

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 738

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2106, IDAHO CODE, TO RE-
2 VISE PROVISIONS REGARDING TRUSTEES OF COMMUNITY COLLEGE DISTRICTS; AND
3 PROVIDING AN EFFECTIVE DATE.
4

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

6 SECTION 1. That Section 33-2106, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of
9 trustees of each community college district shall consist of five (5) elec-
10 tors who shall reside in a different trustee zone from each other and who
11 shall be appointed or elected as provided in this section.

12 (a) Immediately following the establishment of a new community college
13 district, the state board of education shall divide the district into
14 five (5) trustee zones, which shall be as nearly equal in population as
15 practicable. If a community college district is situated within two (2)
16 or more counties, and any one (1) of the counties has sufficient popula-
17 tion to warrant at least one (1) zone, then the boundaries of a trustee
18 zone shall be located wholly within the boundaries of such county. As
19 much as practicable, zone boundaries shall not divide precincts known
20 to be in effect at the next election of the board of trustees. The state
21 board shall also appoint the members of the first board who shall serve
22 until the election and qualification of their successors.

23 (b) At the first election of trustees after the creation of a district,
24 five (5) trustees shall be elected: two (2) for terms of two (2) years
25 each, and three (3) for terms of four (4) years each. Thereafter, the
26 successors of persons so elected shall be elected for terms of four (4)
27 years.

28 (c) Excluding any first election of trustees after the creation of a
29 district, at any other election of trustees held in 2008, and in each
30 trustee election thereafter, trustees shall be elected to terms of four
31 (4) years. If more than two (2) trustee positions are eligible for elec-
32 tion in 2008, one (1) trustee shall be elected to a term of four (4) years
33 and two (2) trustees shall be elected to a term of six (6) years. There-
34 after, the successors of persons so elected in 2008 shall be elected for
35 terms of four (4) years.

36 (d) The expiration of any term shall be at the regular meeting of the
37 trustees next following the election for the successor terms.

38 (2) (a) Elections of trustees of community college districts shall be
39 biennially, in even-numbered years, and shall be held on a date autho-
40 rized in section 34-106, Idaho Code. ~~Vacancies on the board of trustees~~
41 shall be filled by appointment by the remaining members, but if A va-
42 cancy shall be declared by the board of trustees when any nominee has

1 been elected but has failed to qualify for office, or within thirty (30)
 2 days of when any trustee:

3 (i) Dies;

4 (ii) Resigns as trustee;

5 (iii) Removes himself from his trustee zone of residence;

6 (iv) No longer is a resident or elector of the community college
 7 district;

8 (v) Refuses to serve as trustee;

9 (vi) Without excuse acceptable to the board of trustees, fails to
 10 attend four (4) consecutive regular meetings of the board; or

11 (vii) Is recalled and discharged from office as provided in law.

12 (b) If by reason of vacancies there remain on the board less than a
 13 majority of the required number of members, appointment to fill such
 14 vacancies shall be made by the state board of education to restore a
 15 majority only. In determining which vacancies to fill, the state board
 16 of education shall prioritize the vacancy then existing for the longest
 17 period of time. Where a majority of the required number of members re-
 18 main, vacancies on the board of trustees shall be filled by appointment
 19 by the remaining members. Any person so appointed must reside in the
 20 trustee zone where the vacancy occurs and shall serve until the next
 21 trustee election, at which time his successor shall be elected for the
 22 unexpired term. The trustees shall take and subscribe the oath of of-
 23 fice required in the case of state officers and said oath shall be filed
 24 with the secretary of state.

25 (3) Notice of the election, the conduct thereof, the qualification of
 26 electors and the canvass of returns shall be as prescribed in chapter 14, ti-
 27 tle 34, Idaho Code.

28 (4) All In any community college district with a population of two hun-
 29 dred fifty thousand (250,000) persons or less, all eligible electors within
 30 a community college district may vote for candidates in each and every zone.
 31 An individual who is a candidate for a specific zone of the community col-
 32 lege district must reside in that same specific zone, and the candidate in
 33 each zone receiving the largest number of votes from the district shall be
 34 declared elected. An individual shall be a candidate for a specific position
 35 of the board and each candidate must declare which position he seeks on the
 36 board of trustees.

37 (5) In any community college district with a population greater than
 38 two hundred fifty thousand (250,000) persons, all eligible electors within
 39 a community college district may vote only for candidates for the specific
 40 zone in which the elector resides. An individual who is a candidate for a
 41 specific zone of the community college district must reside in that same spe-
 42 cific zone, and the candidate in each zone receiving the largest number of
 43 votes from the zone shall be declared elected. An individual shall be a qual-
 44 ified elector residing in the specific zone for which he is a candidate and
 45 must maintain a qualified elector residence within the zone to be eligible to
 46 hold the office of trustee for that zone.

47 (6) If it be is necessary to resolve a tie between two (2) or more per-
 48 sons, the board of trustees shall determine by lot which thereof shall be
 49 declared elected. The clerk of the board shall promptly notify any person

1 by mail of his election, enclosing a form of oath to be subscribed by him as
2 herein provided in this section.

3 (57) When elections held pursuant to this section coincide with other
4 elections held by the state of Idaho or any subdivision thereof, or any mu-
5 nicipality or school district, the board of trustees may make agreement with
6 the body holding such election for joint boards of election and the payment
7 of fees and expenses of such boards of election on such proportionate basis
8 as may be agreed upon.

9 (68) At its first meeting following the appointment of the first board
10 of trustees, and at the first regular meeting following any community col-
11 lege trustee election, the board shall organize, and shall elect one (1) of
12 its members as chairman, and one (1) a vice-chairman, as vice chairman and
13 shall elect a secretary and a treasurer, who may be members of the board, or
14 one (1) person to serve as secretary and treasurer, who may be a member of the
15 board.

16 (79) The board shall set a given day of a given week in each month as its
17 regular meeting time. Three (3) members of the board shall constitute a quo-
18 rum for the transaction of official business.

19 (810) The authority of trustees of community college districts shall be
20 limited in the manner prescribed in section 33-507, Idaho Code.

21 (911) Any decision of the state board of education issued pursuant to
22 chapter 21, title 33, Idaho Code, may be appealed to the district court of
23 any county in which the district or proposed district lies or shall lie. The
24 pleadings and other papers shall be filed not more than sixty (60) days after
25 notice of the order appealed and service of two (2) copies thereof shall be
26 made upon the state board of education.

27 SECTION 2. This act shall be in full force and effect on and after July
28 1, 2023.