

IN THE SENATE

SENATE BILL NO. 1273

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SCHOOL DISTRICT TRUSTEES; AMENDING SECTION 33-504, IDAHO CODE,
2 TO PROVIDE REQUIREMENTS REGARDING VACANCIES ON A BOARD OF TRUSTEES WHEN
3 SCHOOL DISTRICT TRUSTEES ARE SUBJECT TO A RECALL ELECTION; AND DECLAR-
4 ING AN EMERGENCY.
5

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

7 SECTION 1. That Section 33-504, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 33-504. VACANCIES ON BOARDS OF TRUSTEES. (1) A vacancy shall be de-
10 clared by the board of trustees when any nominee has been elected but has
11 failed to qualify for office, or within thirty (30) days of when any trustee
12 shall (a) die; (b) resign as trustee; (c) remove himself from his trustee
13 zone of residence; (d) no longer be a resident or school district elector of
14 the district; (e) refuse to serve as trustee; (f) without excuse acceptable
15 to the board of trustees, fail to attend four (4) consecutive regular meet-
16 ings of the board; or (g) be recalled and discharged from office as provided
17 in law.

18 (2) Such declaration of vacancy shall be made at any regular or special
19 meeting of the board of trustees, at which any of the above-mentioned condi-
20 tions are determined to exist.

21 (3) Except as provided in subsection (4) or (5) of this section, tThe
22 board of trustees shall appoint to such vacancy a person qualified to serve
23 as trustee of the school district provided there remains in membership on the
24 board of trustees a majority of the membership thereof, and the board shall
25 notify the state superintendent of public instruction of the appointment.
26 Such appointment shall be made within ninety (90) days of the declaration of
27 vacancy. After ninety (90) days, if the board of trustees is unable to ap-
28 point a trustee from the zone vacated, the board of trustees may appoint a
29 person at-large from within the boundaries of the school district to serve
30 as the trustee from the zone where the vacancy occurred. Otherwise, after
31 one hundred twenty (120) days from the declaration of vacancy, appointments
32 shall be made by the board of county commissioners of the county in which the
33 district is situate, or of the home county if the district be a joint dis-
34 trict.

35 (4) If a trustee who is subject to a recall election resigns from of-
36 vice within five (5) days after notice from the county clerk pursuant to sec-
37 tion 34-1707, Idaho Code, and there is a quorum remaining on the board of
38 trustees, then the provisions of subsection (3) of this section shall ap-
39 ply; however, if any of the remaining trustees on the board are also subject
40 to a recall election, then, notwithstanding any other provision of law, such
41 trustees shall not be counted toward a quorum and shall not be entitled to
42 vote to fill any vacancy on the board until after the results of the recall

1 election to which any such trustee is subject. If there is not a quorum re-
2 maining on the board of trustees, then the governor shall appoint a person
3 qualified to serve as trustee of the school district to fill the vacancy.

4 (5) If a trustee who is subject to a recall election resigns following
5 the five (5) day period as provided in section 34-1707, Idaho Code, then such
6 trustee's position shall remain vacant until the results of the recall elec-
7 tion if the board has a quorum, or shall be filled by appointment by the gov-
8 ernor to maintain a quorum until the results of the recall election.

9 (a) If such trustee is recalled from office and there is a quorum re-
10 maining on the board of trustees, then the provisions of subsection (3)
11 of this section shall apply to fill the vacancy; however, if any of the
12 remaining trustees on the board are subject to a recall election yet to
13 occur, then, notwithstanding any other provision of law, such trustees
14 shall not be counted toward a quorum and shall not be entitled to vote to
15 fill any vacancy on the board until after the results of the recall elec-
16 tion to which any such trustee is subject.

17 (b) If such trustee is recalled from office and there is not a quorum re-
18 maining on the board of trustees, then the governor shall appoint a per-
19 son qualified to serve as trustee of the school district to fill the va-
20 cancy.

21 (6) Any person appointed as herein provided shall serve for the balance
22 of the unexpired term of the office which was declared vacant and filled by
23 appointment.

24 SECTION 2. An emergency existing therefor, which emergency is hereby
25 declared to exist, this act shall be in full force and effect on and after its
26 passage and approval.