

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 106

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO COMMUNITY COLLEGES; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE,  
2 BY THE ADDITION OF A NEW SECTION 33-2104A, IDAHO CODE, TO REQUIRE THAT  
3 COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS BE FORMED, TO PROVIDE REQUIRE-  
4 MENTS FOR ESTABLISHING COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS, TO  
5 PROVIDE DUTIES OF THE BOARD OF TRUSTEES FOR ESTABLISHING THE BOUNDARIES  
6 OF COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS, TO PROVIDE DUTIES OF THE  
7 COUNTY CLERK FOR COOPERATING IN THE ESTABLISHMENT OF COMMUNITY COLLEGE  
8 TRUSTEE SUBDISTRICTS, TO PROVIDE FOR THE ESTABLISHMENT OF MUNICIPAL  
9 SUBDISTRICTS IN CERTAIN CIRCUMSTANCES AND TO DEFINE THE BOUNDARIES OF  
10 SUCH MUNICIPAL SUBDISTRICTS; AMENDING SECTION 33-2106, IDAHO CODE, TO  
11 REVISE AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO THE ELECTION OF  
12 TRUSTEES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 21,  
13 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2106A, IDAHO  
14 CODE, TO PROVIDE APPLICATION OF CAMPAIGN REPORTING LAW TO COMMUNITY  
15 COLLEGE DISTRICT TRUSTEE ELECTIONS.  
16

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

18 SECTION 1. That Chapter 21, Title 33, Idaho Code, be, and the same is  
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
20 ignated as Section 33-2104A, Idaho Code, and to read as follows:

21 33-2104A. FORMATION OF COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS AND MU-  
22 NICIPAL SUBDISTRICTS. (1) Except as otherwise provided in subsection (2) of  
23 this section, community college districts formed before the effective date  
24 of this act shall be divided into five (5) trustee subdistricts on or before  
25 July 1, 2012, and community college districts formed on or after the effec-  
26 tive date of this act shall be divided into five (5) trustee subdistricts im-  
27 mediately upon formation or as soon as practicable. The board of trustees  
28 shall establish the boundaries of trustee subdistricts, which shall be as  
29 nearly equal in population as practicable, provided that the total popula-  
30 tion deviation shall not exceed ten percent (10%). The county clerk of the  
31 county in which the community college district is situated, or of the home  
32 county in the event a community college district is situated within two (2)  
33 or more counties, shall cooperate with the board of trustees of the community  
34 college district in establishing trustee subdistricts.

35 (2) A board of trustees may divide a community college district into  
36 three (3) trustee subdistricts and one (1) municipal subdistrict if:

37 (a) Within the corporate limits of a city there is a population greater  
38 than forty percent (40%) of the total population of the community col-  
39 lege district in which such city is located; or

40 (b) Within the corporate limits of two (2) or more cities that are ad-  
41 joined by a common border there is a combined population greater than

1 forty percent (40%) of the total population of the community college  
2 district in which such cities are located.

3 (3) The boundaries of a municipal subdistrict shall be identical to the  
4 boundaries of a qualifying city or of qualifying adjoined cities, as such  
5 qualifications are described in paragraphs (a) and (b) of subsection (2) of  
6 this section.

7 (4) The boundaries of community college trustee subdistricts shall be  
8 revised by the board of trustees at least once every ten (10) years.

9 SECTION 2. That Section 33-2106, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of  
12 trustees of each community college district shall consist of five (5) school  
13 electors residing in the district who shall be appointed or elected as herein  
14 provided.

15 (a) Immediately following the establishment of a community college  
16 district and the formation of subdistricts, the state board of educa-  
17 tion shall appoint the members of the first board, who shall serve until  
18 the election and qualification of their successors.

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

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

32 (d) At the election of trustees held in 2012, and in each trustee elec-  
33 tion thereafter, not more than one (1) of the community college trustees  
34 shall be a resident of the same trustee subdistrict, except as otherwise  
35 provided in paragraphs (e) and (f) of this subsection.

36 (e) If a community college district has been divided into three (3)  
37 trustee subdistricts and one (1) municipal subdistrict pursuant to the  
38 provisions of section 33-2104A(2), Idaho Code, then not more than one  
39 (1) of the community college trustees shall be a resident of the same  
40 trustee subdistrict and two (2) of the community college trustees shall  
41 each be a resident of the municipal subdistrict.

42 (f) An incumbent trustee serving an unexpired term in 2012 may serve  
43 as trustee until his or her term expires. Thereafter, trustees shall  
44 be residents of the community college trustee subdistrict or municipal  
45 subdistrict as required in paragraphs (d) and (e) of this subsection.

46 (g) All trustees shall be elected at large within the community college  
47 district.

48 (h) The expiration of any term shall be at the regular meeting of the  
49 trustees next following the election for the successor terms.

1 (2) Elections of trustees of community college districts shall be bien-  
2 nially in even-numbered years, and shall be held on a date authorized in sec-  
3 tion 34-106, Idaho Code. Vacancies on the board of trustees shall be filled  
4 by appointment by the remaining members, but if by reason of vacancies there  
5 remains on the board less than a majority of the required number of members,  
6 appointment to fill such vacancies shall be made by the state board of ed-  
7 ucation. Any person so appointed shall serve until the next trustee elec-  
8 tion, at which time his successor shall be elected for the unexpired term.  
9 The trustees shall take and subscribe the oath of office required in the case  
10 of state officers and said oath shall be filed with the secretary of state.

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

14 (4) The person or persons, equal in number to the number of trustees to  
15 be elected for regular or unexpired terms, receiving the largest number of  
16 votes shall be declared elected. An individual shall be a candidate for a  
17 specific position of the board and each candidate must declare which posi-  
18 tion he seeks on the board of trustees. If it be necessary to resolve a tie  
19 between two (2) or more persons, the board of trustees shall determine by  
20 lot which thereof shall be declared elected. The clerk of the board shall  
21 promptly notify any person by mail of his election, enclosing a form of oath  
22 to be subscribed by him as herein provided.

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

29 (6) At its first meeting following the appointment of the first board of  
30 trustees, and at the first regular meeting following any community college  
31 trustee election, the board shall organize, and shall elect one (1) of its  
32 members chairman, one (1) a vice-chairman; and shall elect a secretary and  
33 a treasurer, who may be members of the board; or one (1) person to serve as  
34 secretary and treasurer, who may be a member of the board.

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

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

40 SECTION 3. That Chapter 21, Title 33, Idaho Code, be, and the same is  
41 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
42 ignated as Section 33-2106A, Idaho Code, and to read as follows:

43 33-2106A. APPLICATION OF CAMPAIGN REPORTING LAW TO COMMUNITY COLLEGE  
44 DISTRICT TRUSTEE ELECTIONS. The provisions of sections 67-6601 through  
45 67-6616 and 67-6623 through 67-6630, Idaho Code, insofar as they relate to  
46 the reporting of campaign contributions and expenditures are hereby made  
47 applicable to all elections for community college district trustees, except  
48 that the clerk of the district court shall stand in place of the secretary of  
49 state.