

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 97

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE STATE CONTROLLER; AMENDING SECTION 67-1001, IDAHO CODE, TO
2 PROVIDE THAT THE STATE CONTROLLER SHALL HAVE A DUTY REGARDING CERTAIN
3 AGREEMENTS ENTERED INTO AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
4 CHAPTER 10, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
5 67-1085, IDAHO CODE, TO PROVIDE THAT ALL STATE OFFICERS AND AGENCIES
6 SHALL REPORT AGREEMENTS ENTERED INTO TO THE STATE CONTROLLER; AND
7 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
8

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

10 SECTION 1. That Section 67-1001, Idaho Code, be, and the same is hereby
11 amended to read as follows:

- 12 67-1001. DUTIES OF CONTROLLER. It is the duty of the state controller:
13 (1) To superintend the fiscal concerns of the state, with its account-
14 ing, informational, payroll, and related data processing services.
15 (2) To deliver to the governor and the legislative services office on
16 or before the first day of January a financial statement that complies with
17 generally accepted accounting principles of the funds of the state, its rev-
18 enues, and of the public expenditures during the preceding fiscal year.
19 (3) When requested, to give information in writing to either house of
20 the legislature relating to the fiscal affairs of the state or the duties of
21 his office.
22 (4) To suggest plans and provide internal control standards for the im-
23 provement and management of the public revenues, assets, expenditures, and
24 liabilities.
25 (5) To keep and state all funds in which the state is interested.
26 (6) To keep an account of all warrants drawn upon the treasurer, and a
27 separate account under the head of each specified appropriation, showing at
28 all times the unexpended balance of such appropriation.
29 (7) To keep an account between the state and the treasurer and therein
30 to charge the treasurer with the balance in the treasury when he came into
31 office and with all moneys received by him and to credit him with all warrants
32 drawn on and paid by him.
33 (8) To keep a register of warrants showing the fund or funds upon which
34 they are drawn, the number, in whose favor, the appropriation applicable to
35 the payment thereof, and when the liability accrued.
36 (9) To examine and settle the accounts of all persons indebted to the
37 state.
38 (10) In his discretion, to require any person presenting an account for
39 settlement to be sworn before him and to answer, orally or in writing, as to
40 any facts relating to the account for settlement.
41 (11) To require all persons who have received any moneys belonging to
42 the state, and have not accounted therefor, to settle their accounts.

1 (12) To account for the collection of all moneys due the state, that are
 2 not the responsibility of any other agency and institute suits in its name
 3 for all official delinquencies in relation to assessment, collection and
 4 payment of the revenue, ~~and~~ against persons who by any means have become pos-
 5 sessed of public money or property and fail to pay over or deliver the same,
 6 and against all debtors of the state, of which suits the courts of Ada ~~County~~
 7 county have jurisdiction, without regard to the residence of the defendants.

8 (13) To draw warrants on the treasurer for the payment of moneys di-
 9 rected by law to be paid out of the treasury; but no warrant must be drawn
 10 unless authorized by law.

11 (14) To furnish the state treasurer with a daily total dollar amount, by
 12 fund and/or account when requested by the state treasurer, of warrants drawn
 13 upon the treasury.

14 (15) To authenticate with his signature, his electronic signature, or
 15 his facsimile signature all warrants drawn by him and all copies of official
 16 documents issued from his office.

17 (16) To charge the state treasurer with money and evidences of indebted-
 18 ness received from, and to credit him for money drawn by, the state board of
 19 land commissioners in the moneys or accounts over which said board has con-
 20 trol.

21 (17) To act ex officio as member of the state board of canvassers and
 22 state board of land commissioners, secretary of the state board of examin-
 23 ers, and participant in other organizations in the performance of such du-
 24 ties as prescribed by law for such officer.

25 (18) To create and establish such divisions and other administrative
 26 units within the office as necessary.

27 (19) To be the official repository of all audit reports of the state and
 28 political subdivisions that are required to be audited pursuant to sections
 29 67-450B, 67-450C, and 67-450D, Idaho Code.

30 (20) To store, maintain, and publish a current list of agreements en-
 31 tered into by state officers and agencies pursuant to section 67-1085, Idaho
 32 Code.

33 SECTION 2. That Chapter 10, Title 67, Idaho Code, be, and the same is
 34 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 35 ignated as Section 67-1085, Idaho Code, and to read as follows:

36 67-1085. AGREEMENTS ENTERED INTO BY STATE OFFICERS OR STATE AGENCIES
 37 -- REPORTING. (1) All state officers and departments, divisions, bureaus,
 38 and agencies of the state of Idaho shall report to the state controller any
 39 agreement entered into, including any memorandum of agreement or memorandum
 40 of understanding, within ten (10) days of the state officer or department,
 41 division, bureau, or agency entering into such agreement. The state con-
 42 troller shall store, maintain, and publish a current list of all such agree-
 43 ments, as provided in section 67-1001 (20), Idaho Code.

44 (2) Any state officer or department, division, bureau, or agency re-
 45 porting an agreement pursuant to subsection (1) of this section shall also
 46 provide a contact person for the agreement and a digital copy of the agree-
 47 ment.

48 (3) Any agreement described in subsection (1) of this section that is
 49 sealed or exempt from disclosure under the public records act shall still be

1 subject to the reporting requirement in subsection (1) but may not be pub-
2 licly disclosed by the state controller.

3 SECTION 3. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after the
5 earlier of:

6 (1) The date upon which the State Controller's Office certifies in
7 writing to the Secretary of State that it can fulfill the requirements of
8 this act; or

9 (2) January 1, 2024.