

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 272

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO SCHOOL DISTRICTS; AMENDING SECTION 33-308, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING CERTAIN VOTER APPROVAL OF THE ASSUMPTION OF BONDED
3 INDEBTEDNESS AND INTEREST WITH REGARD TO SCHOOL DISTRICT EXCISIONS AND
4 ANNEXATIONS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMER-
5 GENCY.
6

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

8 SECTION 1. That Section 33-308, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 33-308. EXCISION AND ANNEXATION OF TERRITORY. (1) A board of trustees
11 of any school district, including a specially chartered school district, or
12 one-fourth (1/4) or more of the school district electors, residing in an area
13 of not more than fifty (50) square miles within which there is no schoolhouse
14 or facility necessary for the operation of a school district, may petition
15 in writing proposing the annexation of the area to another and contiguous
16 school district.

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

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

22 (b) A legal description of the area proposed to be excised from one
23 ~~(1)~~ district and annexed to another contiguous district. Such legal
24 description shall be prepared by a licensed attorney, licensed profes-
25 sional land surveyor or licensed professional engineer professionally
26 trained and experienced in legal descriptions of real property;

27 (c) Maps showing the boundaries of the districts as they presently ap-
28 pear and as they would appear should the excision and annexation be ap-
29 proved;

30 (d) The names of the school districts from and to which the area is pro-
31 posed to be excised and annexed;

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

34 (f) An estimate of the number of children residing in the area described
35 in the petition.

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

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

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

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

4 If either condition is not met, the state board shall disapprove the pro-
5 posal. The approval or disapproval shall be expressed in writing to the
6 board of trustees of each school district named in the petition.

7 (5) If the state board of education shall approve the proposal, it shall
8 ~~be submitted to the school district electors residing in the area described~~
9 ~~in the petition,~~ submit the ballot questions to the appropriate voters as
10 described in subsections (6) and (7) of this section at an election held in
11 the manner provided in chapter 14, title 34, Idaho Code. Such election shall
12 be held on the date authorized in section 34-106, Idaho Code, which that is
13 nearest to sixty (60) days after the state board approves the proposal.

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

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

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

23 (7) Also at the election, there shall be submitted a question to the
24 electors having the qualifications of electors in a school district bond
25 election and residing in the area remaining in the district from which the
26 area is proposed to be excised. The question shall ask such electors whether
27 they approve the assumption of the portion of the school district bond and
28 the interest thereon held by the electors proposing to leave the school dis-
29 trict. This subsection shall apply only to a proposed excision from a school
30 district that has a bonded indebtedness and where the proposed excision
31 would subtract fifteen percent (15%) or more of the market value for assess-
32 ment purposes on the property in the school district from which the area is
33 proposed to be excised.

34 (8) If a majority of the school district electors in the area described
35 in the petition, voting in the election, shall vote in favor of the proposal
36 to excise and annex the said area, and if ~~in the area~~ the electors voting
37 on the ~~question~~ questions of the assumption of bonded debt and interest set
38 forth in subsections (6) and (7) of this section, if applicable, have ap-
39 proved such assumption by the proportion of votes cast as is required by sec-
40 tion 3, article VIII, of the constitution of the state of Idaho, the proposal
41 shall carry and be approved. Otherwise, it shall fail.

42 (89) If the proposal shall be approved by the electors in the manner
43 prescribed, the board of canvassers shall thereupon promptly notify the
44 state department of education and the affected school districts of such re-
45 sults. The superintendent of public instruction shall make an appropriate
46 order for the boundaries of the affected school districts to be altered, and
47 the legal descriptions of the school districts shall be altered, as pre-
48 scribed in section 33-307, Idaho Code.

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after its
3 passage and approval.