

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 653

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO SCHOOL LEVIES; AMENDING CHAPTER 8, TITLE 33, IDAHO CODE, BY  
2 THE ADDITION OF A NEW SECTION 33-802B, IDAHO CODE, TO PROVIDE THAT THE  
3 BALLOT AT AN ELECTION TO AUTHORIZE CERTAIN LEVIES SHALL INCLUDE A DIS-  
4 CLOSURE, TO PROVIDE THAT A BALLOT QUESTION MUST BE ACCOMPANIED BY THE  
5 DISCLOSURE IN ORDER TO BE BINDING, TO PROVIDE THAT A COURT MUST DECLARE  
6 THE OUTCOME OF A BALLOT QUESTION INVALID UNDER CERTAIN CIRCUMSTANCES,  
7 AND TO PROVIDE THAT A COURT MUST INVALIDATE A LEVY UNDER CERTAIN CIRCUM-  
8 STANCES; AMENDING CHAPTER 8, TITLE 33, IDAHO CODE, BY THE ADDITION OF A  
9 NEW SECTION 33-802C, IDAHO CODE, TO PROVIDE THAT A SCHOOL DISTRICT SHALL  
10 USE SUPPLEMENTAL LEVY REVENUES ONLY FOR CERTAIN PURPOSES, TO PROVIDE  
11 EXCEPTIONS, AND TO PROVIDE THAT THE PUBLIC MUST BE GIVEN AN OPPORTUNITY  
12 TO TESTIFY BEFORE A CERTAIN VOTE IS TAKEN; AND DECLARING AN EMERGENCY  
13 AND PROVIDING AN EFFECTIVE DATE.  
14

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

16 SECTION 1. That Chapter 8, Title 33, Idaho Code, be, and the same is  
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
18 ignated as Section 33-802B, Idaho Code, and to read as follows:

19 33-802B. DISCLOSURES IN ELECTIONS TO AUTHORIZE SUPPLEMENTAL LEVY. (1)  
20 At an election to authorize a levy pursuant to section 33-802(3) or (5),  
21 Idaho Code, the ballot shall include a disclosure, separate from the ballot  
22 question, of the purposes for which the levy revenues will be used. The dis-  
23 closure shall:

24 (a) Be set forth in simple, understandable language;

25 (b) Include a detailed description of the purposes for which the levy  
26 revenues will be used and the approximate amount of levy funds to be al-  
27 located for each purpose, such that school district electors have fair  
28 notice of the specific items the levy revenues are intended to support;  
29 and

30 (c) Be placed immediately above the ballot question on the ballot.

31 (2) In order to be binding, a ballot question to authorize a levy pur-  
32 suant to section 33-802(3) or (5), Idaho Code, must be accompanied by the  
33 disclosure described in subsection (1) of this section, as well as any other  
34 disclosure or information required by law.

35 (3) Upon a determination by a court pursuant to section 34-2001A, Idaho  
36 Code, that a school district failed to comply with the provisions of this  
37 section, the court must declare the outcome of the ballot question invalid  
38 and award court costs and fees to the prevailing party.

39 (4) Except as provided in section 33-802C, Idaho Code, upon a deter-  
40 mination by a court that a school district used levy revenues for a purpose  
41 other than that identified pursuant to subsection (1) of this section, the  
42 court must invalidate the levy and award court costs and fees to the prevail-

1 ing party. Notwithstanding any provision of law to the contrary, a complaint  
2 regarding the improper use of levy revenues may be filed with the district  
3 court at any time a levy is in effect.

4 SECTION 2. That Chapter 8, Title 33, Idaho Code, be, and the same is  
5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
6 ignated as Section 33-802C, Idaho Code, and to read as follows:

7 33-802C. SUPPLEMENTAL LEVIES -- PURPOSES FOR WHICH REVENUES ARE USED  
8 -- VOTE REQUIRED TO ALLOCATE REVENUES FOR OTHER PURPOSES. (1) Except as pro-  
9 vided in subsection (2) of this section, a school district shall use supple-  
10 mental levy revenues only for those purposes identified pursuant to section  
11 33-802B(1)(b), Idaho Code. The school district board of trustees shall an-  
12 nually publish, prior to its regular July meeting, a summary of levy revenues  
13 and the items for which such revenues were used, alongside a copy of the dis-  
14 closure included on the ballot pursuant to section 33-802B, Idaho Code.

15 (2) The school district board of trustees may vote at a noticed public  
16 meeting to:

17 (a) Allocate up to ten percent (10%) of levy revenues to a purpose other  
18 than those identified pursuant to section 33-802B(1), Idaho Code; or

19 (b) Allocate revenues intended for one purpose identified pursuant to  
20 section 33-802B(1), Idaho Code, to another such purpose, provided that  
21 no vote shall be required if the funds involved constitute less than ten  
22 percent (10%) of levy revenues.

23 (3) Prior to taking a vote pursuant to subsection (2) of this section,  
24 a school district board of trustees must afford the public an opportunity to  
25 testify on whether levy revenues should be allocated for a different purpose  
26 than that identified pursuant to section 33-802B(1), Idaho Code.

27 SECTION 3. An emergency existing therefor, which emergency is hereby  
28 declared to exist, this act shall be in full force and effect on and after  
29 July 1, 2022.