IV. LEGISLATION – POLICIES - RULES
A. Legislation – 2011 Session – Information Item

Bills introduced during the 2011 Legislature that effect the Commission for Libraries or the Idaho library community include:

HB60. Election Consolidation - Amends existing law to make technical corrections in the election consolidation law enacted in 2009. Sections 33-2717B (withdrawal of candidacy) and 33-2717C (procedure for correction of ballots) were deleted in this legislation, since the county is now in charge of those aspects of the election. It also removes election duties of the library clerk in 33-2722. It speeded up this year’s timeline for petition availability and the declaration of candidacy. This correction means that there will be a clean-up of 33-2717A next year, since the timeline in our law does not match the amended timeline in 34-1405A.
   Status: Governor signed 2/23; effective 1/1/11

HB90. Independent Financial Audits - Amends existing law to revise requirements for independent financial audits of local governmental entities and filing requirements and to revise audit requirements for independent financial audits of designated entities. This legislation clarifies when audits are necessary. Previously, this section of code stated that local governmental entities (e.g. district libraries) “may elect” to have a biennial audit if their expenditures are over $100,000. This new legislation states that entities with expenditures over $100,000 “shall have an annual audit or may elect” to have a biennial audit.
   Status: Governor signed 2/25; effective 4/1/11

HB95. Urban Renewal - Amends existing law relating to urban renewal to provide for an election, to revise provisions relating to establishing a board of commissioners, to provide for composition of a board of commissioners, to provide for board terms, to revise provisions relating to removal of a commissioner, to provide for filling a vacancy and to revise provisions relating to the election of board officers; to revise powers of urban renewal; to revise the comment period; to provide for prohibited amendments; to revise provisions relating to revenue allocation areas and moneys obtained thereto; to provide for a statement describing certain values and to provide that after a certain date bonds may be issued for a maximum period of twenty years.

These changes to urban renewal law add requirements and potentially will make it more difficult to institute an urban renewal area. The effects of this remain to be seen. It could benefit district libraries, which have seen revenue ‘disappear’ with little input from them. The effect on city libraries is mixed. It could allow cities to bring in more money on a permanent override levy (if a proposed urban renewal agency is not established) but could also penalize cities who are hoping to remodel or build a new library with urban renewal funds. [Note – much of this legislation does not effect urban renewal agencies established prior to July 1, 2011. Effective July 1, 2011, with the exception of 50-2903(4), which is effective immediately.]
   Status: Governor signed 4/7
HB124. **Property Taxation** - Amends existing law relating to property taxation to revise provisions relating to a new construction roll to provide for a certain time frame. This legislation corrects a defect in last year’s HB645 that allowed corrections to the new construction roll, and by extension, possibly districts’ budgets) by providing a “frozen lookback period” of 5 years. In other words, any requests for adjustments must be made within 5 years.

   Status: Governor signed 4/5; effective 1/1/11

HB205. **Public Libraries - Internet Use Policy** - Adds to existing law relating to public libraries to provide provisions relating to public libraries and Internet use policy. This legislation mandates “a policy of internet safety for minors including the operation of a technology protection measure” (i.e. filter) that must be in place during the use of a computer accessing the internet by a minor. It allows libraries to allow unfiltered adult access, and allows “authorized” representatives to unblock filters for lawful purposes. It mandates a safety policy to be reviewed in a public meeting every 3 years, but only states what that policy “may” contain.

   Status: Governor signed 4/8; effective 10/1/12

HB275. **Elections** - Amends and adds to existing law to provide provisions for implementation of the Election Consolidation Law of 2009. There is one section that might have an impact on multi-county districts: 34-1413. PROCEDURES FOR CERTAIN POLITICAL SUBDIVISION ELECTIONS TO MODIFY VOTING PROCEDURES. Any county that has a political subdivision in which there is more than one (1) county contained in the political subdivision boundaries and that wishes to modify voting procedures shall submit an election plan to the secretary of state for approval for the modified voting procedures to be effective at least forty (40) calendar days prior to an election.

   Status: Governor signed 4/11; effective 4/11/11

HB328. **Public Records** - Amends existing law relating to public records to provide that public agencies and independent public bodies corporate and politic may impose certain requirements relating to requests for public records. The main impact of this legislation is that public entities may no longer charge for requests that are fewer than 100 pages in length and that take staff time of 2 hours or less to gather. It also allows a public entity to aggregate requests from one or more requesters if it believes that such requests are an attempt to avoid fees. Public entities may assist a requester in narrowing the scope of the request. Requests and delivery of records may be made by email. Any fees shall be itemized.

   Status: Governor signed 4/7; effective 4/7/11

SB1160. **Appropriation – Idaho Commission for Libraries** – Appropriates $5,353,300 to the Idaho Commission for Libraries for fiscal year 2012; restores one-time savings from FY2011 appropriation (for LiLi databases); limits the number of full-time equivalent positions to 41.5.

   Status: Governor signed 4/5; effective 7/1/11

SB1155. **Elections** - Amends existing law to shorten office terms for members of the governing boards of library, hospital, water and sewer, and auditorium districts. There is a concerted effort to change district trustee terms (currently six years) to four years. This bill was stopped in committee, thanks to contacts made by Idaho district librarians, because it would have mandated an election in 2013 for 4 trustee positions and 1 position in 2015. A subsequent
RS was not printed because of timing of this year’s election notifications. It will be back next year, and in spite of misgivings of many districts, will most likely pass.

**HB308 Bond Elections** and **HB316 Levy Elections**
These two bills would have added additional disclosures for districts that propose an override levy (temporary or permanent) or bond election. This bill, which started in House State Affairs Committee during the last week of the session, passed the House before dying in the Senate State Affairs Committee.

Note: The much-rumored bill that would have reduced revenue sharing with districts and cities was not presented.