

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 236

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO COOPERATIVE SERVICE AGENCIES; AMENDING SECTION 33-317A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO WHEN THE PHYSICAL CONSTRUCTION OF CERTAIN FACILITIES MAY COMMENCE.

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

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

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

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

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

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

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

19 ~~(2) No physical construction shall commence on any facility to be fi-~~
 20 ~~nced pursuant to the provisions of this section until the estimated cost~~
 21 ~~of constructing such facility has been collected by the cooperative service~~
 22 ~~agency. Physical construction may commence once moneys equal to the esti-~~
 23 ~~imated cost of constructing the facility have been collected by the coopera-~~
 24 ~~tive service agency, except that the cooperative service agency may commence~~
 25 ~~physical construction before moneys equal to one hundred percent (100%) of~~
 26 ~~the estimated cost of constructing the facility have been collected as long~~
 27 ~~as language is included in the instructions to bidders reflecting the fol-~~
 28 ~~lowing:~~

29 (a) Providing notice of the funding method and schedule;

30 (b) Clearly stating that if all moneys are not collected according to
 31 the schedule provided, the contractor may not be paid in a timely manner
 32 and such contractor will have to await payment until the necessary mon-
 33 eys are collected, but in no event shall such contractor have to await
 34 payment longer than three (3) years from the date of the contractor's
 35 last pay request;

36 (c) Stating that the cooperative service agency accepts no liability
 37 and will pay no interest on unpaid balances;

38 (d) Stating that should an inability to pay occur after the fifty
 39 percent (50%) completion point of the project, the contractor must com-
 40 plete the project irrespective of payment status; and

41 (e) Stating that if an inability to pay occurs before the fifty percent
 42 (50%) completion point, the contractor has the option to suspend work,
 43 receiving no compensation for delay, and restart the project when fund-
 44 ing becomes available.

45 (3) If one (1) or more of the member districts fails to approve the tax
 46 levy in such election, the cooperative service agency may construct the fa-
 47 cility through the support of the member districts approving the levy, but in
 48 no event shall the levy limits authorized in this section be exceeded.

49 (4) Nothing shall prevent a member district that initially failed to
 50 approve the levy from conducting a subsequent election, held pursuant to

1 chapter 4, title 33, Idaho Code, to authorize that district's participation
2 in construction of the facility.

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