

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 344

BY EDUCATION COMMITTEE

AN ACT

RELATING TO FISCAL MATTERS OF SCHOOL DISTRICTS; PROVIDING PROVISIONS RELATING TO CERTAIN MAINTENANCE MATCH MONEYS FOR THE MAINTENANCE AND REPAIR OF CERTAIN STUDENT-OCCUPIED BUILDINGS; AMENDING SECTION 33-801, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT'S PREPARATION OF A BUDGET; AMENDING SECTION 33-804, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PLANT FACILITY LEVIES AND TO REVISE PROVISIONS RELATING TO THE FIRST TAX YEAR OF CONVERSION; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. The provisions of Section 33-1019, Idaho Code, notwithstanding, for the period July 1, 2011, through June 30, 2012, only, the current fiscal year's amount of local maintenance match moneys normally required to be allocated for the maintenance and repair of student-occupied buildings may be spent on other one-time, nonpersonnel costs, at the discretion of the school district. Such amount shall be determined by the State Department of Education as follows:

(1) Subtract from the local maintenance match requirement all plant facility levy funds levied for tax year 2011.

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

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

SECTION 2. That Section 33-801, Idaho Code, be, and the same is hereby amended to read as follows:

33-801. SCHOOL DISTRICT BUDGET. No later than twenty-eight (28) days or, ~~if a financial emergency has been declared pursuant to section 33-522, Idaho Code~~ the conditions provided for in section 33-804(4), Idaho Code, have been met, fourteen (14) days prior to its annual meeting, the board of trustees of each school district shall have prepared a budget, in form prescribed by the state superintendent of public instruction, and shall have called and caused to be held a public hearing thereon, and at such public hearing, or at a special meeting held no later than fourteen (14) days after the public hearing, shall adopt a budget for the ensuing year. Notice of the hearing shall be posted, and published as prescribed in section 33-402,

Idaho Code, and a record of the hearing shall be kept by the clerk of the board of trustees. At the time said notice is given and until the date of the hearing, a copy of the budget shall be available for public inspection at all reasonable times at the administrative offices of the school district, or at the office of the clerk of the district. The board of trustees of each school district shall also prepare and publish, as a part of such notice, a summary statement of the budget for the current and ensuing years. Such statement shall be prepared in a manner consistent with standard accounting practices and in such form as the state superintendent of public instruction shall prescribe, and, among other things, said statement shall show amounts budgeted for all major classifications of income and expenditures, with total amounts budgeted for salary and wage expenditures in each such classification shown separately. Such statement shall show amounts actually expended for the two (2) previous years for the same classification for purposes of comparison. The budgeted dollar amounts of revenue in those categories included within the provisions of section 33-802, Idaho Code, as approved within the adopted budget shall be the same as presented to the respective county commissioners for tax levy purposes.

SECTION 3. That Section 33-804, Idaho Code, be, and the same is hereby amended to read as follows:

33-804. SCHOOL PLANT FACILITIES RESERVE FUND LEVY. In any school district in which a school plant facilities reserve fund has been created, either by resolution of the board of trustees or by apportionment to new districts according to the provisions of section 33-901, Idaho Code, to provide funds therefor the board of trustees shall submit to the qualified school electors of the district the question of a 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 ten (10) years.

The question of a levy to be submitted to the electors of the 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 held subject to the provisions of section 34-106, Idaho Code, and conducted and the returns canvassed as provided in title 34, Idaho Code; and the dollar amount to be collected shall be approved only if:

1. Fifty-five percent (55%) of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities and bonded indebtedness 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;

2. Sixty percent (60%) of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities and bonded indebtedness 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

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

6 If the question be approved, the board of trustees may make a levy, not
 7 to exceed four-tenths of one percent (.4%) of market value for assessment
 8 purposes as such valuation existed on December 31 of the previous year, in
 9 each year for which the collection was approved, sufficient to collect the
 10 dollar amount approved and may again submit the question at the expiration
 11 of the period of such levy, for the dollar amount to be collected during each
 12 year, and the number of years which the board may at that time determine. Or,
 13 during the period approved at any such election, if such period be less than
 14 ten (10) years or the levy be less than four-tenths of one percent (.4%) of
 15 market value for assessment purposes as such valuation existed on December
 16 31 of the previous year, the board of trustees may submit to the qualified
 17 school electors in the same manner as before, the question whether the number
 18 of years, or the levy, or both, be increased, but not to exceed the maximum
 19 herein authorized. If such increase or increases be approved by the elec-
 20 tors, the terms of such levy shall be in lieu of those approved in the first
 21 instance, but disapproval shall not affect any terms theretofore in effect.

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

26 4. In any fiscal year in which the state department of education certi-
 27 fies that the statewide ~~conditions exist for all qualifying school districts~~
 28 ~~to declare financial emergencies, pursuant to section 33-522, Idaho Code per~~
 29 ~~support unit funding for salary-based apportionment and discretionary funds~~
 30 ~~has decreased, in the aggregate, from the prior fiscal year,~~ the board of
 31 trustees of any school district with a previously approved plant facilities
 32 levy may submit to the qualified electors of the school district the question
 33 of converting a previously approved plant facilities levy to a supplemental
 34 levy, subject to the following:

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

38 (b) The first tax year of conversion shall be the one in which the rev-
 39 enues collected will accrue to the fiscal year in which the state de-
 40 partment of education certifies that the statewide conditions stated
 41 in subsection 4. of this section exists ~~for all qualifying school dis-~~
 42 ~~tricts to declare financial emergencies, pursuant to section 33-522,~~
 43 ~~Idaho Code;~~ and

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

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

48 (e) The question to be submitted to the electors of the district and
 49 the notice of such election shall state the dollar amount proposed to be
 50 converted each year, the number of years to be converted, the percentage

1 of the plant facilities levy that is proposed for conversion, and the
2 purposes for which such funds shall be used; and

3 (f) Prior to January 1, 2011, the election notice shall be given, the
4 election shall be conducted and the returns canvassed as provided in
5 chapter 4, title 33, Idaho Code. On and after January 1, 2011, the elec-
6 tion notice shall be given, the election shall be held subject to the
7 provisions of section 34-106, Idaho Code, and conducted and the returns
8 canvassed as provided in title 34, Idaho Code; and

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

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

15 (i) Any years in which a previously approved plant facilities levy
16 is converted to a supplemental levy pursuant to this subsection shall
17 count against the years for which the plant facilities levy was ap-
18 proved; and

19 (j) If a majority of the electors voting in the election fail to vote
20 in favor, the previously approved plant facilities levy shall not be af-
21 fected.

22 SECTION 4. SEVERABILITY. The provisions of this act are hereby declared
23 to be severable and if any provision of this act or the application of such
24 provision to any person or circumstance is declared invalid for any reason,
25 such declaration shall not affect the validity of the remaining portions of
26 this act.

27 SECTION 5. An emergency existing therefor, which emergency is hereby
28 declared to exist, Sections 2, 3 and 4 of this act shall be in full force and
29 effect on and after passage and approval. Section 1 of this act shall be in
30 full force and effect on and after July 1, 2011.