

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 759

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-911, IDAHO CODE, AS AMENDED IN
2 SECTION 4 OF HOUSE BILL NO. 521, IF ENACTED BY THE SECOND REGULAR SES-
3 SION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS RE-
4 GARDING THE SCHOOL DISTRICT FACILITIES FUND; AND DECLARING AN EMERGENCY
5 AND PROVIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. That Section 33-911, Idaho Code, as amended in Section 4 of
9 House Bill No. 521, if enacted by the Second Regular Session of the Sixty-
10 seventh Idaho Legislature, be, and the same is hereby amended to read as fol-
11 lows:

12 33-911. SCHOOL DISTRICT FACILITIES FUND. (1) There is hereby cre-
13 ated in the state treasury the school district facilities fund. The fund
14 shall consist of moneys provided pursuant to sections 57-811, 63-3638, and
15 67-7434, Idaho Code, and any legislative transfers or appropriations. In-
16 terest earned from the investment of moneys in the fund shall be returned to
17 the fund.

18 (2) The moneys in the fund shall be distributed by the state controller
19 to the state department of education by August 1 each year for the purpose of
20 construction or renovation of school facilities. The moneys shall be dis-
21 tributed by the state department of education to each school district, as
22 defined in section 33-1001(21), Idaho Code, first as provided in subsection
23 (7) of this section and then on a per-pupil basis using the average daily at-
24 tendance calculation provided in section 33-1003A, Idaho Code, for each stu-
25 dent in kindergarten through grade 12 at physical facilities that are part
26 of and on school grounds of the school district in which the student is en-
27 rolled with verification, as needed, by the office of the state board of edu-
28 cation. Upon formal approval by the state board of education, a school dis-
29 trict may receive an exemption to the physical facility requirement pursuant
30 to this subsection if the student would have attended a physical facility in
31 the school district if not for a stated emergency. The state department of
32 education shall transfer the moneys by no later than August 31 each year to
33 each school district. Such moneys shall be used in place of property tax levy
34 moneys and shall be expended by a school district for one (1) or more of the
35 purposes set forth in paragraphs (a) through (d) of this subsection. Moneys
36 in the fund must be used by a school district in the following order of prior-
37 ity:

38 (a) Payment of existing school bonds authorized pursuant to chapter 11,
39 title 33, Idaho Code;

40 (b) Payment of supplemental school levies authorized pursuant to sec-
41 tion 33-802, Idaho Code, excluding indefinite term supplemental levies
42 described in section 33-802(5), Idaho Code;

1 (c) Payment of school plant facility levies authorized pursuant to sec-
2 tions 33-804 and 33-804A, Idaho Code; and

3 (d) Any moneys that remain following the payments provided in para-
4 graphs (a) through (c) of this subsection may be: used for construction
5 of a new school facility, renovation, or maintenance needs; used to
6 secure and make payments on a new school facilities bond; or saved in
7 a reserve account by the school district for future school facility
8 needs. Uses of funds shall include regular and routine facilities
9 maintenance, including preventive maintenance, building repairs, and
10 building security, and periodic major facilities projects that involve
11 planning, design, construction, renovation, retrofitting, and replac-
12 ing of buildings and building systems, components, and features, as
13 well as site acquisition, site improvements, and new construction.

14 (3) The amount of moneys received by a school district pursuant to this
15 section must be deducted from a school levy that would otherwise have been
16 paid by property taxpayers. Such moneys may not be duplicated by the collec-
17 tion of property tax, and no property taxes may be collected in order to make
18 extra payments on expenses described in subsection (2) of this section in ex-
19 cess of required amounts.

20 (4) Each school district shall identify the amount received in the cur-
21 rent year pursuant to this section in the certification of its budget in ac-
22 cordance with section 63-803, Idaho Code. Said amount must be subtracted
23 from the amount to be levied. The amount of moneys thereby saved from being
24 collected by a property tax levy shall be reported on each property tax no-
25 tice pursuant to section 63-902, Idaho Code.

26 (5) Each school district shall report annually to the state department
27 of education, in a manner prescribed by it, on the expenditure of moneys it
28 has received pursuant to this section. The state department of education
29 shall present the reports to the legislature each January.

30 (6) For the purposes of this section, the Idaho school for the deaf and
31 the blind shall be considered a school district and shall receive a distribu-
32 tion based on the average daily attendance of the school.

33 (7) (a) For state fiscal years 2025 and 2026 only, any school district
34 that would have received support from the bond levy equalization sup-
35 port program for a qualified bond passed prior to January 1, 2024, and
36 for which property taxes were levied in property tax year 2024 2023 pur-
37 suant to the amount intended by the bond shall receive a distribution of
38 funds from the distribution provided under subsection (2) of this sec-
39 tion of at least as much as would have been provided through bond levy
40 equalization support on July 1, 2024.

41 (b) For state fiscal year 2026 only, any school district that would have
42 received support from the bond levy equalization support program for a
43 qualified bond passed prior to January 1, 2024, and for which property
44 taxes were levied in property tax year 2024 pursuant to the amount in-
45 tended by the bond shall receive a distribution of funds from the dis-
46 tribution provided under subsection (2) of this section of at least as
47 much as would have been provided through bond levy equalization support
48 on July 1, 2025.

49 (c) The state department of education may adjust distributions for re-
50 maining districts proportionally as necessary pursuant to this para-

1 graph. On and after July 1, 2024, school districts may use funds pro-
2 vided in this section and section 33-913, Idaho Code, to offset the bond
3 levy equalization support.

4 SECTION 2. An emergency existing therefor, which emergency is hereby
5 declared to exist, this act shall be in full force and effect on and after
6 July 1, 2024.