

TITLE 33  
EDUCATION

CHAPTER 21  
JUNIOR COLLEGES

33-2101. JUNIOR COLLEGE DISTRICTS, APPROVALS, BOUNDARIES OF JUNIOR COLLEGE AREAS. Junior college districts may be formed and organized in accordance with the provisions of this chapter, and junior colleges maintained therein shall be intermediate institutions of higher education above grade twelve (12).

To provide for the orderly establishment and growth of junior colleges, a statewide system of six junior college areas is hereby created, as hereafter described. The State Board of Education shall only approve the existence of one centrally located district in any area until the enrollment of such junior college therein exceeds 1000 full time day students a year from within the area.

The boundaries of junior college areas hereby created may be changed by the State Board of Education upon 30 days notice to the boards of trustees of each school district in each of the junior college areas affected and upon public hearing. No change shall be made to place more than one existing junior college in an area. Notice of any boundary change shall forthwith be filed with the board of county commissioners of each county affected.

Area No. 1 shall comprise the territory of the counties of Benewah, Bonner, Boundary, Kootenai and Shoshone.

Area No. 2 shall comprise the territory of the counties of Clearwater, Idaho, Latah, Lewis and Nez Perce.

Area No. 3 shall comprise the territory of the counties of Ada, Adams, Boise, Canyon, Gem, Payette, Valley, Washington, that portion of Elmore County lying generally west of a line described as follows:

Beginning at the junction of the boundary line common to Blaine, Boise, Custer and Elmore counties, thence proceeding in a general southerly direction along the boundaries of Blaine and Elmore counties and Blaine and Camas counties to the northeast corner of Section 1, T. 1 S., R. 11 E., B.M.; thence west 3 miles to the northwest corner of Section 3, same township and range; thence south 4 miles to the southwest corner of Section 22, T. 1 S., R. 11 E., B.M.; thence west a distance of 15 miles more or less to the southwest corner of Section 19, T. 1 S., R. 9 E., B.M.; thence south 2 miles to the southwest corner of Section 31, T. 1 S., R. 9 E., B.M.; thence west a distance of one and three-fourths (1 3/4) miles more or less to a point where the south section line of Section 35, T. 1 S., R. 8 E., B.M., intersects Bennett Creek; thence in a southwesterly direction down said Bennett Creek approximately 8 miles more or less to the southwest corner of Section 27, T. 2 S., R. 8 E., B.M.; thence south along the section lines 5 miles to the southwest corner of Section 22, T. 3 S., R. 8 E., B.M.; thence west 3 miles to the northwest corner of Section 30, T. 3 S., R. 8 E., B.M.; thence south along the section lines a distance of 14 miles more or less to the Snake River which is also the boundary between Elmore and Owyhee counties;

and that portion of Owyhee County lying generally west of a line described as follows:

Beginning at the northwest corner of Section 33, T. 5 S., R. 7 E., B.M., which is on the boundary of Elmore and Owyhee counties, thence south

along the section lines 7 miles more or less to the southwest corner of Section 33, T. 6 S., R. 7 E., B.M.; thence west to the northwest corner of Section 4, T. 7 S., R. 7 E., B.M.; thence south one and one-half (1 1/2) miles more or less to the southwest corner of Section 9, T. 7 S., R. 7 E., B.M.; thence east along the section lines 10 miles more or less to the northeast corner of Section 13, T. 7 S., R. 8 E., B.M.; thence south 4 miles to the southeast corner of Section 36, T. 7 S., R. 8 E., B.M.; thence east twenty-one and one-half (21 1/2) miles more or less to the north-south center line of Section 3, T. 8 S., R. 12 E., B.M.; which is also the boundary line of Twin Falls and Owyhee counties; thence south along said boundary lines 36 miles to the township line between Townships 13 South and 14 South, R. 12 E., B.M.; thence west along said township line twenty-seven and one-half (27 1/2) miles more or less to the southwest corner of Section 31, T. 13 S., R. 8 E., B.M.; thence south along the section lines 17 miles more or less to the southwest corner of Section 30, T. 16 S., R. 8 E., B.M.; which is also the Nevada State Line.

Area No. 4 shall comprise the territory of the counties of Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls, and those portions of the counties of Elmore and Owyhee not included in the description of Area No. 3.

Area No. 5 shall comprise the territory of the counties of Bannock, Bear Lake, Caribou, Franklin, Oneida, Power, and that portion of Bingham County lying west of a line described as follows:

Beginning at the northeast corner of Section 1, T. 3 N., R. 33 E., B.M.; which is also a point common to Jefferson, Bonneville and Bingham counties; thence due south on the section line a distance of eighteen (18) miles to the southeast corner of Section 36, T. 1 N., R. 33 E., B.M.; thence east on the township line a distance of five and one-half (5 1/2) miles more or less to the north-south center line of Section 6, T. 1 S., R. 35 E., B.M.; thence south on the center section line a distance of six (6) miles more or less to a point where said center line intersects the east-west section line common to Section 6, T. 2 S., R. 35 E., B.M. and Section 31, T. 1 S., R. 35 E., B.M.; thence east along said section line a distance of five and one-half (5 1/2) miles more or less to the northeast corner of Section 1, T. 2 S., R. 35 E., B.M.; thence south one and one-half (1 1/2) miles to the southwest corner of the northwest quarter of Section 7, T. 2 S., R. 36 E., B.M.; thence east six (6) miles more or less to the Range line common to Ranges 36 and 37 E., B.M.; thence south on said Range line two and one-quarter (2 1/4) miles more or less to its point of intersection with the Blackfoot River; thence following the Blackfoot River in a northeasterly and southeasterly direction to a point where said river intersects the township line common to Bingham and Caribou counties.

Area No. 6 shall comprise the territory of the counties of Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton, and that portion of Bingham County not included in the description of Area No. 5.

[33-2101, added 1963, ch. 363, sec. 1, p. 1037; am. 1965, ch. 238, sec. 1, p. 576.]

33-2101A. JUNIOR COLLEGE SHALL MEAN COMMUNITY COLLEGE. Notwithstanding any other provision of law, in sections [21-805](#), [21-806](#), [21-809](#), [23-404](#), [31-808](#), [33-101](#), [33-107](#), [33-107B](#), [33-601](#), [33-1252](#), [33-2101](#), [33-2102](#), [33-2103](#), [33-2104](#), [33-2105](#), [33-2106](#), [33-2107](#), [33-2107A](#), [33-2107B](#), [33-2107C](#),

[33-2108](#), [33-2109A](#), [33-2110](#), [33-2110A](#), [33-2110B](#), [33-2111](#), [33-2112](#), [33-2113](#), [33-2114](#), [33-2115](#), [33-2116](#), [33-2117](#), [33-2118](#), [33-2119](#), [33-2121](#), [33-2122](#), [33-2123](#), [33-2124](#), [33-2125](#), [33-2126](#), [33-2130](#), [33-2135](#), [33-2137](#), [33-2138](#), [33-2139](#), [33-2141](#), [33-2142](#), [33-2143](#), [33-2144](#), [33-2211](#), [33-3716](#), [33-4001](#), [33-4003](#), [33-4004](#), [33-4006](#), [33-4201](#), [46-314](#), [50-1721](#), [57-1105A](#), [59-1324](#), [59-1371](#), [59-1374](#), [67-2320](#), [67-2322](#) and [67-5332](#), Idaho Code, the term "junior college" shall mean and shall be denoted as "community college."

[33-2101A, added 1987, ch. 94, sec. 1, p. 186; am. 1996, ch. 322, sec. 30, p. 1060; am. 1997, ch. 275, sec. 3, p. 818; am. 2000, ch. 285, sec. 20, p. 959; am. 2001, ch. 331, sec. 10, p. 1165; am. 2006, ch. 380, sec. 1, p. 1175; am. 2011, ch. 39, sec. 3, p. 95; am. 2013, ch. 72, sec. 10, p. 187.]

33-2102. COURSES OF STUDY. A community college established pursuant to the provisions of this chapter shall give instruction in academic subjects, and in such nonacademic subjects as shall be authorized by its board of trustees.

The academic courses given and the instruction therein shall be of the same standard as the same are given and taught in the first two (2) years of any other state institution of higher education, and credits therefor shall be accepted by other state institutions for credit toward a baccalaureate degree, pursuant to section [33-3728](#), Idaho Code.

[33-2102, added 1963, ch. 363, sec. 2, p. 1037; am. 1987, ch. 48, sec. 2, p. 77; am. 2018, ch. 96, sec. 1, p. 204.]

33-2103. MINIMUM REQUIREMENTS FOR THE FORMATION OF A JUNIOR COLLEGE DISTRICT. A junior college district shall include (a) the area, or any part thereof, of four (4) or more school districts and the area or any part thereof, of one (1) or more counties having an aggregate enrollment in grades nine (9) through twelve (12) during the school year, next preceding the organization of such district, of not less than two thousand (2000) students, and (b) property having market value for assessment purposes as shown by the equalized assessment rolls of real and personal property for the preceding calendar year of not less than one hundred million dollars (\$100,000,000).

The state board of education in considering a petition filed pursuant to section [33-2104](#), Idaho Code, shall verify all the above requirements, as well as determine the number of the students expected to attend and the facilities available, or to be made available, for operation of the school.

[33-2103, added 1963, ch. 363, sec. 3, p. 1037; am. 1965, ch. 238, sec. 2, p. 576; am. 1980, ch. 350, sec. 13, p. 902.]

33-2104. FORMATION OF COMMUNITY COLLEGE DISTRICTS. A community college district may be organized by the vote of the school district electors of the proposed district, voting at an election called and held as herein provided:

a. A petition or petitions, signed by not less than one thousand (1,000) qualified electors as defined in section [34-104](#), Idaho Code, residing in the proposed community college district, giving the name of the proposed community college, describing the boundaries of the proposed district and praying for the organization of the territory therein described as a community college district, together with a true copy thereof, shall be filed with the clerk of the board of county commissioners of the county in which such proposed district is to be located;

b. Said petition or petitions shall be presented to the clerk of the board of county commissioners. An examination to verify whether or not the petition signers are qualified electors shall be conducted by the county clerk as provided in section [34-1807](#), Idaho Code;

c. In the event the petition is found by the county clerk to contain the required number of signatures, the clerk shall file the original in his office, and forthwith mail the copy thereof to the state board of education for its consideration and recommendation. The state board of education shall consider the existing opportunities for education beyond grade twelve (12) in the proposed district, the number of prospective students for such community college, the financial ability of the proposed district to maintain such college and furnish the standard of education contemplated by this chapter with income from tuition and other sources as herein provided. If the state board approves the establishment of such community college, it shall so advise the board of county commissioners within thirty (30) days after the receipt of such petition or petitions, and recommend that an election be called as herein provided for the organization of such district;

d. Upon receipt by the board of county commissioners of the written approval of the state board of education, the board of county commissioners shall enter an order that a special election be called within the proposed new district for the purpose of voting on the question of the creation of such district on one (1) of the election dates enumerated in section [34-106](#), Idaho Code. No notice of election need be posted, but notice shall be published, the election shall be conducted and the returns thereof canvassed as required in [chapter 14, title 34](#), Idaho Code. The ballot shall contain the words "Community College District--Yes" and "Community College District--No," along with a voting position in which the voter may express his choice. If two-thirds (2/3) of all votes cast be in the affirmative, the board of county commissioners shall enter an order declaring such community college district established, designating its name and boundaries. A certified copy of such order shall forthwith be filed with the state board of education;

e. If the proposed district embraces an area in two (2) or more counties, the county in which it is proposed to locate the community college shall be considered the home county, in which the proceedings for the organization of the district shall be conducted, taken and had. Before calling an election on the creation of the proposed district, the board of county commissioners of the home county shall advise the board or boards of county commissioners of such other county or counties of the proposed election, to the end that a date may be agreed upon and the election be held in all counties affected on the same day. The board of county commissioners in any such other county shall give notice of the election, conduct the same and canvass the returns thereof as though it were the only county in which such election were being held. The returns of the election so canvassed shall be certified promptly to the board of county commissioners of the home county. The result of the election shall in turn be certified by the board of county commissioners of the home county to such board in each county in which the proposed district may lie, and if the result of the election be in the affirmative, a certified copy of the order creating the district shall be filed with the clerk of the board of county commissioners of such other county or counties, and entered into the minutes of the board therein.

[33-2104, added 1963, ch. 363, sec. 4, p. 1037; am. 2007, ch. 241, sec. 1, p. 713.]

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

(2) The boundaries of the several trustee zones in each existing community college district shall be drawn so that the five (5) zones are as nearly equal in population as practicable. If a community college district is situated within two (2) or more counties, and any one (1) of the counties has sufficient population to warrant at least one (1) zone, then the boundaries of a trustee zone shall be located wholly within the boundaries of such county.

(3) A proposal to redefine the boundaries of trustee zones of a community college district shall be initiated by its board of trustees at the first meeting following the report of the decennial census or following the electors' approval of the addition of territory pursuant to section [33-2105](#), Idaho Code. The board of trustees shall submit the proposal to the state board of education within one hundred twenty (120) days following the decennial census or election. The proposal shall include a legal description of each proposed trustee zone, a map of the district showing how each proposed trustee zone would appear and the approximate population each zone would have should the proposal to change the boundaries of the trustee zones become effective.

(4) Within sixty (60) days after receipt of a proposal submitted pursuant to subsection (3) of this section, the state board of education may approve or disapprove the proposal to redefine the boundaries of the trustee zones and shall give written notice of its decision to the board of trustees of the district wherein the change is proposed. If the state board of education disapproves a proposal, then it shall provide the board of trustees with a written explanation setting forth its reasons for disapproval. Within forty-five (45) days of receipt of a disapproval, the board of trustees shall submit a revised proposal to the state board of education. If the state board of education approves the proposal, then it shall notify the board of trustees, the trustee zones shall be changed in accordance with the proposal and a copy of the legal description of each trustee zone and map of the district showing how each trustee zone will appear shall be filed by the board of trustees with the county clerk of the home county.

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

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

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

(c) If there is no difference in seniority among the incumbents, then a majority vote of the sitting board, excluding the incumbents subject to the vote, shall determine which incumbent trustee shall be designated to the zone wherein such trustees reside and the remaining trustee or

trustees shall be designated to the position or positions on the board in the zone or zones wherein no incumbent trustee resides.

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

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

[33-2104A, added 2016, ch. 193, sec. 1, p. 538.]

33-2105. ADDITION OF TERRITORY TO COMMUNITY COLLEGE DISTRICTS. Any territory not in an existing community college district may become a part of a community college district by a vote of the school district electors resident of said territory, voting at an election called and held as herein provided.

A petition signed by not less than one hundred (100) school district electors of the territory proposed to be added to the community college district, or twenty percent (20%) of the school district electors within the territory, whichever is the lesser, describing the boundaries of the territory, and a true copy thereof, shall be filed with the board of trustees of the community college district. The board shall forward the original of said petition, with its recommendations, to the state board of education, and a copy thereof to the board of county commissioners of the home county of the community college district. The state board of education shall consider such petition, as it is required to consider a petition for the formation of a community college district. If it approve the petition, notice to that effect shall be given the board of trustees of the community college district and to the board of county commissioners of the home county of the community college district.

When any such petition has been approved by the state board of education, an election shall be held in the manner of elections for the creation of a community college district, except that polling places shall be established only in the territory proposed to be added to the district. The question shall be deemed approved only if a majority of the votes cast in the territory were cast in favor of the proposal, and if this be the case, the territory shall be part of said community college district with all the force and effect as though said territory had been originally included in said community college district at the time of its original organization.

Notices to and by boards of county commissioners and to the state board of education shall be as provided in section [33-2104](#), Idaho Code. The state board of education shall notify the state liquor division that such territory has become a part of the community college district.

[33-2105, added 1963, ch. 363, sec. 5, p. 1037; am. 2009, ch. 23, sec. 57, p. 69.]

33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of trustees of each community college district shall consist of five (5)

electors who shall reside in a different trustee zone from each other and who shall be appointed or elected as provided in this section.

(a) Immediately following the establishment of a new community college district, the state board of education shall divide the district into five (5) trustee zones, which shall be as nearly equal in population as practicable. If a community college district is situated within two (2) or more counties, and any one (1) of the counties has sufficient population to warrant at least one (1) zone, then the boundaries of a trustee zone shall be located wholly within the boundaries of such county. The state board shall also appoint the members of the first board who shall serve until the election and qualification of their successors.

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

(c) Excluding any first election of trustees after the creation of a district, at any other election of trustees held in 2008, and in each trustee election thereafter, trustees shall be elected to terms of four (4) years. If more than two (2) trustee positions are eligible for election in 2008, one (1) trustee shall be elected to a term of four (4) years and two (2) trustees shall be elected to a term of six (6) years. Thereafter, the successors of persons so elected in 2008 shall be elected for terms of four (4) years.

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

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

(3) Notice of the election, the conduct thereof, the qualification of electors and the canvass of returns shall be as prescribed in [chapter 14, title 34](#), Idaho Code.

(4) All eligible electors within a community college district may vote for candidates in each and every zone. An individual who is a candidate for a specific zone of the community college district must reside in that same specific zone, and the candidate in each zone receiving the largest number of votes from the district shall be declared elected. An individual shall be a candidate for a specific position of the board and each candidate must declare which position he seeks on the board of trustees. If it be necessary to resolve a tie between two (2) or more persons, the board of trustees shall determine by lot which thereof shall be declared elected. The clerk of the board shall promptly notify any person by mail of his election, enclosing a form of oath to be subscribed by him as herein provided.

(5) When elections held pursuant to this section coincide with other elections held by the state of Idaho or any subdivision thereof, or any mu-

nicipality or school district, the board of trustees may make agreement with the body holding such election for joint boards of election and the payment of fees and expenses of such boards of election on such proportionate basis as may be agreed upon.

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

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

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

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

[33-2106, added 1963, ch. 363, sec. 6, p. 1037; am. 1973, ch. 10, sec. 1, p. 22; am. 2007, ch. 92, sec. 1, p. 271; am. 2008, ch. 27, sec. 9, p. 50; am. 2009, ch. 341, sec. 50, p. 1026; am. 2011, ch. 145, sec. 1, p. 409; am. 2016, ch. 193, sec. 2, p. 539; am. 2019, ch. 288, sec. 21, p. 843.]

33-2107. GENERAL POWERS OF THE BOARD OF TRUSTEES. The board of trustees of each community college district shall have the power:

(1) To adopt policies and regulations for its own government and the government of the college;

(2) To employ legal counsel and other professional and nonprofessional persons, and to prescribe their qualifications;

(3) To acquire and hold, and to dispose of, real and personal property, and to construct, repair, remodel and remove buildings in the manner prescribed for trustees of school districts pursuant to sections [33-301](#) and [33-601](#), Idaho Code;

(4) To contract for the acquisition, purchase or repair of buildings in the manner prescribed for trustees of school districts pursuant to section [33-601](#), Idaho Code;

(5) To issue general obligation or revenue bonds in the manner now, or as may be, prescribed by law;

(6) To convey and transfer real property of the district upon which no college buildings used for instruction are situated, to nonprofit corporations, school districts, junior college housing commissions, counties or municipalities, with or without consideration; to rent real or personal property for the use of the college, its students or faculty, for such terms as may be determined by the board of trustees; to lease real property of the district not actually in use for college instructional purposes for such terms as may be determined by the board; and to lease real property and improvements to the Idaho state building authority, for a term not to exceed fifty (50) years, with or without consideration, and to enter into agreements with the Idaho state building authority for the Idaho state building authority to provide a facility, pursuant to section [67-6410](#), Idaho Code;



- (7) To acquire, hold and dispose of water rights;
- (8) To accept grants or gifts of money, materials or property of any kind from any governmental agency, or from any person, firm or association, on such terms as may be determined by the granter;
- (9) To cooperate with any governmental agency, or any person, firm or association in the conduct of any educational program; to accept grants from any source for the conduct of such program; and to conduct such program on, or off, campus;
- (10) To invest any funds of the district in such securities, and apply the interest or profits from such investment, as prescribed for the investment of the funds, and the application of the interest or profits, in the case of school district boards of trustees.

[33-2107, added 1963, ch. 363, sec. 7, p. 1037; am. 2003, ch. 349, sec. 6, p. 936; am. 2016, ch. 108, sec. 1, p. 312.]

33-2107A. ESTABLISHMENT AND OPERATION OF THIRD AND FOURTH YEAR COLLEGE CURRICULUM IN COMMUNITY COLLEGE DISTRICTS. The board of trustees of a community college district of an urban area, upon filing with the state board of education a notice of intent to exercise the powers herein granted, shall thereafter be authorized and empowered to organize and operate an upper division consisting of the third and fourth years of college curriculum with powers to grant baccalaureate degrees in liberal arts and sciences, business and education. Upper division courses and programs are subject to approval pursuant to section [33-107](#)(8), Idaho Code. The operation of the community college and the upper division shall be kept separate; however, the joint use of facilities is authorized provided a proper cost allocation is made. The buildings and equipment for the use of said upper division may be purchased, leased, constructed, maintained, and administered from funds obtained by the board of trustees' levy. Such levy shall not exceed two hundredths percent (.02%) of the market value for assessment purposes on all taxable property within the taxing district. Said board under section [33-2113](#), Idaho Code, may obtain capital funds through issuance of general obligation bonds for such equipment and buildings, with the total tax levy for operation and bonds of the upper division not to exceed the levy limit authorized in this section. Such tax shall be certified and levied as provided for other taxes of the district. All other costs of operation of said upper division shall be provided by tuition and fees paid by the student. Gifts and grants may be accepted by the board of trustees for this or other purposes. A student who has been a resident of the community college district pursuant to section [33-2110B](#), Idaho Code, for not less than one (1) year at time of admission to the upper division, or who has completed the first two (2) years in the college, shall be given preference for admission to the upper division.

[33-2107A, added 1965, ch. 16, sec. 4, p. 27; am. 1995, ch. 82, sec. 12, p. 225; am. 2017, ch. 70, sec. 1, p. 169.]

33-2107B. POWERS GRANTED BY PRECEDING SECTION IN ADDITION TO OTHER POWERS. The provisions of this act shall be in addition to all powers and authorities heretofore vested by law or by regulation of the state board of education in the board of trustees of a community college district and all provisions of sections [33-2101](#), [33-2103](#) through [33-2115](#), Idaho Code, and any additions or supplements amendatory thereto, shall be applicable to providing the third and fourth year college curriculum within such community college

districts, unless the same are specifically in contradiction with any provision of this act.

[33-2107B, added 1965, ch. 16, sec. 2, p. 27; am. 2017, ch. 70, sec. 2, p. 170.]

33-2107C. DEFINITION OF URBAN AREA DISTRICTS EMPOWERED TO CREATE UPPER DIVISIONS. The powers provided herein for instruction of the third and fourth year college curriculum shall be exercisable only by community college districts which at the date of the filing of notice of establishment of upper divisions as required are urban area districts, which is defined as a taxing district containing: (a) market value for assessment purposes of taxable property of not less than three hundred fifty million dollars (\$350,000,000); and (b) a population of not less than ninety thousand (90,000) persons, in the taxing district where the college is located.

[33-2107C, added 1965, ch. 16, sec. 3, p. 27; am. 1980, ch. 350, sec. 14, p. 902; am. 2017, ch. 70, sec. 3, p. 170.]

33-2108. JUNIOR COLLEGE DISTRICTS PUBLIC CORPORATIONS -- SUE AND BE SUED -- CORPORATE SEAL. Each junior college district shall be a public corporation, may sue and be sued in its corporate name, and shall have an official seal which shall be judicially noticed.

[33-2108, added 1963, ch. 363, sec. 8, p. 1037.]

33-2109. PRESIDENT -- INSTRUCTORS AND OTHER EMPLOYEES -- REQUIREMENTS FOR ADMISSION AND GRADUATION -- CERTIFICATES AND DIPLOMAS -- TEXTBOOKS AND EQUIPMENT. The board of trustees shall elect a president of the college and, upon his recommendation, appoint such officers, instructors, specialists, clerks and other personnel as it may deem necessary; fix their salaries, and prescribe their duties. It shall fix the requirements for admission, and the time and standard of graduation, and issue such certificates for graduation and diplomas as may be deemed suitable. It shall prescribe the textbooks, and provide suitable apparatus, furniture and equipment for carrying on the work of the college.

[33-2109, added 1963, ch. 363, sec. 9, p. 1037.]

33-2109A. USE OF UNUSED SICK LEAVE. Upon separation from employment with the community college district by retirement, in accordance with [chapter 13, title 59](#), Idaho Code, or with [chapter 1, title 33](#), Idaho Code, an employee shall be accorded credit for unused sick leave as provided in section [67-5333](#), Idaho Code. Each community college district shall contribute to the sick leave account for the purposes of this section, as provided in subsection (2) (c) of section [67-5333](#), Idaho Code.

[33-2109A, added 1983, ch. 100, sec. 1, p. 218; am. 1997, ch. 275, sec. 4, p. 818; am. 2006, ch. 380, sec. 2, p. 1176.]

33-2110. TUITION. (1) All students of a community college shall pay tuition that shall be fixed annually by the board of trustees not later than the 1st day of August of each year. The tuition for full-time students taking normal academic courses provided by the college, who are residents of

the district, shall be fixed at not less than three hundred fifty dollars (\$350) per annum, and may be increased by increments of not more than ten percent (10%) per annum to a maximum tuition of two thousand five hundred dollars (\$2,500) per annum. The tuition shall be, as nearly as is practicable, the annual costs of all elements of providing the courses of instruction, including interest on general obligation bonds, teaching, administration, maintenance, operation and depreciation of equipment and buildings, supplies and fuel, and other ordinary and necessary expenses of operation incurred in providing courses by the community college, provided that the tuition of students residing outside the district but within the county or counties wherein the district is located shall be fixed after taking into account moneys received by the community college district from any funds allocated to the community college from the educational funds of the state of Idaho, other than allocations for career technical education; and provided that the tuition of students residing outside the district and the county but within the state of Idaho shall be fixed after taking into account moneys received from educational funds other than career technical moneys, as referred to in this chapter, from the state of Idaho. Receipt of moneys, as hereinbefore provided in this section, shall be based upon the receipts from the sources referred to during the fiscal year preceding the fixing of the tuition. A student in a community college shall not be deemed a resident of the district or of the county or of the state of Idaho, unless that student is deemed a resident as defined by section [33-2110B](#), Idaho Code, for the district, county or state prior to the date of his first enrollment in the community college, and no student who was not a resident of the district, county or state shall gain residence while attending and enrolled in the community college. The residence of a minor shall be deemed to be the residence of his parents or parent or guardian. Tuition shall be payable in advance, but the board may, in its discretion, permit tuition to be paid in installments.

(2) The board of trustees shall also fix fees for laboratory and other special services provided by the community college and for special courses, including, but not limited to, night school, off-campus courses, summer school, career technical courses, as otherwise provided in this chapter, and other special instruction provided by the community college and nothing in this chapter shall be deemed to control the amount of tuition for special courses or fees for special services, as herein provided, but the same shall be, as nearly as reasonable, sufficient to cover the cost of all elements of providing courses as above defined.

(3) In this chapter, unless the context requires otherwise, the following definitions shall be uniformly applied. The application of these definitions shall be retroactive and prospective.

(a) "Fees" shall include all charges imposed by the governing body, to students, as a whole or individually, in excess of tuition. Student fees may be imposed for special courses, instruction, and service:

(i) "Special course or instruction fee" means those fees charged for any class or educational endeavor that has unique costs beyond a traditional college lecture class; for example, foreign language audio or visual instruction, specialized musical instruction, computer class, art class involving supplies or audiovisual equipment, career technical instruction, laboratory class, remedial instruction, team teaching, satellite transmissions, outside instructor, professionally assisted instruction, etc.

(ii) "Special service fee" means those fees charged for activity, benefit, or assistance offered to students which is beyond traditional classroom instruction; for example, student government support, providing of student health staff or facilities, student union support, intramural and intercollegiate athletics, recreational opportunities, financial aid services, graduation expense, automobile parking, student yearbook/publication, insurance, registration, noncapital library user fee, etc.

Fees shall not be imposed for any capital improvements except as specifically authorized in [chapter 21, title 33](#), Idaho Code.

(b) "Tuition" means a sum charged students for cost of college instruction and shall include costs associated with maintenance and operation of physical plant, student services and institutional support.

[33-2110, added 1963, ch. 363, sec. 10, p. 1037; am. 1965, ch. 238, sec. 3, p. 576; am. 1967, ch. 327, sec. 1, p. 957; am. 1971, ch. 127, sec. 1, p. 505; am. 1977, ch. 59, sec. 1, p. 113; am. 1981, ch. 106, sec. 1, p. 160; am. 1982, ch. 255, sec. 6, p. 657; am. 1982, ch. 264, sec. 1, p. 675; am. 1983, ch. 92, sec. 1, p. 205; am. 1990, ch. 54, sec. 1, p. 125; am. 1994, ch. 179, sec. 1, p. 418; am. 1999, ch. 329, sec. 31, p. 874; am. 2002, ch. 294, sec. 1, p. 846; am. 2008, ch. 133, sec. 1, p. 375; am. 2016, ch. 25, sec. 10, p. 42.]

33-2110A. TUITION OF OUT-OF-DISTRICT IDAHO STUDENTS, COUNTY TAXES AND OTHER FINANCIAL SUPPORT. (1) Any student residing in the area of a county outside of a community college district or in a county without a community college district, who has been a resident of the county and state as defined by section [33-2110B](#), Idaho Code, immediately prior to the date of his first enrollment in a community college, which residence may not be acquired while attending and enrolled in a community college, may enroll in any community college in the state, and the county of his residence shall pay that portion of his tuition as hereinafter set out. The tuition which shall be paid by the resident county shall be that portion of the tuition uniformly established by a community college district for all out-of-district students, both in state as well as out of state, pursuant to section [33-2110](#), Idaho Code, after deducting therefrom the amount of tuition paid by a resident student at the community college; however, the liability of the resident county shall not exceed two-thirds (2/3) of the total tuition and fees charged and in no instance shall it exceed five hundred dollars (\$500) each semester for a two (2) semester year for a full-time student. The student shall pay the tuition and fees charged a student resident in the district, and the balance, if any, of the out-of-district student tuition above the maximum liability of the county of his residence. No county shall be liable for out-of-district tuition unless the board of county commissioners of that county has first verified to the community college in writing the fact that the student is a resident of the county. Upon verification, the county shall thereafter be liable for the out-of-district tuition so long as the student is duly enrolled and attending the college subject to the following limitations:

(a) Liability shall be the term of the curriculum for which the student is enrolled, with a maximum lifetime liability of three thousand dollars (\$3,000). The three thousand dollar (\$3,000) maximum is exclusive of any reimbursement to counties for county tuition from the state or other funds.

(b) Liability shall terminate if the student's domiciliary residence changes and that change continues for twelve (12) months.

(2) The tuition shall be established annually not later than August 1 and shall be forthwith filed with the state board of education, together with a statement supporting the computation thereof.

(3) To receive county payment of tuition, each out-of-district student taking community college courses shall complete a certificate of residency form and submit it to the county clerk of their resident county on or before December 1 of each year for classes taken during that fall semester, and on or before May 1 of each year for classes taken during that spring semester. Failure by a student to submit the certificate of residency form by these deadlines is sufficient grounds for denial of the certificate of residency by the county.

(4) Each county shall provide information regarding which students' certificates of residency were approved to each community college on or before December 20 of each year for classes taken during that fall semester, and on or before May 20 of each year for classes taken during that spring semester.

(5) Each community college shall submit an invoice to each county of residence of each out-of-district student on or before January 20 of each year for classes taken during that fall semester, and on or before June 20 of each year for classes taken during that spring semester. Counties are not required to pay for classes that are billed past these deadlines. Invoices shall list the out-of-district tuition amount for each out-of-district student who was approved by the county of residency, and shall list only students still duly enrolled in the class past the community college's drop deadline.

(6) Each board of county commissioners shall allow and order paid any timely submitted and proper invoice for tuition at a regular meeting following receipt of the invoice. Upon failure of a county to pay a timely submitted and proper invoice, a community college district may commence action in the district court of the state of Idaho for the county to collect the same.

(7) For the payment of tuition of out-of-district students as herein provided, there shall be allocated in each county without a community college district to a county community college fund, and paid to the county treasurer to be held in that fund, fifty percent (50%) of all moneys apportioned to the county out of liquor funds of the state of Idaho as set forth in [chapter 4, title 23](#), Idaho Code, and that amount shall be deducted from the amount that would otherwise be allocated to the county; and if liquor funds are not sufficient to pay the tuition, commencing for the calendar year 1966, the board of county commissioners shall levy upon the taxable property within each county without a community college district, and, in a county with such a district, upon the taxable property within the county lying outside of the community college district, a property tax not to exceed six hundredths percent (.06%) of market value for assessment purposes, to be certified as set out in section [33-2111](#), Idaho Code. The proceeds of the levy shall be placed in the county community college fund.

(8) Based upon the enrollment established by the first semester's tuition invoices received by January 20, the board of county commissioners shall establish immediately a total community college annual tuition budget for two (2) semesters which shall be equal to twice the amount of the tuition bills plus a contingency factor of ten percent (10%). This budget shall be adjusted after June 20 based on any change of enrollment shown by the second

semester tuition bills. If enrollment is from zero to not more than four (4) students, a minimum budget of five (5) students at five hundred dollars (\$500) each shall be established. In the event all tuition bills received have been paid, notwithstanding any other provision hereof, (a) any liquor funds received, which in the quarter when received to any extent are in excess of the budget, to the extent of that excess shall not be paid over to the county treasurer to be held in the community college fund, and (b) any funds received from the levy on taxable property, which when received to any extent are in excess of the budget after the application of liquor funds thereto, to the extent of that excess shall not be paid over to the community college fund. Excess liquor funds shall be paid pursuant to law as if this section were not applicable and excess funds shall be paid to the general fund of the county. In the event the total liquor fund payable hereunder to the county community college fund together with the receipts from the levy on taxable property for each fiscal year are insufficient to pay tuition bills, which deficiency is caused by a levy of less than the maximum allowed hereunder, or by enrollment in excess of the budget herein provided, the budget for each following year shall be increased to the maximum allowed by the maximum tax levy authorized to pay any deficiency at the earliest time. If the deficiency is due to the lack of funds in a fiscal year when the maximum levy authorized shall have been made, for the next fiscal year thereafter the number of students from that county shall be limited by the board of county commissioners to the extent necessary to pay the deficiency not later than the end of the following year. A community college shall nevertheless have a right to require any student residing outside the district to pay out-of-district tuition if the county of his residence is more than twenty-five percent (25%) in arrears of a total county tuition bill for one (1) year as of the beginning of the subsequent semester, but tuition shall be refunded to such students when paid by the county.

[33-2110A, added 1965, ch. 238, sec. 4, p. 576; am. 1967, ch. 327, sec. 2, p. 957; am. 1967, ch. 371, sec. 1, p. 1066; am. 1969, ch. 179, sec. 1, p. 536; am. 1971, ch. 127, sec. 2, p. 505; am. 1974, ch. 139, sec. 8, p. 1343; am. 1975, ch. 160, sec. 5, p. 414; am. 1982, ch. 255, sec. 7, p. 658; am. 1982, ch. 264, sec. 2, p. 676; am. 1983, ch. 113, sec. 1, p. 241; am. 1985, ch. 218, sec. 1, p. 528; am. 1990, ch. 113, sec. 1, p. 236; am. 1996, ch. 208, sec. 9, p. 666; am. 1996, ch. 322, sec. 31, p. 1060; am. 2005, ch. 42, sec. 1, p. 166; am. 2016, ch. 303, sec. 1, p. 853.]

33-2110B. RESIDENCY -- RULES -- APPEAL -- STANDARDS FOR IN-DISTRICT, OUT-OF-DISTRICT AND OUT-OF-STATE STUDENTS. (1) For purposes of this chapter, an "in-district student" is:

(a) Any student whose parents or court-appointed guardians are domiciled in the community college district and provide more than fifty percent (50%) of his support. Domicile, as used in this section, means an individual's true, fixed and permanent home and place of habitation. It is the place where he intends to remain and to which he expects to return when he leaves without intending to establish a new domicile elsewhere. To qualify under this section, the parents or guardian must have resided continuously in the community college district for twelve (12) months next preceding the opening day of the term for which the student matriculates.

(b) Any student who receives less than fifty percent (50%) of his support from parents or legal guardians who are not residents of the

community college district for voting purposes and who has continuously resided in the community college district for twelve (12) months next preceding the opening day of the period of instruction during which he proposes to attend the community college.

(c) The spouse of a person who is classified, or is eligible for classification, as a resident of the community college district for the purposes of attending that community college.

(d) A member of the armed forces of the United States, stationed in the community college district on military orders or who entered service as a resident of the community college district and who has maintained resident status, but is not stationed within the community college district on military orders.

(e) An officer or an enlisted member of the Idaho national guard.

(f) A student whose parents or guardians are members of the armed forces and stationed in the community college district on military orders and who receives fifty percent (50%) or more of support from parents or legal guardians. The student, while in continuous attendance, shall not lose his residence when his parents or guardians are transferred on military orders.

(g) A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of active service, who at the time of separation designates the community college district as his intended domicile or who has the district as the home of record in service and enters the community college within one (1) year of the date of separation.

(h) Any individual who has been domiciled in the community college district, has qualified and would otherwise be qualified under the provisions of this statute and who is away from the district for a period of less than one (1) calendar year and has not established legal residence elsewhere, provided a twelve (12) month period of continuous residence has been established immediately prior to departure.

(2) A community college board of trustees shall adopt rules and regulations applicable to their college now or hereafter established to determine in-district, out-of-district and out-of-state residence status of any student and to establish procedures for review of that status.

(3) Appeal from a final determination denying resident status may be initiated by the filing of an action in the district court of the county in which the affected community college is located. An appeal from the district court shall lie as in all civil actions.

(4) Nothing contained herein shall prevent a community college board of trustees from waiving tuition to be paid by out-of-district, out-of-state or foreign students.

(5) Nothing contained herein shall prevent a community college board of trustees from establishing quotas, standards for admission, standards for readmission, or other terms and requirements governing persons who are not residents for purposes of the first two (2) years of postsecondary education.

[33-2110B, added 1982, ch. 264, sec. 3, p. 679; am. 1983, ch. 113, sec. 2, p. 244; am. 2008, ch. 66, sec. 1, p. 169; am. 2014, ch. 75, sec. 1, p. 197; am. 2016, ch. 303, sec. 2, p. 855.]

33-2111. TAXES AND OTHER FINANCIAL SUPPORT FOR COMMUNITY COLLEGES. For the maintenance and operation of each community college, in addition to the

income from tuition paid by students as hereinbefore provided, the board of trustees may levy upon the taxable property within the district a tax not to exceed one hundred twenty-five thousandths percent (.125%) of the market value for assessment purposes on all taxable property within the district.

The tax levy determined by the board of trustees, within said limit, shall be certified to the board of county commissioners in each county in which the district may lie, not later than the second Monday in September of each year. No levy in excess of one hundred twenty-five thousandths percent (.125%) of the market value for assessment purposes on all taxable property within the district shall be made unless a supplemental levy in a specified amount be first authorized through an election held, as provided in [title 34](#), Idaho Code, as if the community college district were a school district and approved by a majority of the district electors voting in such election.

[33-2111, added 1963, ch. 363, sec. 11, p. 1037; am. 1979, ch. 291, sec. 1, p. 769; am. 1980, ch. 242, sec. 1, p. 561; am. 1982, ch. 255, sec. 8, p. 661; am. 1995, ch. 82, sec. 13, p. 226; am. 1996, ch. 322, sec. 32, p. 1063; am. 2007, ch. 129, sec. 1, p. 386; am. 2009, ch. 341, sec. 51, p. 1027.]

33-2112. ADDITIONAL TAX LEVY FOR GYMNASIUM AND GROUNDS. The board of trustees of any community college district may levy a tax not exceeding one one-hundredth percent (.01%) on each dollar of the assessed value of the taxable property within the district for the maintenance and care of the gymnasium and college grounds of the district, in addition to other taxes authorized by law for the maintenance and support of the community college.

[33-2112, added 1963, ch. 363, sec. 12, p. 1037; am. 1991, ch. 315, sec. 1, p. 823; am. 1996, ch. 208, sec. 10, p. 668; am. 1996, ch. 322, sec. 33, p. 1063.]

33-2113. CAPITAL FUNDS. (1) The board of trustees of each junior college district may issue general obligation bonds in the manner and form, and for the same purposes, as prescribed for public school districts, the maximum amount of general obligation bonds outstanding, computed in the manner so prescribed shall not at any time exceed one per cent (1%) of the market value for assessment purposes of the taxable property in the district. The board may also create a plant facilities reserve fund in the manner, and for the same purposes, as prescribed for school districts.

(2) Tax levies for the purposes of this section shall be certified to the board of county commissioners at the same time as are certified the tax levies provided in section [33-2111](#), Idaho Code.

(3) The board of trustees of each junior or community college district may issue bonds in the same manner and form, and for the same purposes as state institutions of higher education pursuant to [chapter 38, title 33](#), Idaho Code.

[33-2113, added 1963, ch. 363, sec. 13, p. 1037; am. 1980, ch. 350, sec. 15, p. 902; am. 1987, ch. 264, sec. 1, p. 556.]

33-2114. REPORTS OF JUNIOR COLLEGE DISTRICTS. The board of trustees of each junior college district shall cause to be made, annually, a full and complete audit of the financial transactions of the district. Such audit shall be made by and under the direction of the board of trustees by an in-



dependent auditor in accordance with generally accepted auditing standards and procedures. The auditor shall be employed on written contract.

One (1) copy of the audit report shall be filed with the legislative services office, and one (1) copy with the state board of education, not more than ten (10) days after its acceptance by the board of trustees.

The state board of education may at its discretion direct the board of trustees of any junior college district to cause to be made an examination of the books and accounts of their district, as provided for public school districts.

The board of trustees shall submit to the state board of education such other reports as the state board may from time to time require.

[33-2114, added 1963, ch. 363, sec. 14, p. 1037; am. 1977, ch. 71, sec. 4, p. 139; am. 1993, ch. 327, sec. 16, p. 1208; am. 1996, ch. 159, sec. 14, p. 516.]

33-2115. COUNTIES, CITIES, SCHOOL DISTRICTS AND BOARDS TO COOPERATE. (1) The county commissioners of the county in which any community college is located, the mayor and council of the city in or adjacent to which a community college is located, and the board of trustees of the school district in such city, whether operating under special charter or general law, shall be and hereby are authorized and empowered to cooperate with the board of trustees of the community college district, and to permit the use, for community college purposes, of such buildings, grounds, athletic fields, gymnasiums, libraries, laboratories and other equipment and facilities, as are not at the time required for other purposes by such county, city or school district.

(2) The boards of trustees of community college districts shall be and hereby are authorized and empowered to cooperate with the county commissioners, mayors, city councils and school district boards of trustees identified in subsection (1) of this section and to permit the use, for such county, city and school district purposes, of such buildings, grounds, athletic fields, gymnasiums, libraries, laboratories and other equipment and facilities, as are not at the time required for other purposes by the community college.

[33-2115, added 1939, ch. 32, sec. 14, p. 62; am. 2004, ch. 381, sec. 1, p. 1143.]

33-2116. DORMITORY HOUSING PROJECTS -- STUDENT UNION BUILDINGS -- FINDING AND DECLARATION OF NECESSITY. It is hereby declared: That in certain communities within the state wherein junior college districts have been created there are and will be insufficient housing and other facilities for students desiring to attend such junior colleges, and that it is in the community interest to provide adequate low-cost dormitories and student union buildings for students desiring to attend such institutions; that private sources cannot provide the types of such housing and facilities required for such students within the cost which said students may pay; that it is determined to be desirable that such dormitories and student union buildings be constructed from moneys obtained from other than ad valorem taxes and without any liability, debt or encumbrance upon junior college districts; and the necessity and the public interest in the provisions hereinafter enacted are hereby declared as a matter of legislative determination.

[33-2116, added 1957, ch. 87, sec. 1, p. 137; am. 1961, ch. 30, sec. 1, p. 40.]

33-2117. DEFINITIONS. The following terms, wherever used or referred to in this act, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(a) "Junior college housing commission" or "commission" shall mean any public corporation created by section [33-2118](#).

(b) "District" shall mean any junior college district organized and existing under chapter 21 of [title 33](#), Idaho Code.

(c) "Governing body" shall mean the board of trustees of a junior college district.

(d) "Chairman" shall mean the chairman of the board of trustees of a junior college district.

(e) "Clerk" shall mean the clerk of the board of trustees of a junior college district.

(f) "Federal government" shall include the United States of America and any agency or instrumentality, corporate or otherwise, of the United States of America.

(g) "Dormitory project" shall mean the construction of dormitory or dormitories for occupation by students attending a junior college organized under [chapter 21, title 33](#), Idaho Code, and shall include the construction of buildings for occupation by students and facilities for the feeding and recreation of students, equipment and furniture therefor and all matters usually incidental thereto, including the furnishing of sewer, heat, water service, landscaping, and streets or rights of ingress and egress. The term "dormitory project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the construction, reconstruction, alteration and repair of the improvements, and all other work in connection therewith.

(h) "Students" shall mean persons duly enrolled as students in a junior college.

(i) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by a commission pursuant to this act.

(j) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgments, mortgage or otherwise, and the indebtedness secured by such liens.

(k) "Obligee of the commission" or "Obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessors demising to the commission property used in connection with the dormitory project, or any assignee or assignees of such lessor's interest, or any part thereof, and the federal government when it is a party to any contract with the commission.

(l) "Drop deadline" shall mean the last date by which a student can drop a class and still receive a one hundred percent (100%) refund of tuition and fees from the college. "Drop deadline" does not mean the withdrawal deadline.

(m) "Withdrawal deadline" shall mean the last date by which a student can drop a class and receive a "W" grade.

(n) "Out-of-district student" shall mean a student who is a resident of the state of Idaho but is not an in-district student as defined in section [33-2110B](#), Idaho Code.

[33-2117, added 1957, ch. 87, sec. 2, p. 137; am. 2016, ch. 303, sec. 3, p. 857.]

33-2118. CREATION OF DORMITORY HOUSING COMMISSIONS. In each junior college district of the state there is hereby created an independent public body corporate and politic to be known as a dormitory housing commission which shall not be an agency of the junior college district; provided, however, that such commission shall not transact any business or exercise its powers hereunder until or unless the board of trustees of the junior college district, by proper resolution, shall declare at any time hereafter that there is need for a commission to function in such district. The determination as to whether or not there is such need for a commission to function (a) may be made by the governing body on its own motion or (b) shall be made by the governing body upon the filing of a petition signed by twenty-five (25) residents of the district asserting that there is need for a commission to function in such district and requesting that the governing body so declare.

The governing body shall adopt a resolution declaring that there is need for a dormitory or dormitories at the junior college operated by such district, and shall set out in said resolution its finding, setting forth the necessity for such dormitory or dormitories, including such facts as it may find proper supporting such resolution.

In any suit, action or proceeding involving the validity or enforcement of, or relating to any contract of, the commission, the commission shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder, upon proof of the adoption of a resolution by the board of trustees of a junior college district declaring the need for the commission. Such resolution or resolutions shall be deemed sufficient if it declares that there is such need for a commission and finds in substantially the foregoing terms (no further detail being necessary) that such conditions exist in the junior college district. A copy of such resolution, duly certified by the clerk, shall be admissible in evidence in any suit, action or proceeding.

[33-2118, added 1957, ch. 87, sec. 3, p. 137.]

33-2119. APPOINTMENT, QUALIFICATIONS AND TENURE OF COMMISSIONERS. When the board of trustees of a junior college district adopts a resolution as set forth in the preceding section, the clerk of said board shall promptly transmit a certified copy of said resolution to the governor of the state of Idaho, and the governor shall promptly thereafter appoint three (3) persons as commissioners of the commission created for said district. The governor shall certify to the clerk of the district the names of the persons so appointed, and the clerk shall notify said persons in writing of their appointment and the term for which each of them is appointed. The commissioners who are first appointed shall be designated to serve for terms of one (1), two (2) and three (3) years respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of office of 3 years, except that all vacancies shall be filled for the unexpired term. No commissioner may be an officer of [or] employee of the junior college district for which the commission is created. A commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner

shall receive no compensation for his services for the authority in any capacity, but he shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge of his duties.

The powers of each commission shall be vested in the commissioners thereof in office from time to time. Two (2) commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present. The by-laws of the commission shall designate which of the commissioners appointed shall be the first chairman, and such chairman shall serve in the capacity of chairman until the expiration of his term of office as commissioner. When the office of the chairman thereafter becomes vacant, the commissioners shall select a chairman from their number. The commissioners shall select from their number a vice-chairman, and may employ a secretary (who may be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The persons employed by the commission may be employees of the junior college district but shall not be trustees of the district. For such legal services as it may require, the commission may employ its own counsel. The commission may delegate to one (1) or more of its agents or employees such powers or duties as it may deem proper.

[33-2119, added 1957, ch. 87, sec. 4, p. 137.]

33-2120. INTERESTED COMMISSIONERS OR EMPLOYEES. No commissioner or employee shall acquire any interest, direct or indirect, in any dormitory project or in any property included or planned to be included in any project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any dormitory project. If any commissioner or employee owns or controls an interest, direct or indirect, in any property included or planned to be included, in any dormitory project, he immediately shall disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure to so disclose such interest shall constitute misconduct in office. Upon such disclosure such commissioner or employee shall not participate in any action affecting such property or have any further connection or position with the commission.

[33-2120, added 1957, ch. 87, sec. 5, p. 137.]

33-2121. REMOVAL OF COMMISSIONERS. For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed by the governor of Idaho upon receiving a resolution therefor by junior college trustees requesting such removal and setting out the grounds and reasons for such request, but a commissioner shall be removed only after he shall have been given a copy of the resolution at least ten (10) days prior to a hearing thereon if a hearing is requested to be held before the governor and has had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner pursuant to this section, a report of the proceeding, together with the charges and findings thereon, shall be filed in the office of the clerk of the district.

[33-2121, added 1957, ch. 87, sec. 6, p. 137.]

33-2122. POWERS AND DUTIES OF DORMITORY HOUSING COMMISSIONS. A dormitory housing commission shall constitute an independent public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

(a) To sue and be sued; to have a corporate seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the commission, and to make and from time to time amend and repeal by-laws, rules and regulations, not inconsistent with this act, to carry into effect the powers and purposes of the commission.

(b) Within the junior college district: to prepare, carry out, acquire, lease and operate dormitory housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any dormitory housing project or any part thereof; to contract for the management and supervision of dormitory housing projects, and in this connection the supervision of the students occupying a dormitory shall be delegated to the officers and employees of the junior college so that the supervision and conduct of such dormitory and its occupants are harmonious with the supervision and conduct of similar dormitories or other operations conducted by said junior college, it being considered that it is necessary that the junior college, at which the students occupying said dormitories are attending, shall have fit and proper control and responsibility of the discipline, supervision and conduct of such students; provided further that a lease may be entered into leasing the dormitory and properties to the junior college district under any terms and conditions deemed reasonable and desirable by the commissioner and the board of trustees of the junior college.

(c) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works or facilities for, or in connection with, a dormitory housing project; and to include in any contract let in connection with a project any stipulations required by law relating to wages and hours of labor, and comply with any conditions which the federal government may attach to its financial aid of the project.

(d) To own, hold and improve real and personal property; to purchase, lease, obtain options upon, acquire by gift, grant or bequest or devise or otherwise, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operation of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guaranties from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on such insurance; to rent, manage and lease said dormitory housing projects within the purview and purpose of this act, and to establish and revise the rents or charges therefor; provided, however, that said rents shall be as uniform as may be possible under the terms and conditions of the obligations of such commission with similar dormitory rentals at said junior college;

(e) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase

its bonds at a price not more than the principal amount thereof and accrued interest, and all bonds so purchased shall be cancelled.

(f) To exercise all or any part or combination of powers herein granted and do all things necessary or incidental to the proper operation of this act.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to any commission unless the legislature shall specifically so state.

[33-2122, added 1957, ch. 87, sec. 7, p. 137.]

33-2123. OPERATION NOT FOR PROFIT. It is hereby declared to be the policy of this state that each dormitory housing commission shall manage and operate or contract for the operation or management of its dormitory housing project in an efficient manner so as to enable it to fix the rentals to students at said junior college at the lowest possible rates consistent with providing decent, safe and sanitary accommodations, and no dormitory housing commission shall construct or operate any such project for profit or as a source of revenue to the junior college district; provided, however, that such commission shall fix the rentals for such dormitory at no higher rates than it shall find necessary in order to produce revenues (a) to pay, as the same become due, the principal and interest on the bonds of the commission, (b) to meet the cost of and to provide for maintaining and operating the projects (including the cost of any insurance) and the administrative expenses of the commission; and (c) to create (during not less than the six (6) years immediately succeeding its issuance of any bonds) a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter, and to maintain such reserve.

[33-2123, added 1957, ch. 87, sec. 8, p. 137.]

33-2124. PLANNING, ZONING AND BUILDING LAWS. All dormitory housing projects of a commission shall be subject to the planning, zoning, sanitary and buildings laws, ordinances and regulations applicable to the locality in which the dormitory is situated. In the planning and location of any dormitory the commission shall take into consideration the general plan of the junior college campus and shall confer and cooperate with the board of trustees so that such dormitory, both in architecture and location, shall comply with the plan of development of said junior college.

[33-2124, added 1957, ch. 87, sec. 9, p. 137.]

33-2125. BONDS. A dormitory housing commission shall have power to issue bonds from time to time in its discretion, for any of its corporate purposes. A commission shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. In order to carry out the purposes of this act, a commission may issue, upon proper resolution, bonds on which the principal and interest are payable (a) exclusively from the income and revenue of a dormitory project financed with the proceeds of such bonds; or (b) exclusively from such income and revenues together with grants and contributions from the federal government or other source in aid of such project; provided that the proceeds of grants of funds and moneys received or to be received from the United States of America or any agency or instrumentality thereof, pursuant to agreements entered into

between the commission and the United States of America or any agency or instrumentality thereof prior to the issuance of the bonds, may be considered as revenue of the project for which such bonds are issued.

Neither the commissioners nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of a commission (and such bonds and obligations shall so state on their face) shall not be a debt or liability, direct or indirect, of the junior college district, the state, or any political subdivision thereof, and neither the junior college district, the state or any political subdivision thereof, shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds other than those of the commission or funds due the commission. Bonds of a commission are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes.

[33-2125, added 1957, ch. 87, sec. 10, p. 137; am. 1970, ch. 80, sec. 1, p. 196.]

33-2126. FORM AND SALE OF BONDS. When the commission shall find the proposed dormitory project or projects to be necessary for the proper operation of the junior college and economically feasible and such finding is recorded in the minutes of the commission, the commission shall be authorized by its resolution (and) [to issue bonds which] may be issued in one (1) or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture, or the bonds so issued may provide.

The bonds may be sold at public sale at not less than par; provided, however, that if such bonds are sold to the United States of America or an agency or instrumentality thereof, they may be sold at private sale.

In case any of the commissioners or officers of the commission whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signature shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

In any suit, action or proceedings involving the validity or enforceability of any bond of a commission or the security therefor, any such bond, reciting in substance that it has been issued by the commission to aid in financing a dormitory housing project to provide dwelling accommodations for students attending a junior college, shall be conclusively deemed to have been issued for a dormitory housing project of such character, and said project shall be conclusively deemed to have been planned, located and constructed in accordance with purposes and provisions of this act.

[33-2126, added 1957, ch. 87, sec. 11, p. 137; am. 1970, ch. 80, sec. 2, p. 196.]

33-2127. PROVISIONS OF BONDS AND TRUST INDENTURES. In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, the commission, in addition to its other powers, shall have power:

(a) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence, the proceeds of grants of funds and moneys received or to be received from the United States of America or any agency or instrumentality thereof pursuant to agreements entered into between the commission and the United States of America or any agency or instrumentality thereof prior to the issuance of the bonds may be considered as revenues of the project as referred to in this chapter.

(b) To covenant against pledging all or any part of its rents, fees and revenues, or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any dormitory housing projects or any part thereof; and to covenant as to what other or additional debts or obligations may be incurred by it.

(c) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(d) To covenant (subject to the limitations contained in this act) as to the rents and fees to be charged in the operation of a dormitory housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

(e) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(f) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(g) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(h) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by said commission, to take possession of any dormitory housing project or part thereof, and (so long as said commission shall continue in default) to retain such possession and use, operate and manage said project, and to collect the rents and revenues arising therefrom and



to dispose of such moneys in accordance with the agreement of the commission with said trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

(i) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein but not contrary hereto.

[33-2127, added 1957, ch. 87, sec. 12, p. 137; am. 1970, ch. 80, sec. 3, p. 196.]

33-2128. REMEDIES OF AN OBLIGEE OF COMMISSION. An obligee of a commission shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee;

(a) By mandamus, suit, action or proceedings at law or in equity to compel said commission and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said commission with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said commission or the district and the fulfillment of all duties imposed upon said authority by this act.

(b) By suit, action or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said commission.

[33-2128, added 1957, ch. 87, sec. 13, p. 137.]

33-2129. ADDITIONAL REMEDIES CONFERRABLE BY COMMISSION. The commission shall have power by its resolution, trust indenture, lease or other contract, to confer upon any obligee holding or representing a specified amount in bonds, or holding a lease, the right (in addition to all rights that may otherwise be conferred), upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

(a) To cause possession of any dormitory housing project or any part thereof to be surrendered to any such obligee, which possession may be retained by such bondholder or trustee so long as said commission shall continue in default.

(b) To obtain the appointment of a receiver of any dormitory housing project of said authority or any part thereof, and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of such dormitory housing project or any part thereof and (so long as said commission shall continue to be in default) operate and maintain the same, and collect and receive all fees, rents, revenues or other charges thereafter arising therefrom, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligation of said commission as the court shall direct.

(c) To require said commission and the commissioners thereof to account as if it and they were the trustees of an express trust.

[33-2129, added 1957, ch. 87, sec. 14, p. 137.]

33-2130. CONSTRUCTION OF POWERS CONFERRED. Nothing in this act or any other law shall be construed as authorizing a dormitory housing commission to levy or collect taxes or assessments, to create any indebtedness payable out of taxes or assessments, or in any manner to pledge the credit of the junior college district, the state or any subdivision thereof; nor shall any provision of this act or other law be construed as authorizing a dormitory housing commission to mortgage or otherwise encumber property of any kind, real, personal or mixed, or any interest therein, but this section shall not be construed as preventing the pledge of the revenues of a dormitory housing commission as authorized in this act.

[33-2130, added 1957, ch. 87, sec. 15, p. 137.]

33-2131. EXEMPTION OF PROPERTY FROM EXECUTION SALE. All real property of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same, nor shall any judgment against a dormitory housing commission be a charge or lien upon its real property; provided, however, that the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees or revenues.

[33-2131, added 1957, ch. 87, sec. 16, p. 137.]

33-2132. AID FROM FEDERAL GOVERNMENT. In addition to the powers conferred upon a dormitory housing commission by other provisions of this act, a dormitory housing commission is empowered to borrow money or accept contributions, grants or other financial assistance from the federal government for or in aid of any dormitory housing project within its area of operation, to take over or lease or manage any dormitory housing project or undertaking constructed or owned by the federal government, and to these ends, to comply with such conditions and to make such trust indentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this act to authorize every dormitory housing commission to do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking, construction, maintenance or operation of any dormitory housing project by such dormitory housing commission.

[33-2132, added 1957, ch. 87, sec. 17, p. 137.]

33-2133. TAX EXEMPTION. The property of a dormitory housing commission is declared to be public property used for essential public and educational purposes, and such property and a dormitory housing commission shall be exempt from all taxes and special assessments of the city, the county, the state or any political subdivision thereof; except that such commission may contract to pay special charges for sewerage, water, or other special services of like nature, in order to obtain such services, but not as a tax.

[33-2133, added 1957, ch. 87, sec. 18, p. 137.]

33-2134. REPORTS. At least once a year, the dormitory housing commission shall file with the clerk a report of its activities for the preceding year together with an accounting of its operations, and shall make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of this act.

[33-2134, added 1957, ch. 87, sec. 19, p. 137.]

33-2135. TERMINATION -- REACTIVATION. Upon the full payment of all its obligations, including bonds, notes, debentures or debts of any kind, the commissioners of a dormitory housing commission shall convey all properties held or owned by said authority to the junior college district and may, by appropriate resolution, declare their purposes at an end and terminated; upon approval of such resolution by the board of trustees of the junior college district the authority shall be declared inactive and the commissioners relieved of their duties; provided, however, that the commission may be reactivated for new projects, in the same manner as new commissioners are appointed in section [33-2118](#), and such new commissioners shall proceed with all the powers granted in this act.

[33-2135, added 1957, ch. 87, sec. 20, p. 137.]

33-2136. STUDENT CENTERS AND STUDENT UNION BUILDINGS. In addition to the powers conferred upon dormitory housing commissions by the other provisions of this chapter, a dormitory housing commission is empowered to acquire, construct, improve, add to, reconstruct, repair, maintain, operate and manage any or all student union buildings and student centers to consist of a building or buildings containing the facilities, equipment and furnishings common to student union buildings and student centers as such buildings and centers exist in the various colleges and universities in the United States, including but without limitation, facilities for the feeding and recreation of students and including all equipment, structures, appurtenances and facilities necessary to supplying such unions and centers with sewer, water, electric, heating, telephone and similar public utility facilities, landscaping, parking space, and streets, roads or alleys necessary for proper ingress and egress. Wherever the words "dormitory project" or "dormitory housing project" appear in this chapter, whether in the singular or plural, they shall be understood to include student union buildings, student centers and facilities as authorized in this section, either singly or in combination with one or more dormitories or similar housing facilities. Wherever the word "dormitory" appears in this chapter, whether singular or plural, it shall be understood to include a student union building or student union center and related facilities as authorized in this section.

[(33-2136) I.C., sec. 33-2142, as added by 1961, ch. 30, sec. 2, p. 40.]

33-2137. IMPOSITION AND COLLECTION OF STUDENT FEES AND CHARGES. In each junior college district in which there shall now or hereafter exist a student union building or student center, there is hereby imposed upon each student in attendance at the college of such district a student union fee for the

use and availability of such student union building or student center, the amount of which shall be fixed from time to time by the board of trustees of such district, such fee shall be in addition to all other fees authorized to be imposed by such board of trustees and shall not be subject to any statutory limit which may exist on total fees imposed by such board of trustees. Where such student union building or student center shall have been constructed by a junior college housing commission through the issuance of bonds under this chapter, the proceeds of such student union fees shall be regarded as one of the revenues derived from the operation of the student union building or student center, and such board of trustees and such junior college housing commission are authorized to enter into such agreements as they may see fit with respect to the amounts of such fees and the manner of the collection and disposition thereof. Any such agreement may provide that the fees so fixed shall not be diminished or decreased after the issuance of any such bonds until such bonds shall have been retired.

[ (33-2137) I.C., sec. 33-2143, as added by 1961, ch. 30, sec. 3, p. 40.]

33-2138. HOUSING COMMISSIONS VALIDATED. All junior college housing commissions heretofore created or activated under the provisions of this chapter are hereby declared to be validly organized and legally created public bodies and all acts and proceedings heretofore taken in connection with the creation or activation of such commissions and taken by such commissions for the authorization, sale and issuance of the bonds of such commissions for the purpose of acquiring or constructing dormitory, housing or student union building or center projects, any or all, are hereby validated, confirmed and declared to be legally effective.

[ (33-2138) I.C., sec. 33-2144, as added by 1961, ch. 30, sec. 4, p. 40.]

33-2139. STATE COMMUNITY COLLEGE ACCOUNT CREATED. There is hereby created a state community college account in the state operating fund in the state treasurer's office to which shall be credited all moneys that may be transferred pursuant to section [23-404](#)(1)(b)(iii), Idaho Code. The state treasurer shall make such disbursements from the account as may be ordered by the state board of education in accordance with the provisions of this act.

[33-2139, added 1967, ch. 350, sec. 1, p. 993; am. 1982, ch. 255, sec. 9, p. 662; am. 2012, ch. 35, sec. 1, p. 106; am. 2014, ch. 16, sec. 1, p. 23.]

33-2141. DISBURSEMENT OF FUNDS -- METHOD -- FUNDS DISBURSED NOT CONSIDERED IN FIXING TUITION. Funds transferred to the state community college account shall be disbursed quarterly to the qualifying community college districts. Funds disbursed under this act shall not be considered by the board of trustees of any community college in fixing tuition of such college pursuant to section [33-2110](#), Idaho Code.

[33-2141, added 1967, ch. 350, sec. 4, p. 993; am. 1974, ch. 260, sec. 1, p. 1682; am. 1987, ch. 142, sec. 1, p. 283; am. 2012, ch. 35, sec. 2, p. 106.]

33-2142. DIRECT PAYMENT TO BOARD -- UTILIZATION. Disbursement shall be by direct payment to the governing board of such Junior College District which board shall utilize and disburse such funds in the furtherance of the academic program which such board is authorized by law to administer.

[33-2142, added 1967, ch. 350, sec. 5, p. 993.]

33-2143. DISPOSITION OF FUNDS WHEN JUNIOR COLLEGE CEASES TO OPERATE. Should any Junior College cease to operate as a Junior College existing under and by reason of Chapter 21 of [Title 33](#), Idaho Code, during the biennium for which this Act is effective, the Board of Education of the state of Idaho shall compute the amount that such Junior College would be entitled to for the current year during which said Junior College would be inoperative based upon its enrollment for the preceding year during which it was operated and shall return the amount which would have been due such Junior College to the Treasurer of the State of Idaho to be placed in the General Fund of the State of Idaho by said Treasurer, provided, however, that if, during the biennium for which this Act is effective, any Junior College shall be made an institution of higher education of the State of Idaho within the jurisdiction and control of the State Board of Education, said board shall retain the amount which would have otherwise accrued to said Junior College and such funds so retained shall be added to other funds appropriated to said college and use [used] for the maintenance and operation thereof.

[33-2143, added 1967, ch. 350, sec. 6, p. 993.]

33-2144. DISBURSEMENT TO PUBLIC EMPLOYEE RETIREMENT FUND. The disbursing of funds as provided by sections [33-2139](#) through [33-2143](#), Idaho Code, shall be subject to the payments required to be made by section [59-1324](#), Idaho Code, from the state community college account to the public employee retirement fund. Such payments shall be prior to the payment of funds from the state community college account to the several community college districts as provided by said statute.

[33-2144, added 1969, ch. 144, sec. 2, p. 466; am. 2013, ch. 187, sec. 4, p. 450.]