

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 8

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LEVY AND BOND ELECTIONS; AMENDING SECTION 34-439, IDAHO CODE,
2 TO ESTABLISH PROVISIONS REGARDING CERTAIN BALLOT DISCLOSURES IN BOND
3 ELECTIONS AND TO PROVIDE A REMEDY FOR VIOLATIONS; AND AMENDING SECTION
4 34-439A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CERTAIN BALLOT
5 DISCLOSURES IN LEVY ELECTIONS, TO PROVIDE A REMEDY FOR VIOLATIONS, AND
6 TO PROVIDE CORRECT CODE REFERENCES.
7

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

9 SECTION 1. That Section 34-439, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 34-439. DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTED-
12 NESS. (1) Notwithstanding any other provision of law, any taxing district
13 that proposes to submit any question to the electors of the district that
14 would authorize any bonded indebtedness shall provide a brief official
15 statement setting forth in simple, understandable language information on
16 the proposal substantially as follows:

17 (a) The purpose for which the bonds are to be used including, but not
18 necessarily limited to, a description of the facility and/or project
19 that will be financed, in whole or in part, by the sale of the bonds; the
20 date of the election; and the principal amount of the bonds to be issued;

21 (b) The anticipated interest rate on the proposed bonds based upon cur-
22 rent market rates and a maximum interest rate if a maximum is specified
23 in the question to be submitted to electors;

24 (c) The total amount to be repaid over the life of the bonds based on the
25 anticipated interest. Such total shall reflect three (3) components: a
26 total of the principal to be repaid; a total of the interest to be paid;
27 and the sum of both;

28 (d) The estimated average annual cost to the taxpayer of the proposed
29 bond, in the format of "A tax of \$ per \$100,000 of taxable assessed
30 value, per year, based on current conditions";

31 (e) The length of time, reflected in months or years, in which the pro-
32 posed bonds will be paid off or retired; and

33 (f) The total existing indebtedness, including interest accrued, of
34 the taxing district.

35 (2) (a) The formula for calculating the estimated average annual cost to
36 the taxpayer shall be as follows:

37 $((\text{Bond Total}/\text{Taxable Value}) \times 100,000)/\text{Duration} = \text{estimated average}$
38 $\text{annual cost to taxpayer};$ and

39 (b) The elements of which are defined as:

40 (i) "Bond total" means the total amount to be bonded, from subsec-
41 tion (1) (c) of this section as based on the anticipated interest
42 rate in subsection (1) (b) of this section;

1 (ii) "Duration" means the time, in years, from subsection (1) (e)
2 of this section; and

3 (iii) "Taxable value" means the most recent total taxable value
4 for property for the applicable taxing district, which shall be
5 obtained from the applicable county treasurer or assessor's of-
6 fice.

7 (3) The official statement shall be made a part of the ballot prior to
8 the location on the ballot where a person casts a vote and shall be included
9 in the official notice of the election.

10 (4) Any ballot question to authorize a bond after July 1, 2021, must in-
11 clude the information and language required by this section in order to be
12 binding. Furthermore, the ballot question may not include other informa-
13 tion or language regarding any other bond, levy, or matter, whether previ-
14 ous, current, or proposed.

15 (5) Within thirty (30) days following the election, a registered elec-
16 tor residing within the taxing district that presented the ballot question
17 to authorize a bond may challenge the taxing district's failure to comply
18 with this section by filing a complaint with a court of competent jurisdic-
19 tion. Upon a determination by the court that the taxing district failed to
20 comply with the provisions of this section, the court must declare the out-
21 come of the ballot question nullified and, in addition, must order the taxing
22 district to reimburse the court clerk for the election costs associated with
23 the ballot question and award court costs and fees to the complainant.

24 SECTION 2. That Section 34-439A, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 34-439A. DISCLOSURES IN ELECTIONS TO AUTHORIZE LEVY. (1) Notwith-
27 standing any other provision of law except for the provisions of section
28 63-802(1) (gh), Idaho Code, any taxing district that proposes to submit any
29 question to the electors of the district that would authorize any levy,
30 except for the levies authorized for the purposes provided in sections
31 63-802(1) (gh) and 33-802(4), Idaho Code, and except for levies relating to
32 bonded indebtedness where section 34-439, Idaho Code, applies, shall in-
33 clude in the ballot question, or in a brief official statement on the ballot
34 but separate from the ballot question, a disclosure setting forth in simple,
35 understandable language information on the proposal substantially as fol-
36 lows:

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

40 (b) The estimated average annual cost to the taxpayer of the pro-
41 posed levy, in the form of "A tax of \$ per one hundred thousand dollars
42 (\$100,000) of taxable assessed value, per year, based on current con-
43 ditions." The dollar amount shall be calculated by multiplying the
44 expected levy rate by one hundred thousand dollars (\$100,000); and

45 (c) The length of time, reflected in months or years, in which the pro-
46 posed levy will be assessed.

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

1 (3) Any ballot question to authorize a levy after July 1, 2021, must in-
2 clude the information and language required by this section in order to be
3 binding. Furthermore, the ballot question may not include other informa-
4 tion or language regarding any other bond, levy, or matter, whether previ-
5 ous, current, or proposed.

6 (4) Within thirty (30) days following the election, a registered elec-
7 tor residing within the taxing district that presented the ballot question
8 to authorize a levy may challenge the taxing district's failure to comply
9 with this section by filing a complaint with a court of competent jurisdic-
10 tion. Upon a determination by the court that the taxing district failed to
11 comply with the provisions of this section, the court must declare the out-
12 come of the ballot question nullified and, in addition, must order the taxing
13 district to reimburse the court clerk for the election costs associated with
14 the ballot question and award court costs and fees to the complainant.