

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 286

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO BOND AND LEVY DISCLOSURES; AMENDING SECTION 34-913, IDAHO CODE,  
2 TO PROVIDE REQUIREMENTS FOR TAXING DISTRICT COMMUNICATIONS REGARDING  
3 PROPOSED BONDS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
4 34-914, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR TAXING DISTRICT COM-  
5 MUNICATIONS REGARDING PROPOSED LEVIES; AND DECLARING AN EMERGENCY AND  
6 PROVIDING AN EFFECTIVE DATE.  
7

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

9 SECTION 1. That Section 34-913, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 34-913. DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTED-  
12 NESS. (1) Notwithstanding any other provision of law, on and after July  
13 1, 2021, any taxing district that proposes to submit any question to the  
14 electors of the district that would authorize any bonded indebtedness must  
15 provide a brief official statement setting forth in simple, understandable  
16 language information on 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 or project that  
19 will be financed, in whole or in part, by the sale of the bonds; the date  
20 of the election; and the principal amount of the bonds to be issued;

21 (b) The anticipated interest rate on the proposed bonds based on 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~~ of \$ \_\_\_\_\_ per \$100,000 of taxable  
30 assessed 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  
36 to 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 must be made a part of the ballot prior to the  
8 location on the ballot where a person casts a vote and must be included in the  
9 official notice of the election.

10 (4) In order to be binding, a ballot question to authorize a bond must  
11 include the information and language required by this section in its offi-  
12 cial statement.

13 (5) Any mass communication, whether in printed form, audio, visual,  
14 electronic, or any other medium, sent by a taxing district to twenty (20) or  
15 more voters and any media presented by a taxing district for public viewing,  
16 including posters, websites, or social media, regarding its proposed bond  
17 must include the information required by subsection (1)(b) through (f) of  
18 this section. The taxing district shall not include additional information  
19 regarding any other bond, levy, or financial matter in the communication.

20 ~~(5)~~ (6) Upon a determination by a court, pursuant to section 34-2001A,  
21 Idaho Code, that the taxing district failed to comply with the provisions of  
22 this section, the court must declare the outcome of the ballot question in-  
23 valid and award court costs and fees to the prevailing party.

24 SECTION 2. That Section 34-914, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 34-914. DISCLOSURES IN ELECTIONS TO AUTHORIZE A LEVY. (1) Notwith-  
27 standing any other provision of law, on and after July 1, 2021, any taxing  
28 district that proposes to submit any question to the electors of the dis-  
29 trict that would authorize any levy, except for the levies authorized for  
30 the purposes provided in sections 63-802(1) (h) and 33-802(4), Idaho Code,  
31 and except for levies relating to bonded indebtedness where section 34-913,  
32 Idaho Code, applies, must include in the ballot question, or in a brief of-  
33 ficial statement on the ballot but separate from the ballot question, a dis-  
34 closure setting forth in simple, understandable language information on the  
35 proposal substantially as follows:

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

39 (b) The estimated average annual cost to the taxpayer of the proposed  
40 levy, in the form of "A tax of \$\_\_\_\_\_ per \$100,000 of taxable assessed  
41 value, per year, based on current conditions." If the taxing district  
42 proposing the levy has an existing levy of the same type that is set  
43 to expire at the time that the proposed levy will begin, an additional  
44 statement may be provided along the following lines: "The proposed levy  
45 replaces an existing levy that will expire on \_\_\_\_\_ and that currently  
46 costs \$\_\_\_\_\_ per \$100,000 of taxable assessed value." The statement  
47 shall also disclose that, if the proposed levy is approved, the tax  
48 per \$100,000 of taxable assessed value is either: (i) not expected to  
49 change or (ii) is expected to increase or decrease the tax by \$\_\_\_\_\_ per

1           \$100,000 of taxable assessed value. The dollar amounts referenced in  
2 this paragraph shall be calculated by multiplying the expected levy  
3 rate by one hundred thousand dollars (\$100,000);

4           (c) The length of time, reflected in months or years, in which the pro-  
5 posed levy will be assessed; and

6           (d) If an existing levy is referenced, the expiration date of the levy  
7 must also be provided.

8           (2) The information called for in subsection (1) of this section must  
9 be placed immediately above the location on the ballot where a person casts  
10 a vote and must also be included in like manner in the official notice of the  
11 election.

12           (3) In order to be binding, a ballot question to authorize a levy must  
13 include the information and language required by this section in its offi-  
14 cial statement. The ballot question may not include other information or  
15 language regarding any other bond, levy, or matter, whether previous, cur-  
16 rent, or proposed, except as authorized under this section.

17           (4) Any mass communication, whether in printed form, audio, visual,  
18 electronic, or any other medium, sent by a taxing district to twenty (20) or  
19 more voters and any media presented by a taxing district for public viewing,  
20 including posters, websites, or social media, regarding its proposed levy  
21 must include the information required by subsection (1) (b) and (c) of this  
22 section. The taxing district shall not include additional information re-  
23 garding any other bond, levy, or financial matter in the communication.

24           ~~(4)~~ (5) Upon a determination by a court, pursuant to section 34-2001A,  
25 Idaho Code, that the taxing district failed to comply with the provisions of  
26 this section, the court must declare the outcome of the ballot question in-  
27 valid and award court costs and fees to the prevailing party.

28           SECTION 3. An emergency existing therefor, which emergency is hereby  
29 declared to exist, this act shall be in full force and effect on and after  
30 July 1, 2023.