

IN THE SENATE

SENATE BILL NO. 1210

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO HIGHER EDUCATION; AMENDING SECTION 33-107B, IDAHO CODE, TO RE-
2 VISE PROVISIONS REGARDING RETIREMENT PROGRAMS FOR COMMUNITY COLLEGES;
3 REPEALING SECTIONS 33-2208 THROUGH 33-2210, IDAHO CODE, RELATING TO
4 EASTERN IDAHO TECHNICAL COLLEGE; AMENDING SECTION 33-2211, IDAHO CODE,
5 TO REMOVE A REFERENCE TO EASTERN IDAHO TECHNICAL COLLEGE AND TO MAKE
6 TECHNICAL CORRECTIONS; REPEALING SECTION 33-2212, IDAHO CODE, RELATING
7 TO AN ADVISORY COUNCIL FOR EASTERN IDAHO TECHNICAL COLLEGE; AMENDING
8 SECTION 33-3726, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE HIGHER
9 EDUCATION STABILIZATION FUND; AMENDING SECTION 67-5302, IDAHO CODE, TO
10 REMOVE A REFERENCE TO EASTERN IDAHO TECHNICAL COLLEGE AND TO MAKE TECH-
11 NICAL CORRECTIONS; AND AMENDING SECTION 67-9203, IDAHO CODE, TO REMOVE
12 A REFERENCE TO EASTERN IDAHO TECHNICAL COLLEGE AND TO MAKE TECHNICAL
13 CORRECTIONS.
14

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

16 SECTION 1. That Section 33-107B, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 33-107B. BOARD MAY ESTABLISH AN OPTIONAL RETIREMENT PROGRAM FOR
19 COMMUNITY COLLEGES ~~AND POSTSECONDARY CAREER TECHNICAL EDUCATION INSTITU-~~
20 ~~TIONS.~~ (1) The state board of education may establish an optional retirement
21 program under which contracts providing retirement and death benefits may be
22 purchased for members of the teaching staff and officers of community col-
23 leges ~~and postsecondary career technical education institutions~~, including
24 north Idaho college, college of southern Idaho and ~~eastern Idaho technical~~
25 college of eastern Idaho, hired on or after July 1, 1997; provided however,
26 that no such employee shall be eligible to participate in an optional re-
27 tirement program unless he would otherwise be eligible for membership in
28 the public employee retirement system of Idaho. The benefits to be provided
29 for or on behalf of participants in an optional retirement program shall be
30 provided through annuity contracts or certificates, fixed or variable in na-
31 ture, or a combination thereof, whose benefits are owned by the participants
32 in the program.

33 (2) The state board of education is hereby authorized to provide for the
34 administration of the optional retirement program and to perform or autho-
35 rize the performance of such functions as may be necessary for such purposes.
36 The board shall designate the company or companies from which contracts are
37 to be purchased under the optional retirement program and shall approve the
38 form and contents of such contracts. In making the designation and giving
39 approval, the board shall consider:

40 (a) The nature and extent of the rights and benefits to be provided by
41 such contracts for participants and their beneficiaries;

1 (b) The relation of such rights and benefits to the amount of contribu-
2 tions to be made;

3 (c) The suitability of such rights and benefits to the needs of the par-
4 ticipants and the interests of the institutions in the recruitment and
5 retention of staff members; and

6 (d) The ability of the designated company to provide such suitable
7 rights and benefits under such contracts.

8 (3) Elections to participate in an optional retirement program shall be
9 as follows:

10 (a) Eligible employees are the teaching staff and officers initially
11 appointed or hired on or after the effective date of this chapter. All
12 eligible employees, except those who are vested members of the public
13 employee retirement system of Idaho, shall participate in the optional
14 retirement program.

15 (b) Eligible employees who are vested members of the public employee
16 retirement system of Idaho may make a one (1) time irrevocable election
17 to transfer to the optional retirement program. The election shall be
18 made in writing and within sixty (60) days of the date of initial hire or
19 appointment, or one hundred fifty (150) days after the effective date of
20 this chapter, whichever occurs later. The election shall be filed with
21 the administrative officer of the employing institution. The election
22 shall be effective not later than the first day of the second pay period
23 following the date of the election.

24 (c) Teaching staff and officers employed by the institution the day
25 before the effective date of this chapter may make a one (1) time ir-
26 revocable election to participate in the optional retirement program.
27 The election shall be made in writing and within one hundred fifty (150)
28 days after the effective date of this chapter. The election shall be
29 filed with the administrative officer of the employing institution.
30 The election shall be effective not later than the first day of the sec-
31 ond pay period following the date of the election.

32 (d) The accumulated contributions of employees who make the one (1)
33 time irrevocable election or are required to participate in the op-
34 tional retirement program may be transferred by the public employee
35 retirement system of Idaho to such qualified plan, maintained under the
36 optional retirement program, as designated in writing by the employee.

37 (e) An election by an eligible employee of the optional retirement pro-
38 gram shall be irrevocable and shall be accompanied by an appropriate ap-
39 plication, where required, for issuance of a contract or contracts un-
40 der the program.

41 (4) (a) Each institution shall contribute on behalf of each participant
42 in its optional retirement program the following:

43 (i) To the designated company or companies, an amount equal to
44 seven and eighty-one hundredths percent (7.81%) of each partici-
45 pant's salary, reduced by any amount necessary, if any, to provide
46 contributions to a total disability program provided either by the
47 state or by a private insurance carrier licensed and authorized to
48 provide such benefits, or any combination thereof, but in no event
49 less than five percent (5%) of each participant's salary;

1 (ii) To the public employee retirement system, an amount equal to
 2 three and eighty-three hundredths percent (3.83%) of salaries of
 3 members who are participants in the optional retirement program.
 4 This amount shall be paid until July 1, 2011, and is in lieu of
 5 amortization payments and withdrawal contributions required pur-
 6 suant to chapter 13, title 59, Idaho Code; and

7 (iii) Effective on and after July 1, 2011, the institutional con-
 8 tribution optional retirement program rate shall be equal to the
 9 ~~PERSI~~ public employee retirement system of Idaho contribution
 10 rates.

11 (b) For the purposes of section 59-1322, Idaho Code, the term "pro-
 12 jected salaries" shall include the sum of the annual salaries of all
 13 participants in the optional retirement program established pursuant
 14 to this section.

15 (c) Each participant shall contribute an amount equal to six and
 16 ninety-seven hundredths percent (6.97%). Employee contributions may
 17 be made by employer pick-up pursuant to section 59-1332, Idaho Code.

18 (5) Any person participating in the optional retirement program shall
 19 be ineligible for membership in the public employee retirement system of
 20 Idaho so long as he remains continuously employed in any teaching staff posi-
 21 tion or as an officer with any of the institutions under the jurisdiction of
 22 the state board of education.

23 (6) A retirement, death or other benefit shall not be paid by the state
 24 of Idaho or the state board of education for services credited under the
 25 optional retirement program. Such benefits are payable to participants or
 26 their beneficiaries only by the designated company or companies in accor-
 27 dance with the terms of the contracts.

28 SECTION 2. That Sections [33-2208](#) through [33-2210](#), Idaho Code, be, and
 29 the same are hereby repealed.

30 SECTION 3. That Section 33-2211, Idaho Code, be, and the same is hereby
 31 amended to read as follows:

32 33-2211. POWERS OF STATE BOARD FOR CAREER TECHNICAL EDUCATION. The
 33 state board for career technical education shall have the power:

34 (1) To adopt rules for its own government, ~~the government of the Eastern~~
 35 ~~Idaho Technical College~~ and any career technical or vocational rehabilita-
 36 tion program, including programs under chapters 22 and 23, title 33, Idaho
 37 Code;

38 (2) To employ professional and nonprofessional persons and to pre-
 39 scribe their qualifications;

40 (3) To acquire and hold, and to dispose of, real and personal property,
 41 and to construct, repair, remodel and remove buildings;

42 (4) To contract for the acquisition, purchase or repair of buildings,
 43 in the manner prescribed for trustees of school districts pursuant to sec-
 44 tion 33-601, Idaho Code;

45 (5) To dispose of real and personal property in the manner prescribed
 46 for trustees of school districts pursuant to section 33-601, Idaho Code;

47 (6) To convey and transfer real property of the college upon which no
 48 buildings used for instruction are situated, ~~to~~ nonprofit corporations,

1 school districts, community college housing commissions, counties or munic-
 2 ipalities, with or without consideration; to rent real or personal property
 3 for the use of the college, its students or faculty; for such terms as may be
 4 determined by the state board for career technical education; and to lease
 5 real or personal property of the college not actually in use for instruc-
 6 tional purposes on such terms as may be determined by the state board for
 7 career technical education;

8 (7) To acquire, hold, and dispose of water rights;

9 (8) To accept grants or gifts of money, materials, or property of any
 10 kind from any governmental agency or from any person, firm, or association
 11 on such terms as may be determined by the grantor;

12 (9) To cooperate with any governmental agency or any person, firm or
 13 association in the conduct of any educational program; to accept grants from
 14 any source for the conduct of such program, and to conduct such program on, or
 15 off, campus;

16 (10) To employ a president of the college and, with his advice, to ap-
 17 point such assistants, instructors, specialists and other employees as are
 18 required for the operation of the college; to fix salaries and prescribe du-
 19 ties; and to remove the president or other employees in accordance with the
 20 policies and rules of the state board of education;

21 (11) With the advice of the president, to prescribe the courses and pro-
 22 grams of study, the requirements for admission, the time and standards for
 23 completion of such courses and programs, and to grant certificates or asso-
 24 ciate of applied science degrees for those students entitled thereto;

25 (12) To employ architects or engineers in planning the construction,
 26 remodeling or repair of any building or property and, whenever no other
 27 agency is designated by law so to do, to let contracts for such construction,
 28 remodeling or repair and to supervise the work thereof; and

29 (13) To have at all times general supervision and control of all prop-
 30 erty, real and personal, appertaining to the college, and to insure the same.

31 SECTION 4. That Section [33-2212](#), Idaho Code, be, and the same is hereby
 32 repealed.

33 SECTION 5. That Section 33-3726, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 33-3726. HIGHER EDUCATION STABILIZATION FUND. There is hereby created
 36 in the state treasury a fund to be known as the higher education stabiliza-
 37 tion fund. The higher education stabilization fund shall consist of four (4)
 38 separate accounts as follows:

39 (1) An account designated the strategic interest account shall consist
 40 of interest earnings from the investment of moneys deposited with the state
 41 treasurer into unrestricted current fund 0650-00, as designated by the state
 42 controller in the statewide accounting and reporting system. Annually on
 43 July 1, or as soon thereafter as is practicable, the state controller shall
 44 transfer such interest earnings to the strategic interest account. All mon-
 45 eys so transferred shall be expended for the maintenance, use and support
 46 of institutions that have deposited moneys into unrestricted current fund
 47 0650-00. All such expenditures shall be subject to legislative appropria-
 48 tion. Institutions shall receive a pro rata share of a legislative appro-

1 priation based upon the amount of moneys any such institution has deposited
 2 into unrestricted current fund 0650-00 in the current fiscal year compared
 3 to the total amount deposited by all institutions in the current fiscal year.
 4 Interest earned from the investment of moneys in the strategic interest ac-
 5 count shall be retained in the strategic interest account.

6 (2) An account designated the surplus stabilization account shall
 7 consist of any other moneys made available through legislative transfers,
 8 appropriations or otherwise provided by law, or from any other governmen-
 9 tal source. All such moneys shall be expended for the maintenance, use and
 10 support of institutions named in section 33-3803, Idaho Code. Such expendi-
 11 tures shall be made subject to legislative appropriation to the state board
 12 of education for college and universities. Distribution of such moneys to
 13 institutions shall be based upon the state board of education's established
 14 practices for the allocation of moneys to such institutions. Interest
 15 earned from the investment of moneys in this surplus stabilization account
 16 shall be retained in this surplus stabilization account.

17 (3) An account designated the surplus stabilization account for
 18 ~~Eastern Idaho Technical College of eastern Idaho, N~~orth Idaho ~~C~~college,
 19 ~~C~~college of ~~S~~southern Idaho and ~~C~~college of ~~W~~western Idaho shall consist of
 20 any other moneys made available through legislative transfers, appropria-
 21 tions or otherwise provided by law, or from any other governmental source.
 22 All such moneys shall be expended for the maintenance, use and support of
 23 ~~Eastern Idaho Technical College of eastern Idaho, N~~orth Idaho ~~C~~college,
 24 ~~C~~college of ~~S~~southern Idaho and ~~C~~college of ~~W~~western Idaho. Such expendi-
 25 tures shall be made subject to legislative appropriation to ~~Eastern Idaho~~
 26 ~~Technical College, through the appropriation to the division of career tech-~~
 27 ~~nical education, and to the community colleges.~~ Distribution of such moneys
 28 shall be based upon ~~established practices for the allocation of moneys to~~
 29 ~~Eastern Idaho Technical College through the division of career technical~~
 30 ~~education, or on~~ the state board of education's established practices for
 31 the allocation of moneys to the community colleges. Interest earned from the
 32 investment of moneys in this surplus stabilization account shall be retained
 33 in this surplus stabilization account.

34 (4) An account designated the community college start-up account shall
 35 consist of any other moneys made available through legislative transfers,
 36 appropriations or otherwise provided by law, or from any other governmen-
 37 tal source. All such moneys shall be expended for the establishment, use and
 38 support of a community college in eastern Idaho. Distribution of such moneys
 39 shall be based upon voter approval of a community college district and ap-
 40 pointment of a local board of trustees by the state board of education. Such
 41 expenditures shall be made subject to legislative appropriation to the state
 42 board of education. Interest earned from the investment of moneys in this
 43 community college start-up account shall be retained in this community col-
 44 lege start-up account.

45 SECTION 6. That Section 67-5302, Idaho Code, be, and the same is hereby
 46 amended to read as follows:

47 67-5302. DEFINITIONS. As used in this chapter, and other applicable
 48 sections of the Idaho Code, each of the terms defined in this section shall

1 have the meaning given in this section unless a different meaning is clearly
2 required by the context. Such terms and their definitions are:

3 (1) "Administrative employee" means any person, nonclassified or clas-
4 sified, appointed to a position ~~which~~ that meets the criteria set forth in
5 the federal fair labor standards act, 29 U.S.C. ~~section 201~~, et seq. Final
6 designation of a classified position as "administrative" within this defi-
7 nition shall be made by the administrator of the division of human resources.
8 Exceptions to this designation ~~which~~ that do not violate the federal fair la-
9 bor standards act, 29 U.S.C. ~~section 201~~, et seq., may be made by the adminis-
10 trator.

11 (2) "Administrator" means the administrator of the division of human
12 resources in the governor's office.

13 (3) "Appointing authority" means the officer, board, commission, per-
14 son or group of persons authorized by statute or lawfully delegated author-
15 ity to make appointments to or employ personnel in any department.

16 (4) "Class" means a group of positions sufficiently similar as to the
17 duties performed, degree of supervision exercised or required, minimum
18 requirements of training, experience or skill, and other characteristics,
19 that the same title, the same tests of fitness and the same schedule of com-
20 pensation may be applied to each position in the group.

21 (5) "Classified officer or employee" means any person appointed to or
22 holding a position in any department of the state of Idaho, which position
23 is subject to the provisions of the merit examination, selection, retention,
24 promotion and dismissal requirements of chapter 53, title 67, Idaho Code.

25 (6) "Commission" means the Idaho personnel commission.

26 (7) "Compensatory time" means approved time off from duty provided in
27 compensation for overtime hours worked.

28 (8) "Computer worker" means any person, nonclassified or classified,
29 appointed to a position ~~which~~ that meets the criteria set forth in the fed-
30 eral fair labor standards act, 29 U.S.C. ~~section 201~~, et seq. Final desig-
31 nation of a classified position as "computer worker" within this definition
32 shall be made by the administrator of the division of human resources. Ex-
33 ceptions to this designation that do not violate the federal fair labor stan-
34 dards act, 29 U.S.C. ~~section 201~~, et seq., may be made by the administrator.

35 (9) "Department" means any department, agency, institution or office
36 of the state of Idaho.

37 (10) "Disabled veteran" is as defined in section 65-502, Idaho Code.

38 (11) "Eligible" means a person who has been determined to be qualified
39 for a classified position and whose name has been placed on the register of
40 eligibles.

41 (12) "Executive employee" means any person, nonclassified or classi-
42 fied, appointed to a position equivalent to a bureau chief or above as pro-
43 vided in section 67-2402, Idaho Code, or any employee meeting the following
44 criteria:

45 (a) An individual whose primary duty is management of a department, di-
46 vision or bureau; and

47 (b) Who customarily and regularly directs the work of at least two (2)
48 or more other employees therein; and

1 (c) Who has the authority to hire and fire, or to recommend hiring and
 2 firing; or whose recommendation on these and other actions affecting
 3 employees is given particular weight; and

4 (d) Who customarily and regularly exercises discretionary powers; and

5 (e) Who is classified to a position allocated to the pay grade equiva-
 6 lent to two hundred sixty (260) points or higher pursuant to the rating
 7 system established by rule.

8 (f) Final designation of a classified position as "executive" in this
 9 definition shall be made by the administrator. Exceptions to this des-
 10 ignation ~~which~~ that do not violate the federal fair labor standards act,
 11 29 U.S.C. ~~section~~ 201, et seq., may be made by the administrator.

12 (13) "Exempt employee" means any employee, classified or nonclassi-
 13 fied, who is determined to be an executive, professional or administrative
 14 employee as defined herein, or who qualifies for any other exemption from
 15 cash compensation for overtime under applicable federal law. Final designa-
 16 tion of a classified position as exempt shall be made by the administrator.

17 (14) "Full-time employee" means any employee working a forty (40) hour
 18 ~~work week~~ workweek.

19 (15) "Holiday" means the following:

20 January 1 (New Year's Day);

21 Third Monday in January (Martin Luther King, Jr.-Idaho Human
 22 Rights Day);

23 Third Monday in February (Washington's Birthday);

24 Last Monday in May (Memorial Day);

25 July 4 (Independence Day);

26 First Monday in September (Labor Day);

27 Second Monday in October (Columbus Day);

28 November 11 (Veterans Day);

29 Fourth Thursday in November (Thanksgiving);

30 December 25 (Christmas).

31 In addition, the term "holiday" shall mean any day so designated by the pres-
 32 ident of the United States or the governor of this state for a public fast,
 33 thanksgiving or holiday.

34 In the event that a holiday occurs on a Saturday, the preceding Friday
 35 shall be a holiday, and if the holiday falls on a Sunday, the following Monday
 36 shall be a holiday.

37 A holiday is a day of exemption from work granted to nonexecutive em-
 38 ployees during which said employees shall be compensated as if they actually
 39 worked. Employees classified as executive exempt are entitled to ten (10)
 40 paid holidays per year. If such an employee works on one (1) of the official
 41 holidays listed in this subsection, then such employee may take an alterna-
 42 tive day off but shall not receive additional compensation.

43 (16) "Hours worked" means those hours actually spent in the performance
 44 of the employee's job on any day including holidays and shall not include va-
 45 cation or sick leave or other approved leave of absence.

46 (17) "Nonclassified employee" means any person appointed to or holding
 47 a position in any department of the state of Idaho, which position is ex-
 48 empted from the provisions of chapter 53, title 67, Idaho Code, as provided
 49 for in section 67-5303, Idaho Code.

1 (18) "Normal ~~work week~~ workweek" means any forty (40) hours worked dur-
2 ing a particular one hundred sixty-eight (168) hour period as previously es-
3 tablished by the employee's appointing authority.

4 (19) "Open competitive examination" means an examination ~~which~~ that may
5 be taken by qualified applicants to compete on an equal basis for listing on
6 the register of eligibles.

7 (20) "Overtime work" means time worked on holidays and time worked in
8 excess of forty (40) hours in a period of one hundred sixty-eight (168) con-
9 secutive hours, except that in the case of those employees engaged in law
10 enforcement, correctional and fire protection activities characterized by
11 irregular shift work schedules, time worked in excess of one hundred sixty
12 (160) hours in a period of twenty-eight (28) consecutive days shall consti-
13 tute overtime work within the meaning of this chapter. Such employees may
14 also be paid overtime for specific hours worked in addition to their normal
15 schedules upon emergency declaration by the governor or with the approval of
16 the appointing authority and the board of examiners.

17 (21) "Participating department" means any department of the state of
18 Idaho ~~which~~ that employs persons in classified positions subject to the
19 merit examination, selection, retention, promotion and dismissal require-
20 ments of this chapter.

21 (22) "Part-time employee" means any employee whose usually scheduled
22 work is ~~less~~ fewer than forty (40) hours in a period of one hundred sixty-
23 eight (168) consecutive hours, and who shall not be entitled to sick leave
24 accruals provided in section 67-5333, Idaho Code, vacation leave provided in
25 section 67-5334, Idaho Code, nor holiday pay as defined in subsection (15)
26 of this section, unless contributions are being made to the public employee
27 retirement system in accordance with chapter 13, title 59, Idaho Code, and
28 rules promulgated by the public employee retirement system board.

29 (23) "Personnel system" means the procedure for administering employ-
30 ees in accordance with this chapter.

31 (24) "Political office" means a public office for which partisan poli-
32 tics is a basis for nomination, election or appointment.

33 (25) "Political organization" means a party that sponsors candidates
34 for election to political office.

35 (26) "Position" means a group of duties and responsibilities legally
36 assigned or delegated by one (1) or more appointing authorities and requir-
37 ing the employment of one (1) person.

38 (27) "Professional employee" means any person, nonclassified or clas-
39 sified, appointed to a position that meets the criteria set forth in the fed-
40 eral fair labor standards act, 29 U.S.C. ~~section~~ 201~~7~~ et seq. Final designa-
41 tion of a classified position as "professional" within this definition shall
42 be made by the administrator. Exceptions to this designation that do not vi-
43 olate the federal fair labor standards act, 29 U.S.C. ~~section~~ 201~~7~~ et seq.,
44 may be made by the administrator.

45 (28) "Provisional appointment" means appointment to a classified posi-
46 tion pending the establishment of a register for such position, and employ-
47 ment shall not be continued in this status longer than thirty (30) days after
48 establishment of a register.

49 (29) "Public education entity" means community colleges, public school
50 districts, public charter schools and the Idaho digital learning academy.

1 (30) "Qualifying examination" means an examination or evaluation given
 2 to a selected person to determine eligibility for reclassification or ap-
 3 pointment to a position in a classification.

4 (31) "Register" means a list of names of persons who have been deter-
 5 mined to be eligible for employment in a classified position as determined on
 6 the basis of examination and merit factors as established by the administra-
 7 tor.

8 (32) "Seasonal appointment" means an appointment to a position that is
 9 permanent in nature, but that has intermittent work periods throughout the
 10 year.

11 (33) "Service rating" means a recorded evaluation of work performance
 12 and promotional potential of an employee by his supervisor.

13 (34) "State educational agency" means the following state agencies and
 14 educational institutions supervised by the Idaho state board of education:

15 (a) Boise state university;

16 (b) Idaho state university;

17 (c) University of Idaho;

18 (d) Lewis-Clark state college;

19 (e) ~~Eastern Idaho technical college;~~

20 ~~(f) Idaho public television;~~

21 ~~(g) The division of vocational rehabilitation;~~

22 ~~(h) The division of career technical education;~~

23 ~~(i) The office of the state board of education; and~~

24 ~~(j) The department of education.~~

25 (35) "Temporary appointment" means appointment to a position that is
 26 not permanent in nature, and in which employment will not exceed one thousand
 27 three hundred eighty-five (1,385) hours during any twelve (12) month period.
 28 No person holding a temporary appointment may work in excess of one thousand
 29 three hundred eighty-five (1,385) hours during a twelve (12) month period
 30 of time for any one (1) department, except upon petition by the appointing
 31 authority of the department of lands that demonstrates good cause, the ad-
 32 ministrator of the division of human resources may extend the one thousand
 33 three hundred eighty-five (1,385) hour limit for employees of the department
 34 who are required to perform fire suppression activities.

35 (36) "Vacation leave" means a period of exemption from work granted to
 36 employees during which time said employees shall be compensated. The term
 37 shall not include compensatory time for overtime work.

38 (37) "Veteran" is as defined in section 65-502, Idaho Code.

39 SECTION 7. That Section 67-9203, Idaho Code, be, and the same is hereby
 40 amended to read as follows:

41 67-9203. DEFINITIONS. As used in this chapter:

42 (1) "Acquisition" means the process of procuring property.

43 (2) "Administrator" means the administrator of the division of pur-
 44 chasing as created by section 67-9204, Idaho Code.

45 (3) "Agency" means all officers, departments, divisions, bureaus,
 46 boards, commissions and institutions of the state, including the public
 47 utilities commission, but excluding:

48 (a) The legislative and judicial branches of government;

- 1 (b) The governor, lieutenant governor, secretary of state, state con-
2 troller, state treasurer, attorney general and superintendent of pub-
3 lic instruction; and
- 4 (c) A state institution of higher education that complies with the pro-
5 visions of section 67-9225, Idaho Code.
- 6 (4) "Bid" means a written offer to perform a contract to sell or other-
7 wise supply property in response to a solicitation.
- 8 (5) "Bidder" means a vendor who has submitted a bid on property to be
9 acquired by the state.
- 10 (6) "Contract" means an agreement for the acquisition of property, in-
11 cluding a purchase order.
- 12 (7) "Contractor" means a vendor who has been awarded a contract.
- 13 (8) "Director" means the director of the department of administration
14 as created by section 67-5701, Idaho Code.
- 15 (9) "Lowest responsible bidder" means the responsible bidder whose bid
16 reflects the lowest acquisition price to be paid by the state, except that
17 when specifications are valued or comparative performance evaluations are
18 conducted, the results of such examinations and the relative score of valued
19 specifications will be weighed, as set out in the specifications, in deter-
20 mining the lowest acquisition price.
- 21 (10) "Open contract" means a contract awarded by the state through the
22 division of purchasing as a result of a competitive solicitation to one (1)
23 or more vendors who have agreed to allow all agencies to procure specified
24 property under the terms and conditions set forth in the contract.
- 25 (11) "Procure" means to obtain property for state use in a manner other
26 than by gift including, but not limited to, purchase, lease or rent.
- 27 (12) "Property" means goods, services, parts, supplies and equipment,
28 both tangible and intangible, including, but not limited to, designs, plans,
29 programs, systems, techniques and any rights or interests in such property.
- 30 (13) "Sole source" means the only vendor from whom specific property is
31 available to procure.
- 32 (14) "Solicitation" means an invitation to bid, a request for proposal
33 or a request for quote issued pursuant to this chapter for the purpose of
34 procuring property.
- 35 (15) "Specifications" means the standards or requirements for property
36 to be procured as explicitly stated in a solicitation or contract.
- 37 (16) "State institution of higher education" means Boise Sstate
38 University, ~~Eastern Idaho Technical College,~~ Idaho Sstate University or
39 Lewis-Clark Sstate College.
- 40 (17) "Vendor" means a person or entity capable of supplying property to
41 the state.