

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 512

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 PROVIDE FOR  
3 COMMUNITY COLLEGE TRUSTEE ZONES AND RELATED PROVISIONS; AMENDING SEC-  
4 TION 33-2106, IDAHO CODE, TO REVISE PROVISIONS REGARDING TRUSTEES OF  
5 COMMUNITY COLLEGE DISTRICTS AND TO PROVIDE AN APPEALS PROCESS; AND  
6 DECLARING AN EMERGENCY.  
7

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

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

12 33-2104A. COMMUNITY COLLEGE TRUSTEE ZONES. (1) Each existing commu-  
13 nity college district shall be divided into five (5) trustee zones. Each  
14 trustee position on the board shall be designated to a zone so that each  
15 trustee zone contains one (1) designated trustee position.

16 (2) The boundaries of the several trustee zones in each existing commu-  
17 nity college district shall be drawn so that the five (5) zones are as nearly  
18 equal in population as practicable. If a community college district is situ-  
19 ated within two (2) or more counties, and any one (1) of the counties has suf-  
20 ficient population to warrant at least one (1) zone, then the boundaries of a  
21 trustee zone shall be located wholly within the boundaries of such county.

22 (3) A proposal to redefine the boundaries of trustee zones of a com-  
23 munity college district shall be initiated by its board of trustees at the  
24 first meeting following the report of the decennial census or following the  
25 electors' approval of the addition of territory pursuant to section 33-2105,  
26 Idaho Code. The board of trustees shall submit the proposal to the state  
27 board of education within one hundred twenty (120) days following the decen-  
28 nial census or election. The proposal shall include a legal description of  
29 each proposed trustee zone, a map of the district showing how each proposed  
30 trustee zone would appear and the approximate population each zone would  
31 have should the proposal to change the boundaries of the trustee zones become  
32 effective.

33 (4) Within sixty (60) days after receipt of a proposal submitted pur-  
34 suant to subsection (3) of this section, the state board of education may  
35 approve or disapprove the proposal to redefine the boundaries of the trustee  
36 zones and shall give written notice of its decision to the board of trustees  
37 of the district wherein the change is proposed. If the state board of educa-  
38 tion disapproves a proposal, then it shall provide the board of trustees with  
39 a written explanation setting forth its reasons for disapproval. Within  
40 forty-five (45) days of receipt of a disapproval, the board of trustees shall  
41 submit a revised proposal to the state board of education. If the state  
42 board of education approves the proposal, then it shall notify the board of

1 trustees, the trustee zones shall be changed in accordance with the proposal  
 2 and a copy of the legal description of each trustee zone and map of the dis-  
 3 trict showing how each trustee zone will appear shall be filed by the board of  
 4 trustees with the county clerk of the home county.

5 (5) At the next regular meeting of the board of trustees following the  
 6 state board's approval of a proposal submitted pursuant to subsection (4) of  
 7 this section, the community college board of trustees shall appoint from its  
 8 membership a trustee for each new zone to serve as trustee until that incum-  
 9 bent trustee's term expires. If the current board membership includes two  
 10 (2) or more incumbent trustees who reside in the same trustee zone, then the  
 11 following applies:

12 (a) The position on the board held by the trustee with the greatest  
 13 amount of time remaining in such trustee's term shall be the position on  
 14 the board designated to the zone wherein such trustee resides.

15 (b) If there is no difference in the amount of time remaining in the in-  
 16 cumbents' terms, then the position on the board held by the most senior  
 17 trustee shall be designated to the zone wherein such trustee resides.

18 (c) If there is no difference in seniority among the incumbents, then a  
 19 majority vote of the sitting board, excluding the incumbents subject to  
 20 the vote, shall determine which incumbent trustee shall be designated  
 21 to the zone wherein such trustees reside and the remaining trustee or  
 22 trustees shall be designated to the position or positions on the board  
 23 in the zone or zones wherein no incumbent trustee resides.

24 (6) Any incumbent trustee whose position on the board has been desig-  
 25 nated to a zone other than the zone in which such trustee resides may complete  
 26 their term; however, when the position is next scheduled to be placed on the  
 27 ballot, only persons residing in the zone to which the position has been des-  
 28 ignated shall be eligible to run for the position.

29 (7) Notwithstanding the time requirements set forth in this section, on  
 30 or before July 1, 2016, the board of trustees of each community college dis-  
 31 trict formed before the effective date of this act shall obtain a state board  
 32 of education-approved proposal to divide the district into five (5) trustee  
 33 zones. Trustee terms due for the 2016 election shall be subject to the zoning  
 34 and board position requirements set forth in this section.

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

37 33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of  
 38 trustees of each community college district shall consist of five (5) ~~school~~  
 39 electors ~~residing~~ who shall reside in the district a different trustee zone  
 40 from each other and who shall be appointed or elected as herein provided in  
 41 this section.

42 (a) Immediately following the establishment of a new community college  
 43 district, the state board of education shall divide the district into  
 44 five (5) trustee zones, which shall be as nearly equal in population as  
 45 practicable. If a community college district is situated within two (2)  
 46 or more counties, and any one (1) of the counties has sufficient popula-  
 47 tion to warrant at least one (1) zone, then the boundaries of a trustee  
 48 zone shall be located wholly within the boundaries of such county. The

1 state board shall also appoint the members of the first board, who shall  
2 serve until the election and qualification of their successors.

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

8 (c) Excluding any first election of trustees after the creation of a  
9 district, at any other election of trustees held in 2008, and in each  
10 trustee election thereafter, trustees shall be elected to terms of four  
11 (4) years. If more than two (2) trustee positions are eligible for elec-  
12 tion in 2008, one (1) trustee shall be elected to a term of four (4) years  
13 and two (2) trustees shall be elected to a term of six (6) years. There-  
14 after the successors of persons so elected in 2008 shall be elected for  
15 terms of four (4) years.

16 (d) The expiration of any term shall be at the regular meeting of the  
17 trustees next following the election for the successor terms.

18 (2) Elections of trustees of community college districts shall be bi-  
19 ennially, in even-numbered years, and shall be held on a date authorized  
20 in section 34-106, Idaho Code. Vacancies on the board of trustees shall be  
21 filled by appointment by the remaining members, but if by reason of vacancies  
22 there remain on the board less than a majority of the required number of mem-  
23 bers, appointment to fill such vacancies shall be made by the state board of  
24 education. Any person so appointed must reside in the trustee zone where the  
25 vacancy occurs and shall serve until the next trustee election, at which time  
26 his successor shall be elected for the unexpired term. The trustees shall  
27 take and subscribe the oath of office required in the case of state officers  
28 and said oath shall be filed with the secretary of state.

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

32 (4) ~~The person or persons, equal in number to the number of trustees~~  
33 ~~to be elected for regular or unexpired terms, receiving the largest number~~  
34 ~~of votes shall be declared elected~~ All eligible electors within a community  
35 college district may vote for candidates in each and every zone. An indi-  
36 vidual who is a candidate for a specific zone of the community college dis-  
37 trict must reside in that same specific zone, and the candidate in each zone  
38 receiving the largest number of votes from the district shall be declared  
39 elected. An individual shall be a candidate for a specific position of the  
40 board and each candidate must declare which position he seeks on the board of  
41 trustees. If it be necessary to resolve a tie between two (2) or more per-  
42 sons, the board of trustees shall determine by lot which thereof shall be  
43 declared elected. The clerk of the board shall promptly notify any person  
44 by mail of his election, enclosing a form of oath to be subscribed by him as  
45 herein provided.

46 (5) When elections held pursuant to this section coincide with other  
47 elections held by the state of Idaho or any subdivision thereof, or any mu-  
48 nicipality or school district, the board of trustees may make agreement with  
49 the body holding such election for joint boards of election and the payment

1 of fees and expenses of such boards of election on such proportionate basis  
2 as may be agreed upon.

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

9 (7) The provisions of sections 67-6601 through 67-6616, Idaho Code, and  
10 sections 67-6623 through 67-6630, Idaho Code, are hereby made applicable to  
11 all community college trustee elections. Provided however, that the county  
12 clerk shall stand in place of the secretary of state and the county prosecu-  
13 tor shall stand in place of the attorney general. Any report or filing re-  
14 quired to be filed by or for a candidate by such sections of Idaho Code shall  
15 be filed with the county clerk of the county where such candidate resides.

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

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

21 (10) Any decision of the state board of education issued pursuant to  
22 chapter 21, title 33, Idaho Code, may be appealed to the district court of  
23 any county in which the district or proposed district lies or shall lie. The  
24 pleadings and other papers shall be filed not more than sixty (60) days after  
25 notice of the order appealed and service of two (2) copies thereof shall be  
26 made upon the state board of education.

27 SECTION 3. An emergency existing therefor, which emergency is hereby  
28 declared to exist, this act shall be in full force and effect on and after its  
29 passage and approval.