

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 204

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-102, IDAHO CODE, TO REVISE PRO-
2 VISIONS REGARDING THE STATE BOARD OF EDUCATION AND TO PROVIDE FOR STATE
3 BOARD OF EDUCATION ELECTIONS; AMENDING SECTION 34-613, IDAHO CODE, TO
4 PROVIDE REQUIREMENTS FOR ELECTED MEMBERS OF THE STATE BOARD OF EDUCA-
5 TION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 59-501, IDAHO
6 CODE, TO PROVIDE FOR SALARIES OF MEMBERS OF THE STATE BOARD OF EDUCA-
7 TION; AMENDING SECTION 67-6610A, IDAHO CODE, TO REVISE PROVISIONS RE-
8 GARDING AGGREGATE CONTRIBUTIONS; AND DECLARING AN EMERGENCY AND PRO-
9 VIDING AN EFFECTIVE DATE.
10

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

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

14 33-102. MEMBERSHIP -- ~~APPOINTMENT~~ ELECTION -- TERM OF OFFICE -- QUAL-
15 IFICATIONS -- PLACE OF OFFICE. (1) The state board of education shall consist of the state superintendent of public instruction, who shall be an ex
16 officio voting member and who shall serve as chair of the board and as execu-
17 tive secretary of the board for all elementary and secondary school matters,
18 and seven (7) members appointed by the governor, each for a term of five (5)
19 years. Annually on the first day of July the governor shall appoint members
20 to fill the board positions for which the terms of office have expired. Upon
21 the expiration date of the term of office, a member shall continue to serve
22 until a successor shall have been appointed. elected by zone as follows:
23

- 24 (a) Zone 1: legislative districts 1 through 5;
25 (b) Zone 2: legislative districts 6 through 10;
26 (c) Zone 3: legislative districts 11 through 15;
27 (d) Zone 4: legislative districts 16 through 20;
28 (e) Zone 5: legislative districts 21 through 25;
29 (f) Zone 6: legislative districts 26 through 30; and
30 (g) Zone 7: legislative districts 31 through 35.

31 (2) Candidates for state board of education must be qualified electors
32 in a legislative district corresponding with the zone they wish to represent
33 for at least one (1) year prior to their election and meet the requirements
34 pursuant to section 34-613, Idaho Code. If elected, a state board of ed-
35 ucation member must maintain his residence within the zone to which he was
36 elected for the entirety of the member's term.

37 (3) Candidates for the state board of education may receive campaign
38 contributions governed by chapter 66, title 67, Idaho Code. Candidates for
39 state board of education shall declare their party affiliation at the time of
40 filing the declaration of candidacy pursuant to section 34-704, Idaho Code.

41 (4) State board of education elections shall be held biennially, in
42 even numbered years, and shall be held on a date authorized in section

1 34-106, Idaho Code. At the first election of state board of education mem-
 2 bers, seven (7) members shall be elected: three (3) for terms of two (2)
 3 years each, and four (4) for terms of four (4) years each. Thereafter, the
 4 successors of persons so elected shall be elected for terms of four (4) years
 5 each.

6 (5) Candidates for state board of education shall only be nominated and
 7 elected by qualified electors in the zone the candidate seeks to represent.

8 (6) The candidates receiving the greatest number of votes for the posi-
 9 tion sought shall be declared nominated, or elected, as the case may be.

10 (7) The governor shall, by appointment, fill any vacancy on the board,
 11 such appointment to be for the unexpired term of the retiring member. Ap-
 12 pointment to the board shall be made solely upon consideration of the ability
 13 of such appointees efficiently to serve the interests of the people, and ed-
 14 ucation, without reference to locality, occupation, party affiliation, or
 15 religion. Any person appointed to said board shall have been a resident of
 16 the state zone for which the vacancy exists for not less than ~~three (3) years~~
 17 one (1) year prior to the date of appointment; and shall qualify and assume
 18 the duties in accordance with laws governing similar appointments to, and
 19 qualifications for, office on other state boards. Members shall act and as-
 20 sume full powers and duties upon appointment, but such appointments shall be
 21 subject to confirmation by the senate at its next regular session. If a va-
 22 cancy occurs with more than half of that seat's term remaining, then an elec-
 23 tion for that zone will be held at the next even numbered primary election for
 24 nominations and subsequent general elections to complete the remaining term
 25 of service.

26 (8) The state board shall have and maintain its office in Ada county.

27 SECTION 2. That Section 34-613, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 34-613. ELECTION OF SUPERINTENDENT OF PUBLIC INSTRUCTION AND STATE
 30 BOARD OF EDUCATION MEMBERS -- QUALIFICATIONS. (1) At the general election,
 31 1974, and every four (4) years thereafter, a superintendent of public in-
 32 struction shall be elected.

33 (2) No person shall be elected to the office of superintendent of public
 34 instruction or as a member of the state board of education unless he shall
 35 have attained the age of twenty-five (25) years at the time of his election,
 36 is a citizen of the United States, has a bachelor's degree from an accredited
 37 college or university, and shall have resided within the state two (2) years
 38 next preceding his election.

39 (3) Each candidate shall file his declaration of candidacy with the
 40 secretary of state.

41 (4) Each candidate who files a declaration of candidacy shall at the
 42 same time pay a filing fee of two hundred dollars (\$200), which shall be de-
 43 posited in the general fund.

44 SECTION 3. That Section 59-501, Idaho Code, be, and the same is hereby
 45 amended to read as follows:

46 59-501. SALARIES OF STATE ELECTIVE OFFICERS -- REGULAR PAYMENT --
 47 TRAVELING EXPENSES -- FEES PROPERTY OF STATE. (1) The elected officers named

1 in this subsection shall receive the following compensation for their ser-
2 vices:

3 (a) Commencing on the first Monday in January 2023, until the first Mon-
4 day in January 2027, the governor shall receive compensation of one hun-
5 dred fifty-one thousand four hundred dollars (\$151,400) per annum;

6 (b) The lieutenant governor shall receive thirty-five percent (35%) of
7 the governor's compensation per annum;

8 (c) The secretary of state, state treasurer, and state superintendent
9 of public instruction shall each receive eighty-five percent (85%) of
10 the governor's compensation per annum;

11 (d) Commencing on the first Monday in January 2023, until the first Mon-
12 day in January 2027, the attorney general shall receive compensation of
13 one hundred forty-six thousand seven hundred thirty dollars (\$146,730)
14 per annum; and

15 (e) The members of the state board of education shall receive twelve
16 thousand dollars (\$12,000) per annum and receive reimbursement for
17 travel and necessary expenses for each day they are away from their
18 place of residence and engaged in the business of the board, not to ex-
19 ceed one hundred fifty dollars (\$150) per day; and

20 (f) The state controller shall receive eighty-five percent (85%) of the
21 governor's compensation per annum; said compensation to be audited by
22 the legislative council.

23 (2) Such compensation shall be paid on regular pay periods as due out of
24 the state treasury and shall be in full for all services by said officers, re-
25 spectively, rendered in any official capacity or employment whatever during
26 their respective terms of office; but no increase in the rate of compensation
27 shall be made during the terms of such officers; provided however, that the
28 actual and necessary expenses of the governor, lieutenant governor, secre-
29 tary of state, attorney general, state controller, state treasurer, and su-
30 perintendent of public instruction, while traveling within the state or be-
31 tween points within the state in the performance of official duties, shall be
32 allowed and paid by the state; not, however, exceeding such sum as shall be
33 appropriated for such purpose.

34 (3) Actual and necessary subsistence expenses of the governor while
35 traveling in connection with the performance of official duties are hereby
36 expressly exempted from the provisions of sections 67-2007 and 67-2008,
37 Idaho Code (standard travel pay and allowance act of 1949).

38 (4) No officer named in this section shall receive, for the performance
39 of any official duty, any fee for his own use, but all fees fixed by law for
40 the performance of any official duty shall be collected in advance and de-
41 posited with the state treasurer to the credit of the state.

42 SECTION 4. That Section 67-6610A, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 67-6610A. LIMITATIONS ON CONTRIBUTIONS. (1) Except as provided in
45 subsection (2) of this section, aggregate contributions for a primary elec-
46 tion or a general election made by a corporation, political committee, other
47 recognized legal entity or an individual shall be subject to the limitations
48 of this subsection. This subsection shall not apply to a candidate con-
49 tributing or loaning money to his own campaign account or to a candidate for

1 a state legislative office who, in terminating his campaign account, trans-
2 fers the balance of funds to that candidate's new campaign account for a dif-
3 ferent state legislative office. In such case, any contributions received
4 in the closed account, combined with any contributions received in the new
5 account, shall count against the contribution limits provided in this sub-
6 section when received from the same contributor for the same election date.

7 (a) Aggregate contributions by a corporation, political committee,
8 other recognized legal entity, or an individual to a candidate for the
9 state legislature, judicial office, or local government office, and
10 political committees organized on the candidate's behalf, shall be
11 limited to an amount not to exceed one thousand dollars (\$1,000) for
12 the primary election and an amount not to exceed one thousand dollars
13 (\$1,000) for the general election.

14 (b) Aggregate contributions for a primary election or a general elec-
15 tion by a corporation, political committee, other recognized legal en-
16 tity, or an individual to a candidate for ~~statewide office and political~~
17 ~~committees organized~~ statewide office or the state board of education,
18 and political committees organized on the candidate's behalf, shall be
19 limited to an amount not to exceed five thousand dollars (\$5,000) for
20 the primary election and an amount not to exceed five thousand dollars
21 (\$5,000) for the general election.

22 (2) Aggregate contributions for a primary election or for a general
23 election made by a county central committee or by the state central committee
24 of the political parties qualified under section 34-501, Idaho Code, to a
25 candidate for the state legislature and political committees organized on
26 the candidate's behalf shall be limited to an amount not to exceed two thou-
27 sand dollars (\$2,000) for the primary election and an amount not to exceed
28 two thousand dollars (\$2,000) for the general election. Aggregate contribu-
29 tions for the primary election or the general election by the state central
30 committee of the political parties qualified under section 34-501, Idaho
31 Code, to a candidate for statewide office and political committees organized
32 on the candidate's behalf shall be limited to an amount not to exceed ten
33 thousand dollars (\$10,000) for the primary election and an amount not to
34 exceed ten thousand dollars (\$10,000) for the general election.

35 (3) For purposes of this section, "statewide office" shall mean an of-
36 fice in state government that shall appear on the primary or general election
37 ballot throughout the state.

38 (4) Recall and special elections, for purposes of this section, shall
39 be treated the same as general elections for contribution limits.

40 (5) Contributions other than money or its equivalent are deemed to have
41 a monetary value equivalent to the fair market value of the contribution.
42 Services or property or rights furnished at less than their fair market value
43 for the purpose of assisting any candidate or political committee are deemed
44 a contribution. A contribution of this kind shall be reported as an in-kind
45 contribution at its fair market value and counts toward any applicable con-
46 tribution limit of the contributor. Contributions shall not include the
47 personal services of volunteers.

48 (6) For the purposes of contribution limits, the following apply:

49 (a) A contribution by a political committee with funds that have all
50 been contributed by one (1) person who exercises exclusive control over

1 the distribution of the funds of the political committee is a contribu-
2 tion by the controlling person.

3 (b) All contributions made by a person or political committee whose
4 contribution or expenditure activity is financed, maintained or con-
5 trolled by a trade association, labor union or collective bargaining
6 organization shall be considered a contribution from such trade associ-
7 ation, labor union or collective bargaining organization.

8 (c) Two (2) or more entities are treated as a single entity if the enti-
9 ties:

10 (i) Share the majority of members on their board of directors;

11 (ii) Share two (2) or more officers;

12 (iii) Are owned or controlled by the same majority shareholder or
13 shareholders or persons;

14 (iv) Are in a parent-subsidiary relationship; or

15 (v) Have bylaws so stating.

16 (7) The provisions of this section are hereby declared to be severable
17 and if any provision of this section or the application of such provision to
18 any person or circumstance is declared invalid for any reason, such declara-
19 tion shall not affect the validity of the remaining portions of this section.

20 SECTION 5. An emergency existing therefor, which emergency is hereby
21 declared to exist, this act shall be in full force and effect on and after
22 July 1, 2023.