

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 273

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PROPERTY TAX BUDGETS; PROVIDING LEGISLATIVE INTENT; AMENDING
2 SECTION 34-1801B, IDAHO CODE, TO PROVIDE THAT A CITY'S PROPERTY TAX
3 BASE BUDGET MAY BE THE SUBJECT OF AN INITIATIVE OR REFERENDUM PETITION;
4 AMENDING SECTION 34-1801C, IDAHO CODE, TO PROVIDE THAT A COUNTY'S PROP-
5 erty tax base budget may be the subject of an initiative or referendum
6 petition; and declaring an emergency and providing an effective date.
7

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

9 SECTION 1. LEGISLATIVE INTENT. (1) The Legislature finds that Idaho
10 citizens are seeking relief from property taxes in many jurisdictions across
11 Idaho. The Legislature further finds that property taxpayers currently have
12 only two tools with which to address this issue at the local level:

- 13 (a) Taxpayers may attend the annual budget hearing for each local tax-
14 ing district and provide comments on the proposed budget; and
- 15 (b) After budgets have been certified and are already in effect, tax-
16 payers may attempt to elect different officials who may propose to re-
17 duce the property tax budget.

18 (2) The Legislature finds that neither of the tools currently avail-
19 able to property taxpayers provides a meaningful way to engage in the budget
20 process. Therefore, it is the intent of the Legislature to provide taxpayers
21 with additional tools to address the level of property tax to which they are
22 subject by local taxing entities.

23 SECTION 2. That Section 34-1801B, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 34-1801B. INITIATIVE AND REFERENDUM PROCEDURES FOR CITIES. Each city
26 shall allow direct legislation by the people through the initiative and ref-
27 erendum. Cities shall follow the procedures set forth in this chapter sub-
28 ject to the following provisions:

- 29 (1) The city attorney shall perform the duties assigned to the attorney
30 general.
- 31 (2) The city clerk shall perform those duties assigned to the secretary
32 of state.
- 33 (3) City initiative and referendum elections shall be held on the Tues-
34 day following the first Monday in November in odd-numbered years.
- 35 (4) An action brought pursuant to section 34-1809, Idaho Code, chal-
36 lenging the ballot title or short title shall be brought in the district
37 court in the county in which the city is located.
- 38 (5) Pursuant to section 34-1809, Idaho Code, the city attorney shall
39 prepare recommendations concerning revision of the initiative or referen-
40 dum, issue a certificate of review to the city clerk, and shall prepare the
41 ballot title and short title.

1 (6) To be eligible to sign a petition for city initiative or referen-
2 dum, a person shall be a qualified elector of the city at the time of signing
3 thereon.

4 (7) To perfect a petition for city initiative or referendum, the pe-
5 tition shall have signatures from at least twenty percent (20%) of the to-
6 tal number of qualified electors voting in the last general city election in
7 November of an odd-numbered year.

8 (8) The provisions of section 34-1805, Idaho Code, relating to the num-
9 ber of required signatures and geographic distribution of signatures shall
10 not apply to city initiative or referendum.

11 (9) Any person who circulates a petition for city initiative or refer-
12 endum shall be a resident of the state of Idaho and at least eighteen (18)
13 years of age, and, pursuant to section 34-1807, Idaho Code, shall certify
14 their belief that each signer of the petition is a qualified elector of the
15 state of Idaho and the city.

16 (10) A copy of all petitions and signature sheets shall be kept by the
17 city clerk as a public record.

18 (11) The prospective petition for referendum, as provided by section
19 34-1804, Idaho Code, shall be filed not more than sixty (60) days following
20 publication of the adopted ordinance as provided by section 50-901, Idaho
21 Code.

22 (12) The deadline for submission of signatures to the city clerk is one
23 hundred eighty (180) days after the petitioners for initiative or referendum
24 receive the official ballot title from the city clerk, or April 30 of the year
25 of the initiative or referendum election, whichever is earlier.

26 (13) Petitioners must submit the signed initiative or referendum peti-
27 tions to the county clerk for verification not later than the close of busi-
28 ness on the first day of May in the year of the initiative or referendum elec-
29 tion, or one hundred eighty (180) days after the petitioners receive the of-
30 ficial ballot title from the city clerk, whichever is earlier.

31 (14) The county clerk has sixty (60) calendar days to verify the signa-
32 tures as provided in subsection (3) of section 34-1802, Idaho Code.

33 (15) The city council shall have the option to adopt the ordinance pro-
34 posed by initiative within thirty (30) days after the notification pursuant
35 to section 34-1807, Idaho Code, provided that the petition has the required
36 number of signatures. The city council shall hold a public hearing on the
37 proposed ordinance within the thirty (30) day period, preceded by legal no-
38 tice published once in the official city newspaper at least seven (7) days
39 preceding the hearing. If the ordinance is not adopted by the council by the
40 end of the thirty (30) day period, the initiative shall be put on the ballot.

41 (16) As provided by sections 34-1812A through 34-1812C, Idaho Code, a
42 voters' pamphlet shall be prepared by the city clerk.

43 (17) To be passed into law, an initiative or referendum shall be ap-
44 proved by a majority of the votes cast on the measure.

45 (18) The mayor shall issue the proclamation provided by section
46 34-1813, Idaho Code.

47 (19) The city clerk shall publish an ordinance adopted by initiative or
48 referendum within thirty (30) days after the proclamation by the mayor pro-
49 vided in subsection (18) of this section.

1 (20) All city ordinances setting forth procedures for initiative or
2 referendum are void on July 1, 2015.

3 (21) This section does not apply to bond elections.

4 (22) This section does not apply to any local zoning legislation includ-
5 ing, but not limited to, ordinances required or authorized pursuant to chap-
6 ter 65, title 67, Idaho Code.

7 (23) Notwithstanding any other provision of law to the contrary, noth-
8 ing prohibits the citizens of Idaho from using the provisions of this chapter
9 to reduce the property tax base budget of a city.

10 SECTION 3. That Section 34-1801C, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 34-1801C. INITIATIVE AND REFERENDUM PROCEDURES FOR COUNTIES. Each
13 county shall allow direct legislation by the people through the initiative
14 and referendum. Counties shall follow the procedures set forth in this chap-
15 ter subject to the following provisions:

16 (1) The county prosecuting attorney shall perform the duties assigned
17 to the attorney general.

18 (2) The county clerk shall perform those duties assigned to the secre-
19 tary of state.

20 (3) County initiative and referendum elections shall be held pursuant
21 to section 34-106(8), Idaho Code.

22 (4) Pursuant to section 34-1809, Idaho Code, the county prosecuting at-
23 torney shall prepare recommendations concerning revision of the initiative
24 or referendum, issue a certificate of review to the county clerk and prepare
25 the ballot title and short title.

26 (5) An action brought pursuant to section 34-1809, Idaho Code, chal-
27 lenging the ballot title or short title shall be brought in the district
28 court of the county.

29 (6) To be eligible to sign a petition for county initiative or referen-
30 dum, a person shall be a qualified elector of the county at the time of sign-
31 ing the petition.

32 (7) To perfect a petition for county initiative or referendum, the pe-
33 tition shall have signatures from at least twenty percent (20%) of the total
34 number of qualified electors voting in the last general county election in
35 November of an even-numbered year.

36 (8) The provisions of section 34-1805, Idaho Code, relating to the num-
37 ber of required signatures and geographic distribution of signatures shall
38 not apply to a county initiative or referendum.

39 (9) Any person who circulates a petition for county initiative or ref-
40 erendum shall be a resident of the state of Idaho and at least eighteen (18)
41 years of age, and, pursuant to section 34-1807, Idaho Code, shall certify his
42 belief that each signer of the petition is a qualified elector of the state of
43 Idaho and the county.

44 (10) A copy of all petitions and signature sheets shall be kept by the
45 county clerk as a public record.

46 (11) The prospective petition for referendum, as provided by section
47 34-1804, Idaho Code, shall be filed no more than sixty (60) days following
48 publication of the adopted ordinance as provided by section 31-715, Idaho
49 Code.

1 (12) Petitioners must submit the signed initiative or referendum peti-
2 tions to the county clerk for verification no later than one hundred eighty
3 (180) days after the petitioners receive the official ballot title from the
4 county clerk, or one hundred eighty (180) days before the election at which
5 the initiative or referendum is to be voted on, whichever is earlier.

6 (13) The county clerk has sixty (60) calendar days to verify the signa-
7 tures as provided in section 34-1802(3), Idaho Code.

8 (14) The board of county commissioners shall have the option to adopt
9 the ordinance proposed by initiative within thirty (30) days after the noti-
10 fication pursuant to section 34-1807, Idaho Code, provided that the petition
11 has the required number of signatures. The board of county commissioners
12 shall hold a public hearing on the proposed ordinance within the thirty (30)
13 day period, preceded by legal notice published once in the county at least
14 seven (7) days preceding the hearing. If the ordinance is not adopted by the
15 board of county commissioners by the end of the thirty (30) day period, the
16 initiative shall be put on the ballot.

17 (15) As provided by sections 34-1812A through 34-1812C, Idaho Code, a
18 voters' pamphlet shall be prepared by the county clerk.

19 (16) To be passed into law, an initiative or referendum shall be ap-
20 proved by a majority of the votes cast on the measure.

21 (17) The board of county commissioners shall issue the proclamation
22 provided by section 34-1813, Idaho Code.

23 (18) The county clerk shall publish an ordinance adopted by initiative
24 or referendum within thirty (30) days after the proclamation by the board of
25 county commissioners provided in subsection (17) of this section.

26 (19) All county ordinances setting forth initiative or referendum pro-
27 cedures are void on July 1, 2018.

28 (20) This section does not apply to bond elections.

29 (21) This section does not apply to zoning legislation, including, but
30 not limited to, ordinances required or authorized pursuant to chapter 65,
31 title 67, Idaho Code.

32 (22) Notwithstanding any other provision of law to the contrary, noth-
33 ing prohibits the citizens of Idaho from using the provisions of this chapter
34 to reduce the property tax base budget of a county.

35 SECTION 4. An emergency existing therefor, which emergency is hereby
36 declared to exist, this act shall be in full force and effect on and after
37 July 1, 2023.