

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 226

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO COMMUNITY COLLEGES; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE,
2 BY THE ADDITION OF A NEW SECTION 33-2146, IDAHO CODE, TO PROVIDE FOR AN
3 INVESTIGATION INTO THE RESIDENCY OF A COMMUNITY COLLEGE TRUSTEE; AMEND-
4 ING CHAPTER 21, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
5 33-2147, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING EMERGENCY AU-
6 THORITY OF THE STATE BOARD OF EDUCATION; AMENDING CHAPTER 21, TITLE 33,
7 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2148, IDAHO CODE, TO PRO-
8 VIDE FOR ASSUMPTION OF A COMMUNITY COLLEGE'S PROPERTY AND ASSETS WHEN
9 THE COMMUNITY COLLEGE CEASES OPERATION; AND DECLARING AN EMERGENCY.
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11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Chapter 21, Title 33, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
14 ignated as Section 33-2146, Idaho Code, and to read as follows:

15 33-2146. INVESTIGATION OF TRUSTEE RESIDENCY. Any resident of a commu-
16 nity college district may notify the state board of education, the attorney
17 general, or a prosecuting attorney with jurisdiction in the community col-
18 lege district that a member of the community college board of trustees does
19 not reside within the district. The state board of education, the attorney
20 general, or the prosecuting attorney, if so notified, shall have the author-
21 ity to investigate the trustee's residency. If it is found that the trustee
22 does not reside in the district, then the results of the investigation shall
23 be delivered to the community college board of trustees, which must replace
24 the nonresident trustee within thirty (30) days. If the board of trustees
25 does not replace the nonresident trustee, then the state board of education
26 shall appoint a replacement, who must satisfy the qualifications provided
27 for trustees in section 33-2106, Idaho Code.

28 SECTION 2. That Chapter 21, Title 33, Idaho Code, be, and the same is
29 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
30 ignated as Section 33-2147, Idaho Code, and to read as follows:

31 33-2147. EMERGENCY AUTHORITY OF STATE BOARD OF EDUCATION. (1) The
32 state board of education may assume emergency authority of a community
33 college and shall have such powers and duties as are necessary to continue
34 operation of the community college if:

35 (a) Action to suspend or revoke the college's accreditation has been
36 threatened or initiated by the accrediting organization; or

37 (b) The state board of education determines that the community college
38 is in severe financial crisis and as a result is in danger of losing ac-
39 creditation or ceasing operation.

1 (2) If the state board of education assumes emergency authority pur-
2 suant to subsection (1) of this section, then the state board of education
3 shall relinquish its authority to the community college's board of trustees:

4 (a) Within two (2) years of the community college's accreditation hav-
5 ing been restored, if such accreditation was suspended or revoked; or

6 (b) Once the community college has been in good standing with the ac-
7 crediting organization for two (2) years.

8 SECTION 3. That Chapter 21, Title 33, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 33-2148, Idaho Code, and to read as follows:

11 33-2148. ASSUMPTION OF PROPERTY WHEN COMMUNITY COLLEGE CEASES TO OP-
12 ERATE. If a community college ceases to operate, then control of its real
13 property and other assets shall be assumed by the state board of education,
14 which shall hold such property and assets in trust for the community college
15 to resume operation or for a successor public institution to begin opera-
16 tion.

17 SECTION 4. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after its
19 passage and approval.