

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 411

BY EDUCATION COMMITTEE

AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2106, IDAHO CODE, TO RE-  
VISE PROVISIONS AND TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO THE  
TRUSTEES OF COMMUNITY COLLEGE DISTRICTS.

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

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

33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) Prior to the  
election of trustees held in 2012, tThe board of trustees of each community  
college district shall consist of five (5) school electors residing in the  
district who shall be appointed or elected as herein provided. Upon and  
after the election of trustees held in 2012, the board of trustees of each  
community college district shall consist of seven (7) school electors, two  
(2) of whom in each district shall be residents as provided in subsection  
(10) of this section. Additional nonvoting members of the board of trustees  
shall be appointed as provided in subsection (11) of this section. Except as  
otherwise provided in subsection (10) of this section, all elected trustees  
shall be elected at large within the community college district in which they  
reside.

(a) Immediately following the establishment of a community college  
district, the state board of education shall 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 seven~~ (57) trustees shall be elected: ~~two three~~ (23) for terms of  
two (2) years each, and ~~three four~~ (34) 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 elec-~~  
~~tion in 2008 2012, one (1) trustee shall be elected to a term of ~~four~~ two~~  
~~(42) years and ~~two~~ (2) all other trustees shall be elected to a term of~~  
~~six four~~ (64) years. Thereafter the successors of persons so elected in  
~~2008 2012~~ 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 bi-  
ennially, 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

1 there remain on the board less than a majority of the required number of mem-  
2 bers, appointment to fill such vacancies shall be made by the state board of  
3 education. Any person so appointed shall serve until the next trustee elec-  
4 tion, at which time his successor shall be elected for the unexpired term.  
5 The trustees shall take and subscribe the oath of office required in the case  
6 of state officers and said oath shall be filed with the secretary of state.

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

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

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

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

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

38 (8) The board shall set a given day of a given week in each month as its  
39 regular meeting time. ~~Three~~ Four (34) members of the board shall constitute  
40 a quorum for the transaction of official business.

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

43 (10) Upon and after the election of trustees held in 2012 for community  
44 college districts established prior to the effective date of this act, at  
45 least two (2) trustees of each such district shall be residents as follows:

46 (a) The board of trustees of the college of southern Idaho shall include  
47 at least one (1) trustee who is a resident of Jerome county and at least  
48 one (1) trustee who is a resident of Twin Falls county west of highway  
49 93.

1       (b) The board of trustees of north Idaho college shall include at least  
2       two (2) trustees who are residents outside the boundaries of the Coeur  
3       d'Alene school district.

4       (c) The board of trustees of the college of western Idaho shall include  
5       at least two (2) trustees who are residents of Canyon county.

6       (11) If additional territory becomes a part of an existing community  
7       college district pursuant to the provisions of section 33-2105, Idaho Code,  
8       and such territory is located within the boundaries of a county that was not,  
9       prior to annexation, within the existing community college district, then  
10       the board of trustees shall appoint a nonvoting member from such newly an-  
11       nexed territory to serve on the board of trustees until the next election of  
12       trustees.