

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 177

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 AND REVISING
6 THE BOUNDARIES OF COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS, TO PROVIDE
7 DUTIES OF THE COUNTY CLERK FOR COOPERATING IN THE ESTABLISHMENT OF
8 COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS, TO PROVIDE AUTHORITY TO ESTAB-
9 LISH MUNICIPAL SUBDISTRICTS IN CERTAIN CIRCUMSTANCES AND TO PROVIDE
10 AUTHORITY TO DEFINE THE BOUNDARIES OF SUCH MUNICIPAL SUBDISTRICTS;
11 AND AMENDING SECTION 33-2106, IDAHO CODE, TO REVISE AND TO PROVIDE AD-
12 DITIONAL PROVISIONS RELATING TO THE ELECTION OF TRUSTEES AND TO MAKE
13 TECHNICAL CORRECTIONS.
14

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

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

19 33-2104A. FORMATION OF COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS AND MU-
20 NICIPAL SUBDISTRICTS. (1) Except as otherwise provided in subsection (2) of
21 this section, community college districts formed before the effective date
22 of this act shall be divided into five (5) trustee subdistricts on or before
23 July 1, 2012, and community college districts formed on or after the effec-
24 tive date of this act shall be divided into five (5) trustee subdistricts im-
25 mediately upon formation or as soon as practicable. The board of trustees
26 shall establish the boundaries of trustee subdistricts, which shall be as
27 nearly equal in population as practicable, provided that the total popula-
28 tion deviation shall not exceed ten percent (10%). The county clerk of the
29 county in which the community college district is situated, or of the home
30 county in the event a community college district is situated within two (2)
31 or more counties, shall cooperate with the board of trustees of the community
32 college district in establishing trustee subdistricts.

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

35 (a) Within a city there is a population greater than forty percent (40%)
36 of the total population of the community college district in which such
37 city is located; or

38 (b) Within two (2) or more cities that are adjoined by a common border
39 there is a combined population greater than forty percent (40%) of the
40 total population of the community college district in which such cities
41 are located, provided that the geographic area used to determine the
42 combined population shall be contiguous.

1 (3) The boundaries of a municipal subdistrict shall be established by
2 the board of trustees and shall include, at minimum, the geographic area that
3 contains the qualifying population as described in paragraphs (a) and (b) of
4 subsection (2) of this section.

5 (4) The boundaries of community college trustee subdistricts shall be
6 revised by the board of trustees at least once every ten (10) years following
7 the United States census.

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

10 33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of
11 trustees of each community college district shall consist of five (5) school
12 electors residing in the district who shall be appointed or elected as herein
13 provided.

14 (a) Immediately following the establishment of a community college
15 district, the state board of education shall appoint the members of the
16 first board, who shall serve until the election and qualification of
17 their successors.

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

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

31 (d) At the election of trustees held in 2012, and in each trustee
32 election thereafter, if a community college district has been divided
33 into five (5) trustee subdistricts, then not more than one (1) of the
34 community college trustees shall be a resident of the same trustee
35 subdistrict, except as otherwise provided in paragraph (f) of this sub-
36 section.

37 (e) At the election of trustees held in 2012, and in each trustee elec-
38 tion thereafter, if a community college district has been divided into
39 three (3) trustee subdistricts and one (1) municipal subdistrict pur-
40 suant to the provisions of section 33-2104A(2), Idaho Code, then not
41 more than one (1) of the community college trustees shall be a resident
42 of the same trustee subdistrict and two (2) of the community college
43 trustees shall each be a resident of the municipal subdistrict, except
44 as otherwise provided in paragraph (f) of this subsection.

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

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

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

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

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

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

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

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

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

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