

IN THE SENATE

SENATE BILL NO. 1061

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-802, IDAHO CODE, TO REVISE PROVI-
2 SIONS REGARDING SCHOOL LEVIES; AMENDING SECTION 33-808, IDAHO CODE, TO
3 PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 34-439A, IDAHO CODE,
4 TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 50-2908,
5 IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.
6

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

8 SECTION 1. That Section 33-802, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 33-802. SCHOOL LEVIES. (1) Any tax levied for school purposes shall be
11 a lien on the property against which the tax is levied. The board of trustees
12 shall determine the levies upon each dollar of taxable property in the dis-
13 trict for the ensuing fiscal year as follows:

14 (1a) Bond, Interest and Judgment Obligation Levies. Such levies as
15 shall be required to satisfy all maturing bond, bond interest, and judg-
16 ment obligations.

17 (2b) Budget Stabilization Levies. School districts not receiving
18 state equalization funds in fiscal year 2006 may authorize a budget sta-
19 bilization levy for calendar year 2006 and each year thereafter. Such
20 levies shall not exceed the difference between the amount of equalized
21 funds that the state department of education estimates the school dis-
22 trict will receive in fiscal year 2007, based on the school district's
23 fiscal year 2006 reporting data, and the combined amount of money the
24 school district would have received from its maintenance and operation
25 levy and state property tax replacement funds in fiscal year 2007 under
26 the laws of the state of Idaho as they existed prior to amendment by the
27 first extraordinary session of the fifty-eighth Idaho legislature. The
28 state department of education shall notify the state tax commission
29 and affected counties and school districts of the maximum levy amounts
30 permitted, by no later than September 1, 2006.

31 (3c) Supplemental Maintenance and Operation Levies. No levy in excess
32 of the levy permitted by this section shall be made by a noncharter dis-
33 trict unless such a supplemental levy in a specified amount and for a
34 specified time not to exceed two (2) years be first authorized through
35 an election held subject to the provisions of section 34-106, Idaho
36 Code, and pursuant to title 34, Idaho Code, and approved by a majority of
37 the district electors voting in such election. A levy approved pursuant
38 to this subsection may be reduced by a majority vote of the board of
39 trustees in the second year.

40 (4d) Charter District Supplemental Maintenance and Operation. Levies
41 pursuant to the respective charter of any such charter district shall be
42 first authorized through an election held subject to the provisions of

1 section 34-106, Idaho Code, and pursuant to title 34, Idaho Code, and
2 approved by a majority of the district electors voting in such election.

3 (52) The board of trustees of any school district that has, for at least
4 seven (7) consecutive years, been authorized through an election held to
5 certify a supplemental levy ~~that has annually been equal to or greater than~~
6 ~~twenty percent (20%) of the total general maintenance and operation fund,~~
7 may submit ~~the question of an indefinite term supplemental levy~~ to the elec-
8 tors of the school district the question of a levy with the term of three
9 (3) to ten (10) years. Such question shall clearly state the dollar amount
10 that will be certified annually and that the duration of the levy will be for
11 an indefinite number of years. The question must be approved by a majority
12 of the district electors voting on the question in an election held subject
13 to the provisions of section 34-106, Idaho Code, and pursuant to title 34,
14 Idaho Code. The levy approved pursuant to this subsection may be reduced by a
15 majority vote of the board of trustees during any fiscal year.

16 (63) A charter district may levy for maintenance and operations if such
17 authority is contained within its charter. In the event property within a
18 charter district's boundaries is contained in a revenue allocation area es-
19 tablished under chapter 29, title 50, Idaho Code, and such revenue alloca-
20 tion area has given notice of termination thereunder, then, only for the pur-
21 pose of determining the levy described in this subsection, the district may
22 add the increment value, as defined in section 50-2903, Idaho Code, to the
23 actual or adjusted market value for assessment purposes of the district as
24 such value existed on December 31 of the previous year.

25 SECTION 2. That Section 33-808, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 33-808. NOTICE OF ADJUSTMENT TO MARKET VALUE FOR ASSESSMENT PURPOSES
28 UPON TERMINATION OF A REVENUE ALLOCATION AREA. (1) A charter district with a
29 maintenance and operation levy in the immediately previous year that shall
30 adjust its market value for assessment purposes in accordance with the pro-
31 visions of section 33-802(63), Idaho Code, relating to termination of a rev-
32 enue allocation area, shall advertise its action by publishing in at least
33 the newspaper of largest paid circulation published in the county of the dis-
34 trict, or if there is no such newspaper, then in a newspaper published near-
35 est to the district where the advertisement is required to be published.

36 (2) For purposes of this section, the definition of "newspaper" shall
37 be as established in sections 60-106 and 60-107, Idaho Code; provided fur-
38 ther, that the newspaper of largest circulation shall be established by the
39 statement of average annual paid weekday circulation listed on the newspa-
40 per's sworn statement of ownership that was filed with the United States post
41 office on a date most recently preceding the date on which the advertise-
42 ment required in this section is to be published. The advertisement shall
43 be run when the school district ascertains that it will adjust its market
44 value for assessment purposes in accordance with the provisions of section
45 33-802(63), Idaho Code, relating to termination of a revenue allocation
46 area, and shall be published once a week for two (2) weeks following action
47 by the board of trustees.

1 (3) The form and content of the notice shall be substantially as fol-
2 lows:

3 NOTICE OF PROPERTY TAX ADJUSTMENT BY SCHOOL BOARD

4 The (insert name of the school district) hereinafter the "District,"
5 has increased its market value for assessment purposes as of December 31,
6, by the amount of the increment value of the (insert name of Redevel-
7 opment Agency Revenue Allocation Area) on such date, in accordance with the
8 provisions of Section 33-802, Idaho Code, because the revenue allocation
9 area gave notice of termination pursuant to Section 50-2903, Idaho Code, and
10 as a result thereof property taxes on the increment value of the revenue al-
11 location area will not be collected and distributed to the District. Section
12 33-802, Idaho Code, permits the District to replace those funds by adjusting
13 its market value as described herein. The total amount of dollars in prop-
14 erty taxes to be directly collected by the District pursuant to this action
15 is estimated to be \$.....

16 SECTION 3. That Section 34-439A, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 34-439A. DISCLOSURES IN ELECTIONS TO AUTHORIZE LEVY. (1) Notwith-
19 standing any other provision of law except for the provisions of section
20 63-802(1)(g), Idaho Code, any taxing district that proposes to submit any
21 question to the electors of the district that would authorize any levy,
22 except for the levies authorized for the purposes provided in sections
23 63-802(1)(g) and 33-802(41)(d), Idaho Code, and except for levies relating
24 to bonded indebtedness where section 34-439, Idaho Code, applies, shall in-
25 clude in the ballot question, or in a brief official statement on the ballot
26 but separate from the ballot question, a disclosure setting forth in simple,
27 understandable language information on the proposal substantially as fol-
28 lows:

29 (a) The purpose for which the levy shall be used; the date of the elec-
30 tion; and the dollar amount estimated to be collected each year from the
31 levy; and

32 (b) The length of time, reflected in months or years, in which the pro-
33 posed levy will be assessed.

34 (2) The information called for in subsection (1) of this section shall
35 be placed prior to the location on the ballot where a person casts a vote and
36 shall also be included in like manner in the official notice of the election.

37 SECTION 4. That Section 50-2908, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 50-2908. DETERMINATION OF TAX LEVIES -- CREATION OF SPECIAL FUND. (1)
40 For purposes of calculating the rate at which taxes shall be levied by or
41 for each taxing district in which a revenue allocation area is located, the
42 county commissioners shall, with respect to the taxable property located in
43 such revenue allocation area, use the equalized assessed value of such tax-
44 able property as shown on the base assessment roll rather than on the current

1 equalized assessed valuation of such taxable property, except the current
2 equalized assessed valuation shall be used for calculating the tax rate for:

3 (a) Levies for refunds and credits pursuant to section 63-1305, Idaho
4 Code, and any judgment pursuant to section 33-802(1) (a), Idaho Code,
5 certified after December 31, 2007;

6 (b) Levies permitted pursuant to section 63-802(3), Idaho Code, certi-
7 fied after December 31, 2007;

8 (c) Levies for voter approved general obligation bonds of any taxing
9 district and plant facility reserve fund levies passed after December
10 31, 2007;

11 (d) Levies set forth in paragraphs (a) through (c) of this subsection,
12 first certified prior to December 31, 2007, when the property affected
13 by said levies is included within the boundaries of a revenue allocation
14 area by a change in the boundaries of either the revenue allocation area
15 or any taxing district after December 31, 2007; and

16 (e) School levies for supplemental maintenance and operation pursuant
17 to section 33-802(~~31~~) (c) and (4d), Idaho Code, approved after Decem-
18 ber 31, 2007, and for emergency funds pursuant to section 33-805, Idaho
19 Code, approved after July 1, 2015.

20 (2) With respect to each such taxing district, the tax rate calculated
21 under subsection (1) of this section shall be applied to the current equal-
22 ized assessed valuation of all taxable property in the taxing district, in-
23 cluding the taxable property in the revenue allocation area. The tax rev-
24 enues thereby produced shall be allocated as follows:

25 (a) To the taxing district shall be allocated and shall be paid by the
26 county treasurer:

27 (i) All taxes levied by the taxing district or on its behalf on
28 taxable property located within the taxing district but outside
29 the revenue allocation area;

30 (ii) A portion of the taxes levied by the taxing district or on its
31 behalf on the taxable property located within the revenue allo-
32 cation area, which portion is the amount produced by applying the
33 taxing district's tax rate determined under subsection (1) of this
34 section to the equalized assessed valuation, as shown on the base
35 assessment roll, of the taxable property located within the rev-
36 enue allocation area; and

37 (iii) All taxes levied by the taxing district to satisfy obliga-
38 tions specified in subsection (1) (a) through (e) of this section.

39 (b) To the urban renewal agency shall be allocated the balance, if any,
40 of the taxes levied on the taxable property located within the revenue
41 allocation area.

42 (3) Upon enactment of an ordinance adopting a revenue allocation fi-
43 nancing provision as part of an urban renewal plan, the urban renewal agency
44 shall create a special fund or funds to be used for the purposes enumerated
45 in this chapter. The revenues allocated to the urban renewal agency pursuant
46 to this chapter shall be paid to the agency by the treasurer of the county in
47 which the revenue allocation district is located and shall be deposited by
48 the agency into one (1) or more of such special funds. The agency may, in ad-
49 dition, deposit into such special fund or funds such other income, proceeds,

1 revenues and funds it may receive from sources other than the revenues allo-
2 cated to it under subsection (2) (b) of this section.

3 (4) For the purposes of section 63-803, Idaho Code, during the period
4 when revenue allocation under this chapter is in effect, and solely with re-
5 spect to any taxing district in which a revenue allocation area is located,
6 the county commissioners shall, in fixing any tax levy other than the levy
7 specified in subsection (1) (a) through (e) of this section, take into con-
8 sideration the equalized assessed valuation of the taxable property situ-
9 ated in the revenue allocation area as shown in the base assessment roll,
10 rather than the current equalized assessed value of such taxable property.

11 (5) For all other purposes, including, without limitation, for pur-
12 poses of sections 33-802, 33-1002 and 63-1313, Idaho Code, reference in the
13 Idaho Code to the term "market value for assessment purposes" (or any other
14 such similar term) shall mean market value for assessment purposes as de-
15 fined in section 63-208, Idaho Code.