

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 645

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2106, IDAHO CODE, TO RE-
2 VISE A PROVISION REGARDING COMMUNITY COLLEGE TRUSTEE ELECTION ZONES, TO
3 PROVIDE THAT A VACANCY ON THE BOARD OF TRUSTEES SHALL BE DECLARED UN-
4 DER CERTAIN CIRCUMSTANCES, TO PROVIDE THAT CERTAIN VACANCIES SHALL BE
5 FILLED BY THE STATE BOARD OF EDUCATION, TO REVISE PROVISIONS REGARDING
6 ELIGIBLE ELECTORS, AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING AN
7 EFFECTIVE DATE.
8

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

10 SECTION 1. That Section 33-2106, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of
13 trustees of each community college district shall consist of five (5) elec-
14 tors who shall reside in a different trustee zone from each other and who
15 shall be appointed or elected as provided in this section.

16 (a) Immediately following the establishment of a new community college
17 district, the state board of education shall divide the district into
18 five (5) trustee zones, which shall be as nearly equal in population as
19 practicable. If a community college district is situated within two (2)
20 or more counties, and any one (1) of the counties has sufficient popula-
21 tion to warrant at least one (1) zone, then the boundaries of a trustee
22 zone shall be located wholly within the boundaries of such county. As
23 much as practicable, zone boundaries shall not divide precincts known
24 to be in effect at the next election of the board of trustees. The state
25 board shall also appoint the members of the first board who shall serve
26 until the election and qualification of their successors.

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

32 (c) Excluding any first election of trustees after the creation of a
33 district, at any other election of trustees held in 2008, and in each
34 trustee election thereafter, trustees shall be elected to terms of four
35 (4) years. If more than two (2) trustee positions are eligible for elec-
36 tion in 2008, one (1) trustee shall be elected to a term of four (4) years
37 and two (2) trustees shall be elected to a term of six (6) years. There-
38 after, the successors of persons so elected in 2008 shall be elected for
39 terms of four (4) years.

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

1 (2) (a) Elections of trustees of community college districts shall be
 2 biennially, in even-numbered years, and shall be held on a date autho-
 3 rized in section 34-106, Idaho Code. A vacancy shall be declared by the
 4 board of trustees when any nominee has been elected but has failed to
 5 qualify for office, or within thirty (30) days of when any trustee:

6 (i) Dies;

7 (ii) Resigns as trustee;

8 (iii) Removes himself from his trustee zone of residence;

9 (iv) No longer is a resident or elector of the community college
 10 district;

11 (v) Refuses to serve as trustee;

12 (vi) Without excuse acceptable to the board of trustees, fails to
 13 attend four (4) consecutive regular meetings of the board; or

14 (vii) Is recalled and discharged from office as provided in law.

15 (b) Vacancies on the board of trustees shall be filled by appointment by
 16 the remaining members, but if by reason of vacancies there remain on the
 17 board less than a majority of the required number of members, appoint-
 18 ment to fill all such vacancies then existing shall be made by the state
 19 board of education. Any person so appointed must reside in the trustee
 20 zone where the vacancy occurs and shall serve until the next trustee
 21 election, at which time his successor shall be elected for the unexpired
 22 term. The trustees shall take and subscribe the oath of office required
 23 in the case of state officers and said oath shall be filed with the sec-
 24 retary of state.

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

28 (4) ~~All e~~Eligible electors within a community college district may vote
 29 only for candidates in each and every for the specific zone in which the elec-
 30 tor resides. An individual who is a candidate for a specific zone of the com-
 31 munity college district must reside in that same specific zone, and the can-
 32 didate in each zone receiving the largest number of votes from the district
 33 shall be declared elected. An individual shall be a ~~candidate for a spe-~~
 34 ~~cific position of the board and each candidate must declare which position~~
 35 ~~he seeks on the board of trustees~~ qualified elector residing in the specific
 36 zone for which he is a candidate and must maintain a qualified elector res-
 37 idence within the zone to be eligible to hold the office of trustee for that
 38 zone. If it be necessary to resolve a tie between two (2) or more persons,
 39 the board of trustees shall determine by lot which thereof shall be declared
 40 elected. The clerk of the board shall promptly notify any person by mail of
 41 his election, enclosing a form of oath to be subscribed by him as herein pro-
 42 vided.

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

49 (6) At its first meeting following the appointment of the first board of
 50 trustees, and at the first regular meeting following any community college

1 trustee election, the board shall organize, and shall elect one (1) of its
2 members as chairman, and one (1) ~~a vice-chairman~~, as vice chairman and shall
3 elect a secretary and a treasurer, who may be members of the board, or one
4 (1) person to serve as secretary and treasurer, who may be a member of the
5 board.

6 (7) The board shall set a given day of a given week in each month as its
7 regular meeting time. Three (3) members of the board shall constitute a quorum
8 for the transaction of official business.

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

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

17 SECTION 2. This act shall be in full force and effect on and after July
18 1, 2024.