 December 31 of the year immediately preceding the election;

10 2. Sixty percent (60%) of the electors voting in such election are in
 11 favor thereof if the levy will result in a total levy for school plant facil-
 12 ities and bonded indebtedness of two-tenths of one percent (.2%) or more and
 13 less than three-tenths of one percent (.3%) of market value for assessment
 14 purposes as such valuation existed on December 31 of the year immediately
 15 preceding the election; or

16 3. Two-thirds (2/3) of the electors voting in such election are in favor
 17 thereof if the levy will result in a total levy for school plant facilities
 18 and bonded indebtedness of three-tenths of one percent (.3%) or more of mar-
 19 ket value for assessment purposes as such valuation existed on December 31 of
 20 the year immediately preceding the election.

21 If the question be approved, the board of trustees may make a levy, not
 22 to exceed four-tenths of one percent (.4%) of market value for assessment
 23 purposes as such valuation existed on December 31 of the previous year, in
 24 each year for which the collection was approved, sufficient to collect the
 25 dollar amount approved and may again submit the question at the expiration
 26 of the period of such levy, for the dollar amount to be collected during each
 27 year, and the number of years which the board may at that time determine. Or,
 28 during the period approved at any such election, if such period be less than
 29 ten (10) years or the levy be less than four-tenths of one percent (.4%) of
 30 market value for assessment purposes as such valuation existed on December
 31 31 of the previous year, the board of trustees may submit to the qualified
 32 school electors in the same manner as before, the question whether the number
 33 of years, or the levy, or both, be increased, but not to exceed the maximum
 34 herein authorized. If such increase or increases be approved by the elec-
 35 tors, the terms of such levy shall be in lieu of those approved in the first
 36 instance, but disapproval shall not affect any terms theretofore in effect.

37 Any bonded indebtedness incurred in accordance with the provisions of
 38 section 33-1103, Idaho Code, subsequent to the approval of a plant facili-
 39 ties reserve fund levy shall not affect the terms of that levy for any time
 40 during which such levy is in effect.

41 4. In any fiscal year in which the state department of education certi-
 42 fies that the statewide conditions exist for all qualifying school districts
 43 to declare financial emergencies, pursuant to section 33-522, Idaho Code,
 44 the board of trustees of any school district with a previously approved plant
 45 facilities levy may submit to the qualified electors of the school district
 46 the question of converting a previously approved plant facilities levy to a
 47 supplemental levy, subject to the following:

- 48 (a) The term of the supplemental levy shall not exceed the lesser of two
 49 (2) years or the remaining term on the previously approved plant facili-
 50 ties levy; and

1 (b) The first tax year of conversion shall be the one in which the rev-
 2 enues collected will accrue to the fiscal year in which the state de-
 3 partment of education certifies that the statewide conditions exist for
 4 all qualifying school districts to declare financial emergencies, pur-
 5 suant to section 33-522, Idaho Code; and

6 (c) Up to one hundred percent (100%) of the previously approved plant
 7 facilities levy amount may be converted; and

8 (d) Conversion of a plant facilities levy to a supplemental levy shall
 9 not affect any other supplemental levy; and

10 (e) The question to be submitted to the electors of the district and
 11 the notice of such election shall state the dollar amount proposed to be
 12 converted each year, the number of years to be converted, the percentage
 13 of the plant facilities levy that is proposed for conversion, and the
 14 purposes for which such funds shall be used; and

15 (f) Prior to January 1, 2011, the election notice shall be given, the
 16 election shall be conducted and the returns canvassed as provided in
 17 chapter 4, title 33, Idaho Code. On and after January 1, 2011, the
 18 election notice shall be given, the election shall be held subject to
 19 the provisions of section 34-106, Idaho Code, and conducted and the
 20 returns canvassed as provided in title 34, Idaho Code; and

21 (g) The dollar amount to be converted and collected shall be approved
 22 only if a majority of the electors voting in the election are in favor;
 23 and

24 (h) Upon expiration of the term of conversion, the supplemental levy
 25 shall revert to the previously approved plant facilities levy for any
 26 approved years remaining on the balance of its term; and

27 (i) Any years in which a previously approved plant facilities levy
 28 is converted to a supplemental levy pursuant to this subsection shall
 29 count against the years for which the plant facilities levy was ap-
 30 proved; and

31 (j) If a majority of the electors voting in the election fail to vote
 32 in favor, the previously approved plant facilities levy shall not be af-
 33 ected.

34 SECTION 2. That Section 33-804, Idaho Code, as amended by Section 47,
 35 Chapter 341, Laws of 2009, be, and the same is hereby amended to read as fol-
 36 lows:

37 33-804. SCHOOL PLANT FACILITIES RESERVE FUND LEVY. In any school dis-
 38 trict in which a school plant facilities reserve fund has been created, ei-
 39 ther by resolution of the board of trustees or by apportionment to new dis-
 40 tricts according to the provisions of section 33-901, Idaho Code, to provide
 41 funds therefor the board of trustees shall submit to the qualified school
 42 electors of the district the question of a levy not to exceed four-tenths of
 43 one percent (.4%) of market value for assessment purposes in each year, as
 44 such valuation existed on December 31 of the previous year, for a period not
 45 to exceed ten (10) years.

46 The question of a levy to be submitted to the electors of the district
 47 and the notice of such election shall state the dollar amount proposed to be
 48 collected each year during the period of years in each of which the collec-
 49 tion is proposed to be made, the percentage of votes in favor of the proposal

1 which are needed to approve the proposed dollar amount to be collected, and
2 the purposes for which such funds shall be used. Said notice shall be given,
3 the election shall be held subject to the provisions of section 34-106, Idaho
4 Code, and conducted and the returns canvassed as provided in title 34, Idaho
5 Code; and the dollar amount to be collected shall be approved only if:

6 1. Fifty-five percent (55%) of the electors voting in such election
7 are in favor thereof if the levy will result in a total levy for school plant
8 facilities and bonded indebtedness of less than two-tenths of one percent
9 (.2%) of market value for assessment purposes as such valuation existed on
10 December 31 of the year immediately preceding the election;

11 2. Sixty percent (60%) of the electors voting in such election are in
12 favor thereof if the levy will result in a total levy for school plant facil-
13 ities and bonded indebtedness of two-tenths of one percent (.2%) or more and
14 less than three-tenths of one percent (.3%) of market value for assessment
15 purposes as such valuation existed on December 31 of the year immediately
16 preceding the election; or

17 3. Two-thirds (2/3) of the electors voting in such election are in favor
18 thereof if the levy will result in a total levy for school plant facilities
19 and bonded indebtedness of three-tenths of one percent (.3%) or more of mar-
20 ket value for assessment purposes as such valuation existed on December 31 of
21 the year immediately preceding the election.

22 If the question be approved, the board of trustees may make a levy, not
23 to exceed four-tenths of one percent (.4%) of market value for assessment
24 purposes as such valuation existed on December 31 of the previous year, in
25 each year for which the collection was approved, sufficient to collect the
26 dollar amount approved and may again submit the question at the expiration
27 of the period of such levy, for the dollar amount to be collected during each
28 year, and the number of years which the board may at that time determine. Or,
29 during the period approved at any such election, if such period be less than
30 ten (10) years or the levy be less than four-tenths of one percent (.4%) of
31 market value for assessment purposes as such valuation existed on December
32 31 of the previous year, the board of trustees may submit to the qualified
33 school electors in the same manner as before, the question whether the number
34 of years, or the levy, or both, be increased, but not to exceed the maximum
35 herein authorized. If such increase or increases be approved by the elec-
36 tors, the terms of such levy shall be in lieu of those approved in the first
37 instance, but disapproval shall not affect any terms theretofore in effect.

38 Any bonded indebtedness incurred in accordance with the provisions of
39 section 33-1103, Idaho Code, subsequent to the approval of a plant facili-
40 ties reserve fund levy shall not affect the terms of that levy for any time
41 during which such levy is in effect.

42 4. In any fiscal year in which the state department of education certi-
43 fies that the statewide conditions exist for all qualifying school districts
44 to declare financial emergencies, pursuant to section 33-522, Idaho Code,
45 the board of trustees of any school district with a previously approved plant
46 facilities levy may submit to the qualified electors of the school district
47 the question of converting a previously approved plant facilities levy to a
48 supplemental levy, subject to the following:

1 (a) The term of the supplemental levy shall not exceed the lesser of two
2 (2) years or the remaining term on the previously approved plant facili-
3 ties levy; and

4 (b) The first tax year of conversion shall be the one in which the rev-
5 enues collected will accrue to the fiscal year in which the state de-
6 partment of education certifies that the statewide conditions exist for
7 all qualifying school districts to declare financial emergencies, pur-
8 suant to section 33-522, Idaho Code; and

9 (c) Up to one hundred percent (100%) of the previously approved plant
10 facilities levy amount may be converted; and

11 (d) Conversion of a plant facilities levy to a supplemental levy shall
12 not affect any other supplemental levy; and

13 (e) The question to be submitted to the electors of the district and
14 the notice of such election shall state the dollar amount proposed to be
15 converted each year, the number of years to be converted, the percentage
16 of the plant facilities levy that is proposed for conversion, and the
17 purposes for which such funds shall be used; and

18 (f) Prior to January 1, 2011, the election notice shall be given, the
19 election shall be conducted and the returns canvassed as provided in
20 chapter 4, title 33, Idaho Code. On and after January 1, 2011, the
21 election notice shall be given, the election shall be held subject to
22 the provisions of section 34-106, Idaho Code, and conducted and the
23 returns canvassed as provided in title 34, Idaho Code; and

24 (g) The dollar amount to be converted and collected shall be approved
25 only if a majority of the electors voting in the election are in favor;
26 and

27 (h) Upon expiration of the term of conversion, the supplemental levy
28 shall revert to the previously approved plant facilities levy for any
29 approved years remaining on the balance of its term; and

30 (i) Any years in which a previously approved plant facilities levy
31 is converted to a supplemental levy pursuant to this subsection shall
32 count against the years for which the plant facilities levy was ap-
33 proved; and

34 (j) If a majority of the electors voting in the election fail to vote
35 in favor, the previously approved plant facilities levy shall not be af-
36 ected.

37 SECTION 3. That Section 33-1004, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 33-1004. STAFF ALLOWANCE. For each school district, a staff allowance
40 shall be determined as follows:

41 (1) Using the daily attendance reports that have been submitted for
42 computing the February 15 apportionment of state funds as provided in sec-
43 tion 33-1009, Idaho Code, determine the total support units for the district
44 in the manner provided in section 33-1002(6)(a), Idaho Code;

45 (2) Determine the instructional staff allowance by multiplying the
46 support units by 1.1. A district must demonstrate that it actually employs
47 the number of certificated instructional staff allowed, except as provided
48 in subsection (5)(f) and (g) of this section. If the district does not employ

1 the number allowed, the staff allowance shall be reduced to the actual number
2 employed, except as provided in subsection (5) (f) and (g) of this section;

3 (3) Determine the administrative staff allowance by multiplying the
4 support units by .075;

5 (4) Determine the classified staff allowance by multiplying the sup-
6 port units by .375;

7 (5) Additional conditions governing staff allowance:

8 (a) In determining the number of staff in subsections (2), (3) and (4)
9 of this section, a district may contract separately for services to be
10 rendered by nondistrict employees and such employees may be counted
11 in the staff allowance. A "nondistrict employee" means a person for
12 whom the school district does not pay the employer's obligations for
13 employee benefits. When a district contracts for the services of a
14 nondistrict employee, only the salary portion of the contract shall be
15 allowable for computations.

16 (b) If there are circumstances preventing eligible use of staff al-
17 lowance to which a district is entitled as provided in subsections (2)
18 and (3) of this section, an appeal may be filed with the state department
19 of education outlining the reasons and proposed alternative use of
20 these funds, and a waiver may be granted.

21 (c) For any district with less than forty (40) support units:

22 (i) The instructional staff allowance shall be calculated
23 applying the actual number of support units. If the actual in-
24 structional staff employed in the school year is greater than
25 the instructional staff allowance, then the instructional staff
26 allowance shall be increased by one-half (1/2) staff allowance;
27 and

28 (ii) The administrative staff allowance shall be calculated ap-
29 plying the actual number of support units. If the actual adminis-
30 trative staff employed in the school year is greater than the ad-
31 ministrative staff allowance, then the administrative staff al-
32 lowance shall be increased by one-half (1/2) staff allowance.

33 (iii) Additionally, for any district with less than twenty (20)
34 support units, the instructional staff allowance shall be calcu-
35 lated applying the actual number of support units. If the number
36 of instructional staff employed in the school year is greater than
37 the instructional staff allowance, the staff allowance shall be
38 increased as provided in paragraphs (i) and (ii) of this subsec-
39 tion, and by an additional one-half (1/2) instructional staff al-
40 lowance.

41 (d) For any school district with one (1) or more separate secondary
42 schools serving grades nine (9) through twelve (12), the instructional
43 staff allowance shall be increased by two (2) additional instructional
44 staff allowances for each such separate secondary school.

45 (e) Only instructional, administrative and classified personnel
46 compensated by the school district from the general maintenance and
47 operation fund of the district shall be included in the calculation
48 of staff allowance or in any other calculations based upon staff, in-
49 cluding determination of the experience and education multiplier, the
50 reporting requirements, or the district's salary-based apportionment

1 calculation. No food service staff or transportation staff shall be
2 included in the staff allowance.

3 (f) A district may utilize up to five percent (5%) of the moneys asso-
4 ciated with positions funded pursuant to subsection (2) of this section
5 to defray the cost of providing virtual education coursework, includ-
6 ing virtual dual credit coursework, without a reduction in the number of
7 funded positions being imposed.

8 (g) For the period July 1, 2009, through June 30, 2011, only, a district
9 may shift up to ~~two and sixty three hundredths percent (2.63%)~~ five
10 percent (5%) of the positions funded pursuant to subsection (2) of this
11 section to federal funds, without a reduction in the number of funded
12 positions being imposed.

13 (6) In the event that the staff allowance in any category is insuffi-
14 cient to meet accreditation standards, a district may appeal to the state
15 board of education, demonstrating the insufficiency, and the state board may
16 grant a waiver authorizing sufficient additional staff to be included within
17 the staff allowance to meet accreditation standards. Such a waiver shall be
18 limited to one (1) year, but may be renewed upon showing of continuing justi-
19 fication.

20 SECTION 4. The provisions of Section 33-1019, Idaho Code, notwith-
21 standing, for the period July 1, 2010, through June 30, 2011, only, the
22 current fiscal year's amount of local maintenance match moneys normally
23 required to be allocated for the maintenance and repair of student-occupied
24 buildings may be spent on other one-time, nonpersonnel costs, at the discre-
25 tion of the school district. Such amount shall be determined by the State
26 Department of Education as follows:

27 (1) Subtract from the local maintenance match requirement all plant fa-
28 cility levy funds levied for tax year 2010.

29 (2) Subtract from the balance of any funds remaining after the sub-
30 traction provided for in subsection (1) of this section, any additional
31 funds necessary to fully remediate all recommendations and code viola-
32 tions identified in the most recent inspection of each student-occupied
33 building conducted by the Division of Building Safety, excluding any
34 recommendations for which the least expensive remediation solution is
35 the replacement of the building.

36 School districts shall furnish information pursuant to the provisions of
37 this section, as may be required by the State Department of Education.

38 SECTION 5. Any other provisions of law notwithstanding, school dis-
39 tricts may transfer moneys from a plant facilities reserve fund to the
40 general fund during the period July 1, 2010, through June 30, 2011, subject
41 to the following conditions:

42 (1) The transfer shall not include any moneys raised from a plant facil-
43 ities reserve fund levy; and

44 (2) The plant facilities reserve fund shall retain sufficient moneys to
45 fully remediate all recommendations and code violations identified in
46 the most recent inspection of each student-occupied building conducted
47 by the Division of Building Safety, excluding any recommendations for
48 which the least expensive remediation solution is the replacement of
49 the building; and

1 (3) Moneys so transferred shall be expended for one-time, nonpersonnel
2 costs only.

3 SECTION 6. An emergency existing therefor, which emergency is hereby
4 declared to exist, Section 1 of this act shall be in full force and effect on
5 and after passage and approval, and retroactively to January 1, 2010; Sec-
6 tion 2 of this act shall be in full force and effect on after January 1, 2011;
7 and Sections 3, 4 and 5 shall be in full force and effect on and after July 1,
8 2010.