

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 387

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO COMMUNITY COLLEGES; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE,  
2 BY THE ADDITION OF A NEW SECTION 33-2104A, IDAHO CODE, TO PROVIDE FOR  
3 COMMUNITY COLLEGE TRUSTEE ZONES AND RELATED PROVISIONS; AMENDING SEC-  
4 TION 33-2105, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ADDITION  
5 OF TERRITORY TO COMMUNITY COLLEGE DISTRICTS AND TO MAKE TECHNICAL COR-  
6 RECTIONS; AMENDING SECTION 33-2106, IDAHO CODE, TO REVISE PROVISIONS  
7 REGARDING TRUSTEES OF COMMUNITY COLLEGE DISTRICTS; AND AMENDING SEC-  
8 TION 33-314, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN APPEAL FROM  
9 AN ORDER OF THE STATE BOARD OF EDUCATION AND TO MAKE TECHNICAL CORREC-  
10 TIONS.  
11

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

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

16 33-2104A. COMMUNITY COLLEGE TRUSTEE ZONES. (1) Each community college  
17 district shall be divided into five (5) trustee zones.

18 (2) The boundaries of the several trustee zones in each community col-  
19 lege district shall be defined and drawn so that, as reasonably as may be,  
20 each such zone shall have approximately the same population. If a commu-  
21 nity college district is situated within two (2) or more counties, and any  
22 one (1) of the counties has sufficient population to warrant at least one (1)  
23 zone, then the boundaries of a trustee zone shall be located wholly within  
24 the boundaries of such county.

25 (3) A proposal to redefine the boundaries of trustee zones of a commu-  
26 nity college district shall be initiated by the board of trustees in accor-  
27 dance with section 33-2105, Idaho Code.

28 (4) A proposal to redefine the boundaries of trustee zones of a com-  
29 munity college district shall be initiated by its board of trustees at the  
30 first meeting following the report of the decennial census. The board of  
31 trustees shall submit the proposal to the state board of education within  
32 one hundred twenty (120) days following the decennial census. The proposal  
33 shall include a legal description of each proposed trustee zone, a map of  
34 the district showing how each proposed trustee zone would appear and the ap-  
35 proximate population each zone would have should the proposal to change the  
36 boundaries of the trustee zones become effective.

37 (5) Within sixty (60) days after receipt of a proposal submitted pur-  
38 suant to subsection (4) of this section, the state board of education may ap-  
39 prove or disapprove the proposal to redefine the boundaries of the trustee  
40 zones and shall give written notice of its decision to the board of trustees  
41 of the district wherein the change is proposed. If the state board of educa-  
42 tion disapproves a proposal, then the board of trustees shall, within forty-

1 five (45) days of receipt of the disapproval, submit a revised proposal to  
2 the state board of education. If the state board of education approves the  
3 proposal, then it shall notify the board of trustees, the trustee zones shall  
4 be changed in accordance with the proposal and a copy of the legal descrip-  
5 tion of each trustee zone and map of the district showing how each trustee  
6 zone will appear shall be filed by the board of trustees with the county clerk  
7 of the home county.

8 (6) At the next regular meeting of the board of trustees following the  
9 state board's approval of a proposal submitted pursuant to subsection (5) of  
10 this section or the electors' approval of the addition of territory pursuant  
11 to section 33-2105, Idaho Code, the community college board of trustees  
12 shall appoint from its membership a trustee for each new zone to serve as  
13 trustee until that incumbent trustee's term expires. If the current board  
14 membership includes two (2) incumbent trustees from the same new trustee  
15 zone, the board will select the incumbent trustee with the most seniority as  
16 a trustee to serve the remainder of his term. If both incumbent trustees have  
17 equal seniority, the board will choose one (1) of the trustees by the drawing  
18 of lots. If there is a trustee vacancy in any of the new zones, the board of  
19 trustees shall appoint from the patrons resident in that new trustee zone, a  
20 person from that zone to serve as trustee until the next trustee election.

21 (7) On or before May 1, 2017, the board of trustees of each community  
22 college district formed before the effective date of this act shall have  
23 obtained a state board of education-approved proposal to divide the dis-  
24 trict into five (5) trustee zones. In so doing, the board of trustees shall  
25 be mindful of and the state board shall follow the time requirements set  
26 forth in subsection (5) of this section. The state board-approved trustee  
27 zones shall become effective upon the first regular meeting of the board of  
28 trustees occurring after July 1, 2017, and incumbent trustees shall reorga-  
29 nize the board of trustees in accordance with the provisions of subsection  
30 (6) of this section. Thereafter, candidates filing for a trustee election  
31 must file for the seat assigned to the zone in which they reside.

32 SECTION 2. That Section 33-2105, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 33-2105. ADDITION OF TERRITORY TO COMMUNITY COLLEGE DISTRICTS. (1)  
35 Any territory not in an existing community college district may become a part  
36 of a community college district by a vote of the school district electors  
37 resident of said territory, voting at an election called and held as ~~herein~~  
38 provided in this section.

39 (2) A petition signed by not less than one hundred (100) school district  
40 electors of the territory proposed to be added to the community college dis-  
41 trict, or twenty percent (20%) of the school district electors within the  
42 territory, whichever is the lesser, describing the boundaries of the ter-  
43 ritory proposed to be added and describing the redefined boundaries of the  
44 trustee zones necessitated by the addition of such territory, and a true copy  
45 thereof, shall be filed with the board of trustees of the community college  
46 district. The board shall forward the original of said petition, with its  
47 recommendations, to the state board of education, and a copy thereof to the  
48 board of county commissioners of the home county of the community college  
49 district. The state board of education shall consider such petition, as

1 it is required to consider a petition for the formation of a community col-  
 2 lege district. If ~~it~~ the state board approves the petition, including the  
 3 redefined trustee zone boundaries, notice to that effect shall be given to  
 4 the board of trustees of the community college district and to the board of  
 5 county commissioners of the home county of the community college district.

6 (3) When any such petition has been approved by the state board of edu-  
 7 cation, an election shall be held in the manner of elections for the creation  
 8 of a community college district, except that polling places shall be estab-  
 9 lished only in the territory proposed to be added to the district. The ques-  
 10 tion shall be deemed approved only if a majority of the votes cast in the ter-  
 11 ritory were cast in favor of the proposal, and if this be the case, the terri-  
 12 tory shall be part of said community college district with all the force and  
 13 effect as though said territory had been originally included in said commu-  
 14 nity college district at the time of its original organization.

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

19 SECTION 3. That Section 33-2106, Idaho Code, be, and the same is hereby  
 20 amended to read as follows:

21 33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of  
 22 trustees of each community college district shall consist of five (5) school  
 23 electors ~~residing, each of whom shall reside in the district a different~~  
 24 trustee zone from the other, who shall be appointed or elected as ~~herein~~  
 25 provided in this section.

26 (a) Immediately following the establishment of a community college  
 27 district, the state board of education shall divide the district into  
 28 five (5) trustee zones, which shall be as nearly equal in population as  
 29 practicable, provided that the total population deviation shall not ex-  
 30 ceed five percent (5%). The state board shall also appoint the members  
 31 of the first board, who shall serve until the election and qualification  
 32 of their successors.

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

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

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

48 (2) Elections of trustees of community college districts shall be bi-  
 49 ennially, in even-numbered years, and shall be held on a date authorized

1 in section 34-106, Idaho Code. Vacancies on the board of trustees shall be  
2 filled by appointment by the remaining members, but if by reason of vacancies  
3 there remain on the board less than a majority of the required number of mem-  
4 bers, appointment to fill such vacancies shall be made by the state board of  
5 education. Any person so appointed shall serve until the next trustee elec-  
6 tion, at which time his successor shall be elected for the unexpired term.  
7 The trustees shall take and subscribe the oath of office required in the case  
8 of state officers and said oath shall be filed with the secretary of state.

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

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

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

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

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

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

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

46 SECTION 4. That Section 33-314, Idaho Code, be, and the same is hereby  
47 amended to read as follows:

48 33-314. APPEAL FROM ORDER OF STATE BOARD OF EDUCATION. (1) Any order  
49 of the state board of education affecting the organization, consolidation,

1 division, annexation, excision, or change in boundaries of any school dis-  
2 trict, or districts, or of any community college district or community col-  
3 lege trustee zone may be appealed to the district court of any county in which  
4 the district, or proposed district, lies or shall lie. Appeal may be taken by  
5 any school elector residing in the area affected by the order, or by any tax-  
6 payer on property situate in said area, and shall be tried de novo.

7 (2) The pleadings and other papers shall be filed not more than sixty  
8 (60) days after notice of the order appealed, and service of two (2) copies  
9 thereof shall be made upon the state superintendent of public instruction.