

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 501

BY EDUCATION COMMITTEE

AN ACT

RELATING TO SCHOOL DISTRICTS; AMENDING SECTION 33-308, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXCISION AND ANNEXATION OF TERRITORY.

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

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

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

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

(a) The names and addresses of the petitioners;

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

(c) Maps showing the boundaries of the districts as they presently appear and as they would appear should the excision and annexation be approved;

(d) The names of the school districts from and to which the area is proposed to be excised and annexed;

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

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

(3) The board of trustees of each school district, no later than ~~ten~~ ~~(10)~~ thirty (30) calendar days after its first regular meeting held subsequent to receipt of the petition, shall transmit the petition, with recommendations, to the state ~~department~~ board of education.

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

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

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

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

4 (5) If the state board of education ~~shall~~ approves the proposal, it
 5 shall be submitted to the school district electors residing in the ~~area~~
 6 ~~described in the petition~~ district from which the area is proposed to be
 7 excised and in the district to which the area is proposed to be annexed, at
 8 an election held in the manner provided in chapter 14, title 34, Idaho Code.
 9 Such election shall be held on the date authorized in section 34-106, Idaho
 10 Code, ~~which that~~ is nearest to sixty (60) days after the state board approves
 11 the proposal.

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

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

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

21 (7) ~~If a majority of the school district electors in the area described~~
 22 ~~in the petition, voting in the election, shall vote in favor of the proposal~~
 23 ~~to excise and annex the said area, and if in the area the~~ In order for a pro-
 24 posal to excise and annex an area to be approved:

25 (a) The proposal must be approved by a majority of electors voting in
 26 the election in both:

27 (i) The district from which the area is proposed to be excised;
 28 and

29 (ii) The district to which the area is proposed to be annexed; and

30 (b) The electors voting on the question of the assumption of bonded debt
 31 and interest have approved such assumption by the proportion of votes
 32 cast as is required by section 3, article VIII, of the constitution of
 33 the state of Idaho, the proposal shall carry and be approved. Other-
 34 wise, it shall fail.

35 (8) If the proposal ~~shall be~~ is approved by the electors in the manner
 36 prescribed, the board of canvassers shall ~~thereupon~~ promptly notify the
 37 state department of education and the affected school districts of such re-
 38 sults. The superintendent of public instruction shall make an appropriate
 39 order for the boundaries of the affected school districts to be altered, and
 40 the legal descriptions of the school districts shall be altered, as pre-
 41 scribed in section 33-307, Idaho Code.