

## **2018 ISBA RESOLUTION NO. 3**

### **REVISION OF IDAHO CODE ON EXCISION**

**WHEREAS**, Section 33-308, Idaho Code allows a neighborhood to petition to excise themselves from one school district to another;

**WHEREAS**, a petition must be submitted to each of the involved school district Boards of Trustees which must include legal descriptions of the area in question, maps of both districts with and without the area in question, and an estimate of the number of children residing in the area. The petition must be signed by 25% of the electors residing in the area in question. The school boards must transmit the petition, with recommendations, to the State Department of Education and the affected local Board of Trustees are involved in only an advisory way;

**WHEREAS**, the State Board of Education will ultimately decide whether or not to allow an election of only the electors that reside in the area that the excision petition covers;

**WHEREAS**, the area for excision is part of the property value that establishes local property taxes for all taxpayers in the school district where they reside, including taxes for any voter approved bonded indebtedness, school plant facility levies, or supplemental levies;

**WHEREAS**, if the voters in the area seeking excision from one district to another vote to leave their current district it will automatically increase the taxes for all of the remaining district taxpayers that were not allowed an opportunity to vote. The Post Falls School District taxpayers had their taxes increased by six cents per thousand when a neighborhood left the district to join a neighboring school district. Idaho law requires a vote of all district patrons in order for a district to increase school property taxes with the exception of excision in Section 33-308, Idaho Code;

**WHEREAS**, the affected district taxpayers are disenfranchised and the patrons of the district that the neighborhood left for another district had their taxes increased by a small group of electors. Idaho requires a vote of all electors before allowing a school district to tax property owners; and

**WHEREAS**, Section 33-308, Idaho Code requires that submitted excision petitions be considered by the school district(s) no later than ten days after its first regular meeting held subsequent to the receipt of the petition;

**NOW THEREFORE BE IT RESOLVED**, that the Idaho School Boards Association work to revise Section 33-308, Idaho Code due to the unintended consequences of disenfranchising district taxpayers and the unreasonably short timeline for districts to consider petitions. Section 33-308, Idaho Code should allow all district taxpayers, of both districts involved in an excision/annexation process, the opportunity to vote in an excision/annexation election, not just a small minority. Allowing all district taxpayers in both districts the opportunity to vote in an excision/annexation election will protect all taxpayers from having their taxes increased without their permission. The potential excision of real property in the taxpayers' district would reduce property value in the excision district and would automatically cause the remaining district

taxpayers' taxes to be increased. Also, the allotted time frame for both district to respond to a submitted excision petition should be increased to allow sufficient time to research the impact of the petition and to get input from district patrons as the current process unfairly penalizes taxpayers in the district impacted by an excision.

### **STATEMENT OF PURPOSE**

Section 33-308, Idaho Code needs to be significantly revised due to the hardship it is causing local district taxpayers and districts. The process allows a small group of individuals to effectively decide to increase taxes for the majority of taxpayers in an affected district without allowing them a vote. As a result of the random nature of the process allowed by Section 33-308, Idaho Code it is extremely difficult for districts to do short or long term financial planning. Additionally, the timeline for district consideration should be changed to allow much more time for both districts' Boards of Trustees to research the impact of an excision petition and seek input from district taxpayers.

**Submitted by Post Falls School District No. 273**

### **RECOMMENDATION OF THE ISBA EXECUTIVE BOARD: DO PASS**

Leslie Baker of the ISBA Executive Board will address the Executive Board's recommendation to the membership at the Business Session of the Annual Convention.

**PASSED**  
**TABLED**  
**FAILED**

**AYES**  
**NAYES**  
**TOTAL**