

**IV. LEGISLATION – POLICIES – RULES – GUIDELINES**

**A.1 Legislation – 2017 Legislative update – Information Item**

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**LEGISLATION AFFECTING PUBLIC LIBRARIES**

**These bills passed:**

[HB 207](#) – Forgone revenue

Taxing districts, such as cities and counties, set their annual budget not to exceed an increase of 3% of the prior year's budget, after factoring in growth. A taxing district may choose to set a budget less than this allowed 3% and then use this forgone amount in a later year. This bill allows a taxing district, at its own discretion, to disclaim any or all of its forgone balances.

- Forgone is the amount that your district (or city) either chooses not to claim, or isn't able to claim.
- This bill will allow trustees (or a city council) to "disclaim" forgone for any year. But if the amount is "disclaimed" (returned to the state), that money is removed forever from the library district's or city's budgeting ability.

[SB 1074](#) - Procurement

This bill modifies and updates the procurement statutes related to political subdivisions. Modifications include changes to dollar threshold amounts for both informal and formal bid processes, a change in the delegation of procurement authority for County Commissioners, and exemption and bonding changes related to some types of public works projects.

- The dollar threshold for bids is increased to \$50,000, and there are some added exceptions to procurement requirements.

If a library provides notary services, there is new legislation that to be aware of:

[H 209](#) - Revised Uniform Act on Notarial Acts

This legislation repeals the current notary statutes and introduces a completely new notary act, "Revised Uniform Law on Notarial Acts", utilizing a draft that was originally provided by the Uniform Law Commission. The primary purpose of this new Act is to provide notaries public with the option to use technology to perform notarial acts. This Act also requires the Secretary of State to provide a course of education for applicants and notaries who wish to use it.

This legislation provides clarification on political subdivision's (e.g. library districts and cities) treasurer's duties:

[HB 130](#) - Public Depository Law

The purposes of this proposal include making adjustments to financial reporting procedures to establish procedures that better integrate with calendaring of city council board meetings, that square with modern methods of maintaining electronic financial records in which all transactions can be traced and that provide improved methods of disclosing city financial information by making records available online. Financial reporting obligations for all political subdivisions are allowed to conform to meeting schedules for the governing board, and willful misconduct by a political subdivision treasurer is deemed to be subject to action by the elected governing board.

- See current [IC 57-135](#) for comparison

**These bills did not pass:**

- [HJR 003](#) – Change the threshold for bond elections from a super majority (66 2/3%) to 60%
- [HB 83](#), [HB 283](#) – Changes to new construction roll
- [HB 116](#) – Changes to Urban Renewal law
- [HB 117](#) – Change personal property tax exemption to \$250,000 (increase from current \$100,000 exemption)
- [HB 134](#), [HB 189](#), [HB 270](#) – Government noninterference in elections
- [HB 198](#) – Local government immigration enforcement
- [HB 269](#) – Sales tax revenue distribution formula revised

**LEGISLATION AFFECTING THE COMMISSION FOR LIBRARIES**

**These bills passed:**

[HB 143](#) – “Piggy-backing”

This legislation, recommended by the State Procurement Laws Interim Committee, enables individual state agencies to: (1) participate in cooperative purchasing agreements with other public agencies; and (2) participate in contracts made by other Idaho public agencies (such as political subdivisions).

- Allowing agencies to participate in cooperative purchasing and to share contracts would reduce administrative costs to the state by requiring fewer solicitations. As cooperative purchasing agreements contain a higher volume of goods and services, state and other Idaho public agencies would likely be able to procure property for reduced costs as well. To ensure the integrity of the procurement process, this legislation requires that any shared contract must have been made after competitive bidding that is consistent with Idaho law.

[HB 166](#) – State procurement, violations

This legislation, recommended by the State Procurement Laws Interim Committee, repeals the existing statute on unlawful state contracts and replaces it with a new statute that would be more equitable to the contracting parties. For example, the new statute would allow a contractor to be compensated for goods delivered or services provided before the contract was found to be unlawful, which the current statute does not permit. The new statute would also allow unlawful contracts to be ratified for up to six months if there is an urgent public need for the goods and services provided under the contract. Other unlawful contracts could simply be terminated, with appropriate compensation paid to the contractor, unless the contractor acted fraudulently or in bad faith, in which case the contract could be voided. Finally, the new statute would clarify penalties for state officers or employees who act fraudulently or in bad faith.

**Educational Opportunity Resource Act** (please note that while the Statement of Purpose only mentions schools and school districts, the legislation is also specific to public libraries)

[HB 186](#) – Wireless LAN

This bill builds upon the broadband resource created by the legislature at the recommendation of the broadband interim committee for Idaho's education and library system. This legislation comes at the recommendation of the Education Opportunity Resource Committee, and further defines the

scope and responsibilities of that committee. It authorizes the committee to provide technical and other assistance for all connectivity to and between Idaho's school districts.

**[HB 1034](#)** - Broadband Infrastructure Investment Grant Fund

This bill makes a slight modification to the Broadband Infrastructure Investment Grant Fund (BIIG Fund) which was created in 2016. The changes are required for the State to use matching federal funds per discussions with the federal government. The fund provides opportunities for school districts and public libraries to invest in broadband infrastructure.

- The BIIG Fund helps qualifying entities leverage existing funding to obtain the connectivity they need.
- Qualifying entities can apply for BIIG Fund dollars up to 10 percent of the project costs. The entity can then use the State funding commitment to receive additional e-rate funding and e-rate discounts to lower the actual project costs. The entity is able to build broadband infrastructure for a fraction of the original cost.

**Vetoed:**

**[HB 1057](#)** – Hay Profile Method

The intent of this legislation is to remove language that could be construed as proprietary and specific to one particular vendor. It will also require any salary and benefit study to show as part of market comparisons data specific to Idaho public and private sector employers.