

IN THE SENATE

SENATE BILL NO. 1323, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO BOARD OF TRUSTEES OF LIBRARY DISTRICTS; AMENDING SECTION  
33-2716, IDAHO CODE, TO REVISE CERTAIN PROVISIONS RELATING TO THE RE-  
CALL OF LIBRARY DISTRICT TRUSTEES.

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

SECTION 1. That Section 33-2716, Idaho Code, be, and the same is hereby  
amended to read as follows:

33-2716. BOARD OF TRUSTEES -- NOMINATION AND ELECTION -- RECALL -- VA-  
CANCIES. (1) The procedure for nomination and election of trustees of a li-  
brary district shall be as provided for in chapter 14, title 34, Idaho Code,  
and in the general election laws of Idaho. If any two (2) or more candidates  
for the same trustee position have an equal number of votes, the board of  
trustees shall determine the winner by a toss of a coin.

~~(2) Notwithstanding the limitations of chapter 17, title 34, Idaho~~  
Code, ~~e~~Each library district trustee shall be subject to recall following  
procedures as closely as possible to the procedures described for the recall  
of county commissioners pursuant to provided in chapter 17, title 34, Idaho  
Code.

Individuals signing a petition to recall a library trustee or voting in  
an election to recall a library trustee shall meet the requirements of sec-  
tion 33-2702, Idaho Code.

~~If, pursuant to section 33-2717, Idaho Code, no election was held for~~  
~~the trustee being recalled:~~

~~(a) The number of district electors required to sign the petition seek-~~  
~~ing a recall election must be not less than fifty (50), or twenty percent~~  
~~(20%) of the number of votes cast in the last trustee election held in~~  
~~the library district, whichever is the greater.~~

~~(b) To recall any trustee, a majority of the votes cast at the recall~~  
~~election must be in favor of the recall, and additionally, the number~~  
~~of votes cast in the recall election must equal or exceed the number of~~  
~~votes cast in the last trustee election held in the library district.~~

(3) A vacancy shall be declared by the board of trustees when any nomi-  
nee has been elected but has failed to qualify for office, or within thirty  
(30) days of when any trustees shall (a) die; (b) resign from office; (c) no  
longer reside in his respective trustee zone of residence; (d) no longer be  
a resident or qualified elector of the public library district; (e) refuse  
to serve as trustee; (f) without excuse acceptable to the board of trustees,  
fail to attend two (2) consecutive regular meetings of the board; or (g) be  
recalled and discharged from office as provided in this chapter.

A declaration of vacancy shall be made at any regular or special meeting  
of the board of trustees, at which any of the above-mentioned conditions is  
determined to exist.

1           The board of trustees shall appoint to fill the vacancy, a person qual-  
2           ified to serve as trustee of the public library district, provided there  
3           remains in membership on the board of trustees a majority of the membership  
4           thereof, and the board shall notify the board of library commissioners of  
5           the appointment. This appointment shall be made within sixty (60) days of  
6           the declaration of vacancy. In the event that the board of trustees fails to  
7           exercise their authority, appointments shall be made by the board of county  
8           commissioners of the home county in which the district is located within  
9           thirty (30) days after the expiration of the sixty (60) days allowed for  
10          trustees for this action.

11          Any person appointed as provided in this chapter shall serve until the  
12          next election of public library district trustees following the appoint-  
13          ment. At the election a trustee shall be elected to complete the unexpired  
14          term of the office which was declared vacant filled by appointment.

15          The elected trustee shall assume office at the first annual meeting of  
16          the public library district following the election.