

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 453

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-102, IDAHO  
2 CODE, TO PROVIDE CERTAIN REQUIREMENTS FOR STATE BOARD OF EDUCATION  
3 MEMBERS, TO ESTABLISH PROVISIONS REGARDING GEOGRAPHICAL REGIONS FOR  
4 APPOINTMENT OF STATE BOARD OF EDUCATION MEMBERS, TO PROVIDE AN EX-  
5 CEPTION FOR CURRENT BOARD MEMBERS, AND TO PROVIDE FOR VACANCIES; AND  
6 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
7

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

9 SECTION 1. That Section 33-102, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 33-102. MEMBERSHIP -- APPOINTMENT -- GEOGRAPHICAL REGIONS -- TERM OF  
12 OFFICE -- QUALIFICATIONS -- PLACE OF OFFICE. (1) The state board of educa-  
13 tion shall consist of the state superintendent of public instruction, who  
14 shall be an ex officio voting member and who shall serve as executive secre-  
15 tary of the board for all elementary and secondary school matters, and seven  
16 (7) members appointed by the governor, each for a term of five (5) years.  
17 All members of the board shall be citizens of the United States and shall  
18 have been a resident of the state of Idaho for no less than three (3) years  
19 prior to the date of appointment and each member shall be a bona fide resi-  
20 dent of the geographical region that the board member is appointed to rep-  
21 resent in accordance with the provisions of subsection (2) of this section.  
22 Appointment to the board shall be made only on consideration of the ability  
23 of such appointee to efficiently serve the interests of the people and such  
24 appointee's educational credentials, without regard to such appointee's oc-  
25 cupation, party affiliation, or religion. Annually on the first day of July  
26 the governor shall appoint members to fill the board positions for which the  
27 terms of office have expired in the manner provided for in this section. Upon  
28 the expiration date of the term of office, a member shall continue to serve  
29 until a successor ~~shall have~~ has been appointed. The governor shall, by ap-  
30 pointment, fill any vacancy on the board, such appointment to be for the un-  
31 expired term of the retiring member pursuant to the provisions of this sec-  
32 tion. Board members shall act and assume full powers and duties as provided  
33 in this section upon appointment, but such appointments are subject to con-  
34 firmation by the senate at its next session. Appointment to the board shall  
35 be made solely upon consideration of the ability of such appointees effi-  
36 ciently to serve the interests of the people, and education, without ref-  
37 erence to locality, occupation, party affiliation or religion. Any person  
38 appointed to said board shall have been a resident of the state for not less  
39 than three (3) years prior to the date of appointment, and shall qualify and  
40 assume the duties in accordance with laws governing similar appointments to,  
41 and qualifications for, office on other state boards. Members shall act and  
42 assume full powers and duties upon appointment, but such appointments shall

1 ~~be subject to confirmation by the senate at its next regular session. The~~  
2 ~~state board shall have and maintain its office in Ada county.~~

3 (2) There are hereby established seven (7) geographical regions within  
4 the state of Idaho and the governor shall select for appointment to the state  
5 board of education one (1) member from each geographical region. Each geo-  
6 graphical region shall be numbered and delineated according to the legisla-  
7 tive districts adopted by the Idaho commission for reapportionment pursuant  
8 to chapter 15, title 72, Idaho Code, as follows:

9 (a) Region 1 shall consist of legislative districts one, two, three,  
10 four, and five;

11 (b) Region 2 shall consist of legislative districts six, seven, eight,  
12 nine, and fourteen;

13 (c) Region 3 shall consist of legislative districts ten, eleven,  
14 twelve, thirteen, and twenty-three;

15 (d) Region 4 shall consist of legislative districts fifteen, sixteen,  
16 twenty, twenty-one, and twenty-two;

17 (e) Region 5 shall consist of legislative districts seventeen, eigh-  
18 teen, nineteen, twenty-four, and twenty-five;

19 (f) Region 6 shall consist of legislative districts twenty-six,  
20 twenty-seven, twenty-eight, twenty-nine, and thirty; and

21 (g) Region 7 shall consist of legislative districts thirty-one,  
22 thirty-two, thirty-three, thirty-four, and thirty-five.

23 (3) No later than August 1, 2024, the governor shall assign each cur-  
24 rent board member to a region established pursuant to subsection (2) of this  
25 section without regard to such member's residence within such region. Such  
26 member may serve out the remainder of his term but after such term has expired  
27 shall then be subject to the provisions of subsection (2) of this section.

28 (4) The residency requirements for each geographical region provided  
29 in this section shall apply to the filling of all vacancies on the board on  
30 and after July 1, 2024, including any vacancies then existing on such date.  
31 Beginning on July 1, 2024, if a vacancy occurs on a board seat and the gov-  
32 ernor does not receive an application within six (6) months of the posting  
33 of the vacancy from a qualified candidate who is a resident of the geograph-  
34 ical region such board seat represents, the governor may appoint an indi-  
35 vidual who meets all other qualifications provided in subsection (1) of this  
36 section but resides outside the geographical region to serve as an interim  
37 board member for the remainder of a term or up to three (3) years, whichever  
38 is less. No more than two (2) board seats may be filled by such interim board  
39 members. No interim board members may reside in the same county as any cur-  
40 rent board member.

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