

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 4
LEGISLATURE

67-401. CONSTITUTION OF LEGISLATURE. The legislature consists of a senate and house of representatives, the members of which are elected from the respective senatorial and representative districts by the qualified electors of said districts.

[(67-401) Based upon Const., art. 3, sec. 1, sec. 2, and R.S., sec. 115; compiled and reen. R.C., sec. 33; reen. C.L., sec. 33; C.S., sec. 75; I.C.A., sec. 65-401; am. 2009, ch. 52, sec. 3, p. 136.]

67-402. TERMS OF MEMBERS. The senators and representatives shall be elected for the term of two (2) years from and after the first day of December next following the general election.

[(67-402) 1890-1891, p. 57, sec. 14; reen. 1899, p. 67, sec. 2; reen. R.C. & C.L., sec. 34; C.S., sec. 76; I.C.A., sec. 65-402.]

67-403. CERTIFICATES OF ELECTION. The certificate of election is prima facie evidence of the right to membership.

[(67-403) R.S., sec. 121; reen. R.C. & C.L., sec. 35; C.S., sec. 77; I.C.A., sec. 65-403.]

67-404. SESSIONS OF LEGISLATURE. At the hour of twelve o'clock M. on the Monday on or nearest the ninth day in January the regular session of the legislature shall be convened. The presiding officer must call the same to order and preside. Neither house must transact any business, but must adjourn from day to day, until a majority of all the members authorized by law to be elected are present. Each legislature shall have a term of two (2) years, commencing on December 1 next following the general election, and shall consist of a "First Regular Session" which shall meet in the odd-numbered years and a "Second Regular Session" which shall meet in the even-numbered years and any extraordinary session or sessions which may be called as provided by law.

[(67-404) R.S., sec. 122; compiled and reen. R.C., sec. 36; reen. C.L., sec. 36; C.S., sec. 78; I.C.A., sec. 65-404; am. 1970, ch. 33, sec. 1, p. 70; am. 1975, ch. 194, sec. 1, p. 539; am. 1976, ch. 75, sec. 1, p. 246.]

67-404a. ORGANIZATION OF HOUSE OF REPRESENTATIVES AND SENATE. On the first Thursday of December in general election years, the members of the house of representatives and senate shall meet in Boise, in the capitol building or, during any renovation of the capitol building, in the building in which the legislature will hold sessions, for the purpose of organizing their respective houses. Members shall each receive compensation and expenses authorized by the citizen's committee on legislative compensation, which shall be paid from the legislative account.

[67-404a, added 1967, ch. 176, sec. 1, p. 588; am. 2007, ch. 41, sec. 1, p. 101.]

67-404b. RULES. At the beginning of the first regular session, or at the organizational session, of each legislature, both houses shall adopt permanent rules of procedures. The rules in effect at the last regular session of the immediately preceding legislature shall serve as the temporary rules of the legislature until the adoption of permanent rules.

[67-404b, added I.C., sec. 67-404b, as added by 1970, ch. 33, sec. 2, p. 70.]

67-404c. OFFICERS AND STANDING COMMITTEES. (1) The officers of the legislature, elected or selected at the first regular session, or at the organizational session, shall serve during the term of the legislature.

(2) The standing committees of the legislature, when created and designated by rule of the respective house, shall be permanent standing committees and shall exist during the term of the legislature.

[67-404c, added I.C., sec. 67-404c, as added by 1970, ch. 33, sec. 3, p. 70.]

67-404d. ORGANIZATION OF SECOND AND EXTRAORDINARY SESSIONS. On the day set for the assembly of the second regular session or an extraordinary session of the legislature, the presiding officer, or his successor, shall administer the oath of office to new members and proceed with the business of the house in accordance with the rules of the respective houses.

[67-404d, added I.C., sec. 67-404d, as added by 1970, ch. 33, sec. 4, p. 70.]

67-404e. PENDING BUSINESS. Any business, bill or resolution pending at the final adjournment of a session shall not be carried over to the next regular or extraordinary session; provided, however, that any such bill or resolution may be reintroduced at any subsequent session of the legislature.

[67-404e, added I.C., sec. 67-404e, as added by 1970, ch. 33, sec. 5, p. 70.]

67-405. ADMINISTERING OF OATHS TO MEMBERS AND OFFICERS -- OATHS TO WITNESSES BEFORE COMMITTEES. The president and president pro tem, of the senate, and the speaker and speaker pro tem, of the house, may administer the oath of office to any member, and to the officers of their respective bodies. The members of any committee may administer oaths to witnesses in any matter under examination.

[(67-405) R.S., sec. 123; reen. R.C. & C.L., sec. 37; C.S., sec. 79; I.C.A., sec. 65-405.]

67-406. COMPENSATION AND MILEAGE OF MEMBERS OF LEGISLATURE. Each member of the legislature shall receive for his services compensation and expenses in accordance with rates established by the citizens' committee on legislative compensation authorized in section [67-406b](#), Idaho Code.

[67-406) 1921, ch. 4, sec. 1, p. 6; sec. 65-406; am. 1947, ch. 2, sec. 1, p. 4; am. 2009, ch. 52, sec. 4, p. 136.]

67-406a. CITIZENS' COMMITTEE ON LEGISLATIVE COMPENSATION -- MEMBERS -- APPOINTMENT -- TERMS -- ELECTION OF CHAIRMAN. There is hereby established the citizens' committee on legislative compensation, to consist of three (3) members appointed by the governor and three (3) members appointed by the Supreme Court. Members of the committee shall be residents of the state of Idaho and shall be appointed from the public and without regard to political affiliation. No one may be appointed to the committee who is an official or employee of the state of Idaho or any department, agency, or political subdivision thereof or who is an official or employee of any county, municipality or other unit of local government or of any agency or institution to which any state funds are appropriated.

Of the members of the committee first to be appointed, one (1) appointee each of the governor and the Supreme Court shall be appointed for a term of two (2) years, one (1) appointee each of the governor and the Supreme Court shall be appointed for a term of three (3) years, and one (1) appointee each of the governor and the Supreme Court shall be appointed for a term of four (4) years, commencing July 1, 1967. Thereafter, all members of the Committee shall be appointed for a four (4) year term, commencing July 1st. Vacancies shall be filled in the same manner as the original appointments and for the balance of the unexpired term. The committee shall elect one (1) of its members chairman, and members of the committee shall be compensated as provided by section [59-509](#)(b), Idaho Code, which expenses shall be paid from the moneys appropriated for the operation of the legislature.

[67-406a, added 1967, ch. 303, sec. 1, p. 861; am. 1976, ch. 286, sec. 1, p. 987; am. 1980, ch. 247, sec. 81, p. 647.]

67-406b. COMPENSATION AND EXPENSES. No member of the legislature of the state of Idaho shall receive any compensation for services rendered or expenses incurred as a legislator, except as set by the committee.

The committee shall, on or before November 30, 1976, establish the rate of compensation and expenses for services to be rendered by members of the legislature during the two (2) year period commencing on December 1, 1976. The compensation and expenses so established shall, on or before such date, be filed with the secretary of state and the state controller. The rates thus established shall be the rates applicable for the two (2) year period specified unless prior to the twenty-fifth legislative day of the regular 1977 legislative session, by concurrent resolution, the senate and house of representatives shall reject said rates of compensation and expenses and declare the same to be inoperative.

Thereafter the committee shall on or before the last day of November of each even numbered year, establish the rate of compensation, and expenses for services to be rendered by members of the legislature during the two (2) year period commencing on the first day of December of such year. The compensation and expenses so established shall, on or before such date, be filed with the secretary of state and the state controller. The rates thus established shall be the rates applicable for the two (2) year period specified unless prior to the twenty-fifth legislative day of the next regular biennial session, by concurrent resolution the senate and house of representatives shall reject said rates of compensation and expenses and declare the same to be inoperative.

[67-406b, added 1967, ch. 303, sec. 2, p. 861; am. 1976, ch. 286, sec. 2, p. 988; am. 1994, ch. 180, sec. 166, p. 529.]

67-407. ATTENDANCE OF WITNESS -- SUBPOENA. A subpoena requiring the attendance of any witness or the production of any papers or other materials before either house of the legislature, or a committee of the legislature, may be issued by the president or president pro tempore of the senate, speaker of the house, or the chairman of any committee before whom the attendance of the witness or the production of papers or other materials is desired. The subpoena must:

1. State whether the proceeding is before the senate or house, or a committee;
2. Be addressed to the witness, and name with particularity the papers or other materials to be produced by the witness, if papers and materials are requested;
3. Require the attendance of the witness or the production of such papers or other materials by the witness at a time and place certain to be shown on the subpoena;
4. Be signed by the president or president pro tempore of the senate, speaker of the house, or the chairman of a committee; and
5. Inform the witness that the witness will be paid mileage, meals and lodging, if necessary, or otherwise provided necessary transportation, meals or lodging for attendance. Any witness subpoenaed under this section shall be entitled to necessary mileage, meals and lodging at the rates established by the state board of examiners pursuant to section [67-2008](#), Idaho Code, for official travel for state officers and employees, to be paid from the legislative account if other transportation, meals and lodging are not tendered for the witness's attendance.

[(67-407) R.S., sec. 145; am. R.C., sec. 58; reen. C.L., sec. 58; C.S., sec. 99; I.C.A., sec. 65-407; am. 1995, ch. 232, sec. 1, p. 788.]

67-408. ATTENDANCE OF WITNESSES -- SERVICE OF SUBPOENAS. The subpoena may be served by the sheriff of any county in which the subpoenaed person may be found or by any person authorized to serve process of courts of record, and the affidavit of the person serving the subpoena that he delivered a copy to the witness is evidence of service.

[(67-408) R.S., sec. 146; reen. C.L. & C.L., sec. 59; C.S., sec. 100; I.C.A., sec. 65-408; am. 1995, ch. 232, sec. 2, p. 788.]

67-409. ATTENDANCE OF WITNESSES -- REFUSAL TO OBEY SUBPOENA A CONTEMPT. If any witness neglects or refuses to obey such subpoena, or appearing, refuses to testify, or produce the subpoenaed documents or other materials, the senate or house may, by resolution entered on the journal, cite the witness for contempt. It shall be the duty of the district court, upon application of the presiding officer of the house resolving to cite the witness for contempt, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or the refusal to testify or produce documents or other materials in court.

[(67-409) R.S., sec. 147; am. R.C., sec. 60; reen. C.L., sec. 60; C.S., sec. 101; I.C.A., sec. 65-409; am. 1995, ch. 232, sec. 3, p. 788.]

67-410. WITNESSES -- COMPELLING ATTENDANCE. Any witness neglecting or refusing to attend in obedience to a subpoena issued under sections [67-407](#) through [67-410](#), Idaho Code, may at the written direction of the president or president pro tempore of the senate or the speaker of the house of representatives be arrested by the sergeant-at-arms, a sheriff or such other person designated in writing and brought before the senate or house. The only warrant of authority necessary to authorize such arrest is a copy of a resolution of the senate or house citing the person for contempt, signed by the presiding officer, and countersigned by the clerk, and the written authorization for arrest signed by the arresting officer.

[(67-410) R.S., sec. 148; am. R.C., sec. 61; reen. C.L., sec. 61; C.S., sec. 102; I.C.A., sec. 65-410; am. 1995, ch. 232, sec. 4, p. 789.]

67-411. WITNESSES -- SELF-CRIMINATING TESTIMONY MAY BE EXACTED. No statement made by any such witness on such examination before either house, or a committee, is competent evidence in any criminal proceeding against such witness; nor can such witness refuse to testify to any fact or to produce any paper, touching which he is examined, for the reason that his testimony or the production of such paper may tend to disgrace him, or render him infamous. Nothing in this section exempts any witness from prosecution and punishment for perjury committed by him on such examination.

[(67-411) R.S., sec. 149; reen. R.C. & C.L., sec. 62; C.S., sec. 103; I.C.A., sec. 65-411.]

67-411A. TAKING AND RECORDING TESTIMONY UNDER OATH. Whenever conducting legislative business, a committee may require that testimony be given under oath, which may be administered by the chairman or by a person authorized by law to administer oaths, and may require that the testimony be recorded by an official court reporter or by some other competent person, under oath, which report when written, certified and approved by the person as being the direct transcript of the testimony, proceedings or documents shall be prima facie a correct statement of the testimony and proceedings provided that the person's signature to the certificate shall be duly acknowledged by him before a notary public. Any person who takes an oath pursuant to this section who states as true any material matter which he knows to be false is guilty of perjury and shall be punished pursuant to [chapter 54, title 18](#), Idaho Code.

[67-411A, added 1995, ch. 232, sec. 6, p. 789.]

67-412. DESIGNATING QUALIFIED SUBSTITUTE WHEN LEGISLATOR TEMPORARILY UNABLE TO PERFORM DUTIES. (1) In the event that a legislator is temporarily unable to perform the duties of his office, the legislator may designate a qualified person to succeed to the powers and duties, but not the office, of the legislator until the incumbent legislator is able to resume performance of his duties or a vacancy occurs in the office. If a legislator appoints a temporary successor, that person shall be designated or serve as a temporary substitute only if the person is qualified, under the Idaho constitution and statutes, to hold the office of the legislator to whose powers and duties the person is designated to succeed, which shall be verified by the legislator.

(2) In the event of an attack, as defined in section [67-415](#), Idaho Code, the provisions of the emergency interim legislative succession act shall apply.

[67-412, added 2014, ch. 348, sec. 1, p. 869.]

67-413. SHORT TITLE. This act shall be known as the "Emergency Interim Legislative Succession Act."

[67-413, added 1961 (E.S.), ch. 4, sec. 1, p. 20.]

67-414. DECLARATION OF POLICY. The legislature declares: (1) That recent technological developments make possible an enemy attack of unprecedented destructiveness, which may result in the death or inability to act of a large proportion of the membership of the legislature; (2) That to conform in time of attack to existing legal requirements pertaining to the legislature would be impracticable, would admit of undue delay, and would jeopardize continuity of operation of a legally constituted legislature; and (3) That it is therefore necessary to adopt special provisions as hereinafter set out for the effective operation of the legislature.

[67-414, added 1961 (E.S.), ch. 4, sec. 2, p. 20.]

67-415. DEFINITIONS. As used in this act:

(a) "Attack" means any action or series of actions taken by an enemy of the United States resulting in substantial damage or injury to persons or property in this state whether through sabotage, bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or methods.

(b) "Unavailable" means absent from the place of session (other than on official business of the legislature), or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of a legislator, whether or not such absence or inability would give rise to a vacancy under existing constitutional or statutory provisions.

[67-415, added 1961 (E.S.), ch. 4, sec. 3, p. 20.]

67-416. DESIGNATION OF EMERGENCY INTERIM SUCCESSORS TO LEGISLATORS. Each legislator shall designate not fewer than three (3) or more than seven (7) emergency interim successors to his powers and duties and specify their order of succession. Each legislator shall review and, as necessary, promptly revise the designations of emergency interim successors to his powers and duties to insure that all times there are at least three (3) such qualified emergency interim successors.

[67-416, added 1961 (E.S.), ch. 4, sec. 4, p. 20.]

67-417. STATUS, QUALIFICATIONS AND TERM OF EMERGENCY INTERIM SUCCESSORS. An emergency interim successor is one who is designated for possible temporary succession to the powers and duties, but not the office, of a legislator. No person shall be designated or serve as an emergency interim successor unless he may under the constitution and statutes hold the office of the legislator to whose powers and duties he is designated to succeed. But no constitutional or statutory provision prohibiting a legislator from holding

another office or prohibiting the holder of another office from being a legislator shall be applicable to an emergency interim successor. An emergency interim successor shall serve at the pleasure of the legislator designating him or of any subsequent incumbent of the legislative office.

[67-417, added 1961 (E.S.), ch. 4, sec. 5, p. 20.]

67-418. CONTINGENT METHOD OF DESIGNATING EMERGENCY INTERIM SUCCESSORS. Prior to an attack, if a legislator fails to designate the required minimum number of emergency interim successors within thirty (30) days following the effective date of the act or, after such period, if for any reason the number of emergency interim successors for any legislator falls below the required minimum and remains below such minimum for a period of thirty (30) days, then the party leader of the same political party in the same house as such legislator shall promptly designate as many emergency interim successors as are required to achieve such minimum number. But the party leader shall not assign to any of his designees a rank in order of succession higher than that of any remaining emergency interim successor previously designated by a legislator for succession to his own powers and duties. Each emergency interim successor designated by a party leader shall serve at the pleasure of the person designating him, but the legislator for whom the emergency interim successor is designated or any subsequent incumbent of his office may change the rank in order of succession or replace at his pleasure any emergency interim successor so designated.

[67-418, added 1961 (E.S.), ch. 4, sec. 6, p. 20.]

67-419. RECORDING AND PUBLICATION. Each designation of an emergency interim successor shall become effective when the legislator or party leader making the designation files with the secretary of state the successor's name, address and rank in order of succession. The removal of an emergency interim successor or change in order of succession shall become effective when the legislator or party leader so acting files this information with the secretary of state. All such data shall be open to public inspection. The secretary of state shall inform the governor, the Idaho office of emergency management, the presiding officer of the house concerned and all emergency interim successors of all such designations, removals and changes in order of succession.

[67-419, added 1961 (E.S.), ch. 4, sec. 7, p. 20; am. 2020, ch. 49, sec. 1, p. 115.]

67-420. OATH OF EMERGENCY INTERIM SUCCESSORS. Promptly after designation each emergency interim successor shall take the oath required for the legislator to whose powers and duties he is designated to succeed. No other oath shall be required.

[67-420, added 1961 (E.S.), ch. 4, sec. 8, p. 20.]

67-421. DUTY OF EMERGENCY INTERIM SUCCESSORS. Each emergency interim successor shall keep himself generally informed as to the duties, procedures, practices and current business of the legislature, and each legislator shall assist his emergency interim successor to keep themselves so informed.

[67-421, added 1961 (E.S.), ch. 4, sec. 9, p. 20.]

67-422. CONVENING OF LEGISLATURE IN EVENT OF ATTACK. In the event of an attack, the governor shall call the legislature into session as soon as practicable, and in any case within ninety (90) days following the inception of the attack. If the governor fails to issue such call, the legislature shall, on the ninetieth day from the date of inception of the attack, automatically convene at the place where the governor then has his office. Each legislator and each emergency interim successor, unless he is certain that the legislator to whose powers and duties he is designated to succeed or any emergency interim successor higher in order of succession will not be available [unavailable], shall proceed to the place of session as expeditiously as practicable. At such session or at any session in operation at the inception of the attack, and at subsequent sessions, limitations on the length of session and on the subjects which may be acted upon shall be suspended.

[67-422, added 1961 (E.S.), ch. 4, sec. 10, p. 20.]

67-423. ASSUMPTION OF POWERS AND DUTIES OF LEGISLATOR BY EMERGENCY INTERIM SUCCESSOR. If in the event of an attack a legislator is unavailable, his emergency interim successor highest in order of succession who is not unavailable shall, except for the power and duty to appoint emergency successors, exercise the powers and assume the duties of such legislator. An emergency interim successor shall exercise these powers and assume these duties until the incumbent legislator, an emergency interim successor higher in order of succession, or a legislator appointed or elected and legally qualified can act. Each house of the legislature shall, in accordance with its own rules, determine who is entitled under the provisions of this act to exercise the powers and assume the duties of its members. All constitutional and statutory provisions pertaining to ouster of a legislator shall be applicable to an emergency interim successor who is exercising the powers and assuming the duties of a legislator.

[67-423, added 1961 (E.S.), ch. 4, sec. 11, p. 20.]

67-423A. ASSUMPTION OF POWERS AND DUTIES OF LEGISLATOR BY EMERGENCY INTERIM SUCCESSOR. If in the event a legislator dies or resigns the office, the legislator's emergency interim successor highest in order of succession who is not unavailable shall, except for the power and duty to appoint emergency successors, exercise the powers and assume the duties of such legislator. An emergency interim successor shall exercise these powers and assume these duties until an emergency interim successor higher in order of succession, or a replacement legislator appointed pursuant to section [59-904A](#), Idaho Code, and legally qualified can act. Each house of the legislature shall, in accordance with its own rules, determine who is entitled under the provisions of this chapter to exercise the powers and assume the duties of its members. All constitutional and statutory provisions pertaining to ouster of a legislator shall be applicable to an emergency interim successor who is exercising the powers and assuming the duties of a legislator.

[67-423A, added 1999, ch. 297, sec. 1, p. 745; am. 2006, ch. 34, sec. 1, p. 98.]

67-424. PRIVILEGES, IMMUNITIES AND COMPENSATION OF EMERGENCY INTERIM SUCCESSORS. When an emergency interim successor exercises the powers and assumes the duties of a legislator, he shall be accorded the privileges and immunities, compensation, allowances and other perquisites of office to which a legislator is entitled. In the event of an attack, each emergency interim successor, whether or not called upon to exercise the powers and assume the duties of a legislator, shall be accorded the privileges and immunities of a legislator while traveling to and from a place of session and shall be compensated for his travel in the same manner and amount as a legislator. This section shall not in any way affect the privileges, immunities, compensation, allowances or other perquisites of the office of an incumbent legislator.

[67-424, added 1961 (E.S.), ch. 4, sec. 12, p. 20.]

67-425. QUORUM AND VOTE REQUIREMENTS. In the event of an attack, (1) quorum requirements for the legislature shall be suspended, and (2) where the affirmative vote of a specified proportion of members for approval of a bill, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

[67-425, added 1961 (E.S.), ch. 4, sec. 13, p. 20.]

67-426. TERMINATION OF OPERATION OF PROVISIONS OF THIS ACT. The authority of emergency interim successors to succeed to the powers and duties of legislators, and the operation of the provisions of this act relating to quorum, the number of affirmative votes required for legislative action, and limitations on the length of sessions and the subjects which may be acted upon, shall expire two (2) years following the inception of an attack, but nothing herein shall prevent the resumption before such time of the filling of legislative vacancies and the calling of elections for the legislature in accordance with applicable constitutional and statutory provisions. The governor, acting by proclamation, or the legislature, acting by concurrent resolution, may from time to time extend or restore such authority or the operation of any of such provisions upon a finding that events render the extension or restoration necessary, but no extension or restoration shall be for a period of more than one (1) year.

[67-426, added 1961 (E.S.), ch. 4, sec. 14, p. 20.]

67-427. LEGISLATIVE COUNCIL CREATED -- MEMBERS -- TERMS -- VACANCY. There is hereby created a legislative council which shall consist of the president pro tempore of the senate, the speaker of the house of representatives, the majority and minority floor leaders of each house, two (2) senators to be selected by the members of the majority party in the senate, two (2) senators to be selected by the members of the minority party in the senate, two (2) representatives to be selected by the members of the majority party in the house of representatives and two (2) representatives to be selected by the members of the minority party in the house of representatives. The council shall meet at least two (2) times each year or as may be necessary as provided for in section [67-430](#), Idaho Code. Members of the council shall hold office for two (2) years concurrent with the first and second regular sessions of the legislature until the organization of the council during the following first regular session. The legislative council

shall appoint members to fill any vacancies that occur during the interim. Provided however, that any member so appointed shall be from the same house and the same political party as the member whose seat was vacated. Such member shall serve until the next regular legislative session. During the next regular legislative session, the members of the same house and the same political party as the member whose seat was vacated shall elect a member to fill the vacancy for the unexpired term of his predecessor.

[67-427, added 1963, ch. 57, sec. 1, p. 222; am. 1967, ch. 365, sec. 1, p. 1054; am. 2014, ch. 123, sec. 1, p. 353.]

67-428. OFFICERS OF COUNCIL -- COMMITTEES -- DIRECTOR OF LEGISLATIVE SERVICES. The president pro tempore of the senate and the speaker of the house of representatives shall serve as cochairmen of the council. The council may adopt its own rules of procedure and appoint such committees as may be necessary for the proper and efficient performance of its duties. Committees shall consist of members of the council and other members of the legislature. The council shall appoint a director of legislative services, who shall serve at the pleasure of the council, and the council may employ such other employees and engage the services of such persons and agencies as may be necessary or desirable in the performance of its duties.

[67-428, added 1963, ch. 57, sec. 2, p. 222; am. 1967, ch. 365, sec. 2, p. 1054; am. 1996, ch. 159, sec. 1, p. 503; am. 2009, ch. 52, sec. 5, p. 136; am. 2014, ch. 123, sec. 2, p. 353.]

67-429. POWERS AND DUTIES. (1) It shall be the duty of the council to collect and compile information, to draft bills and to conduct research upon any subject which the legislature may authorize or direct or upon any subject which it may determine, provided that all activities of the council must be reasonably related to a legislative purpose. The legislature may make specific assignments to the council by a concurrent resolution approved by both houses.

(2) The council may hold public hearings and it may authorize or direct any of its committees to hold public hearings on any matters within the jurisdiction of the council.

(3) For the purpose of conducting any study within the jurisdiction of the council, by resolution adopted by the affirmative vote of two-thirds (2/3) of the entire membership of the council, the chairman of the council may subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence or other documents or records which the council deems relevant or material to any matter on which the council or any committee is conducting a study.

(4) It shall be the duty of the council to superintend and administer the legislative space in the capitol building at all times, and to prepare such space when required for the sessions of the legislature, which shall include the provision of furniture and equipment.

(5) The legislative council shall review and make recommendations to the administrator of the division of human resources on all aspects of the state personnel system, including policies, wages and salaries.

(6) The council shall release audit reports prepared by the legislative audits division of the legislative services office as provided in section [67-435](#), Idaho Code.

[67-429, added 1963, ch. 57, sec. 3, p. 222; am. 1967, ch. 365, sec. 3, p. 1054; am. 1977, ch. 306, sec.1, p. 855; am. 1986, ch. 134, sec. 8, p. 362; am. 1993, ch. 327, sec. 2, p. 1187; am. 1994, ch. 180, sec. 167, p. 529; am. 1994, ch. 181, sec. 4, p. 577; am. 1999, ch. 370, sec. 18, p. 997; am. 2009, ch. 52, sec. 6, p. 137.] [67-429, added 1963, ch. 57, sec. 3, p. 222; am. 1967, ch. 365, sec. 3, p. 1054; am. 1977, ch. 306, sec.1, p. 855; am. 1986, ch. 134, sec. 8, p. 362; am. 1993, ch. 327, sec. 2, p. 1187; am. 1994, ch. 180, sec. 167, p. 529; am. 1994, ch. 181, sec. 4, p. 577; am. 1999, ch. 370, sec. 18, p. 997; am. 2009, ch. 52, sec. 6, p. 137.]

67-429A. STATE-TRIBAL GAMING COMPACTS. (1) The governor or his designee may represent the state of Idaho in any gaming negotiations the state is requested to participate in pursuant to 25 U.S.C. section 2701 et seq. The director of legislative services or his designee may attend all negotiations pursuant to this section as an observer and shall brief the membership of the legislative council on the status of the negotiations.

(2) The state may enter into those gaming compacts negotiated with Indian tribes pursuant to this section provided:

(a) The compact only authorizes an Indian tribe to conduct those forms of gaming authorized by Idaho law;

(b) The compact does not obligate the state of Idaho to appropriate state funds; and

(c) The governor serves a copy of the compact on each member of the legislative council at least twenty-one (21) calendar days before the compact is signed.

(3) Any proposed gaming compact not complying with subsection (2) of this section shall be null and void unless ratified by both houses of the legislature by adoption of a concurrent resolution.

(4) No power, privilege or other authority shall be exercised under the provisions of this section where otherwise prohibited by the constitution or laws of the state of Idaho or the United States.

(5) The provisions of this section shall not be construed as a waiver of any defenses or immunities to which the state of Idaho is entitled under either the constitution or the laws of the state of Idaho or the United States.

[67-429A, added 1993, ch. 408, sec. 2, p. 1500; am. 1996, ch. 159, sec. 2, p. 503.]

67-429B. AUTHORIZED TRIBAL VIDEO GAMING MACHINES. (1) Indian tribes are authorized to conduct gaming using tribal video gaming machines pursuant to state-tribal gaming compacts which specifically permit their use. A tribal video gaming machine may be used to conduct gaming only by an Indian tribe, is not activated by a handle or lever, does not dispense coins, currency, tokens, or chips, and performs only the following functions:

(a) Accepts currency or other representative of value to qualify a player to participate in one or more games;

(b) Dispenses, at the player's request, a cash out ticket that has printed upon it the game identifier and the player's credit balance;

(c) Shows on a video screen or other electronic display, rather than on a paper ticket, the results of each game played;

(d) Shows on a video screen or other electronic display, in an area separate from the game results, the player's credit balance;

(e) Selects randomly, by computer, numbers or symbols to determine game results; and

(f) Maintains the integrity of the operations of the terminal.

(2) Notwithstanding any other provision of Idaho law, a tribal video gaming machine as described in subsection (1) above is not a slot machine or an electronic or electromechanical imitation or simulation of any form of casino gambling.

[67-429B, Init Measure 2003, No. 1, sec. 3, p. 1066.]

67-429C. AMENDMENT OF STATE-TRIBAL GAMING COMPACTS. (1) Any tribe with an existing state-tribal gaming compact may amend its compact through the procedure set forth in subsection (2) below to incorporate all of the following terms:

(a) As clarified by this compact amendment, the tribe is permitted to conduct gaming using tribal video gaming machines as described in Section [67-429B](#), Idaho Code.

(b) In the 10 years following incorporation of this term into its compact, the number of tribal video gaming machines the tribe may possess is limited to the number of tribal video gaming machines possessed by the tribe as of January 1, 2002, plus 25% of that number; provided, however, that no increase in any single year shall exceed 5% of the number possessed as of January 1, 2002. Thereafter, the tribe may operate such additional tribal video gaming machines as are agreed to pursuant to good faith negotiations between the state and the tribe under a prudent business standard.

(c) To the extent such contributions are not already required under the tribe's existing compact, the tribe agrees to contribute 5% of its annual net gaming income for the support of local educational programs and schools on or near the reservation. The tribe may elect to contribute additional sums for these or other educational purposes. Disbursements of these funds shall be at the sole direction of the tribe.

(d) The tribe agrees not to conduct gaming outside of Indian lands.

(2) To amend its compact to incorporate the terms set forth in subsection (1) above, a tribe shall deliver to the Secretary of State a tribal resolution signifying the tribe's acceptance of the terms. Immediately upon delivery of such tribal resolution to the Secretary of State, (a) the tribe's state-tribal gaming compact shall be deemed amended to incorporate the terms; (b) the tribe's compact as so amended shall be deemed approved by the state in accordance with Section [67-429A](#), Idaho Code, without the need for further signature or action by the executive or legislative branches of state government, and (c) except to the extent federal government approval is required, the newly incorporated compact terms shall be deemed effective immediately.

(3) Nothing in this section shall be construed to (a) indicate that any gaming activity currently conducted by any tribe is unauthorized or otherwise inappropriate under Idaho law or the tribe's existing compact, or (b) prohibit a tribe from negotiating with the state for an initial compact or a compact amendment regarding tribal video gaming machines or any other matter through a procedure other than the procedure specified in subsection (2) above or which contains terms different than those specified in subsection (1) above.

[67-429C, Init Measure 2003, No. 1, sec. 4, p. 1067.]

67-429D. AUDIT OF LEGISLATIVE DEPARTMENT. Beginning with the two (2) year period of fiscal years 2013 and 2014 and for each succeeding biennium, the council shall engage the services of a certified public accountant to audit the fiscal affairs of the legislative department. Expenditures for such audit shall be paid out of the legislative account.

[67-429D, added 2013, ch. 212, sec. 2, p. 501.]

67-430. MEETINGS -- QUORUM -- NOTICE -- REPORT TO LEGISLATURE. The council shall meet as often as may be necessary for the proper performance of its duties; provided, however, that it shall meet at least two (2) times each year. Such meetings may be held at various places within the state of Idaho. Eight (8) members shall constitute a quorum and a majority thereof shall have authority to act on any matters within the jurisdiction of the council. All members of the legislature shall be notified in advance of the time, place and general purpose of all meetings and any member of the legislature shall have the right to attend any of the meetings of the council and to present his views on any subject which may be under consideration. The council shall keep minutes of its meetings and make periodic reports to members of the legislature. The council shall assist in making any necessary preparations for all regular and special sessions of the legislature. The services and facilities of the council shall be available to all members of the legislature at all times.

[67-430, added 1963, ch. 57, sec. 4, p. 222; am. 1967, ch. 365, sec. 4, p. 1054; am. 1996, ch. 159, sec. 3, p. 504.]

67-431. COMPENSATION AND EXPENSES. Members of the council and the committees thereof shall be reimbursed for actual expenses necessarily incurred in attending meetings and in the performance of their official duties in accordance with the rates established by the citizens' committee on legislative compensation as authorized in section [67-406b](#), Idaho Code.

[67-431, added 1963, ch. 57, sec. 5, p. 222; am. 1967, ch. 223, sec. 1, p. 674; am. 1967, ch. 365, sec. 5, p. 1054; am. 1975, ch. 245, sec. 1, p. 657; am. 2009, ch. 52, sec. 7, p. 139.]

67-432. JOINT FINANCE-APPROPRIATIONS COMMITTEE -- CREATION -- MEMBERS. There is hereby created the joint finance-appropriations committee which shall consist of the members of the senate finance committee and the members of the house appropriations committee. Vacancies on the committee which occur during the interim when the legislature is not in session shall be filled by the speaker of the house and the president pro tempore of the senate, but any member thus selected shall be from the same house and the same political party as the member whose seat was vacated, and shall serve until the next regular legislative session.

[67-432, added 1967, ch. 354, sec. 1, p. 999; am. 1971, ch. 290, sec. 1, p. 1104; am. 1973, ch. 151, sec. 1, p. 292; am. 2003, ch. 252, sec. 1, p. 652.]

67-433. OFFICERS -- ADOPTION OF RULES OF PROCEDURE -- SUBCOMMITTEES -- MEETINGS. The committee shall have the same officers as the senate finance committee and the house appropriations committee and, during the interim

when the legislature is not in session, it shall adopt its own rules of procedure. The committee may create such subcommittees, which may include other members of the legislature, as may be necessary for the performance of its duties. The committee shall function during legislative sessions and during the interim between sessions. The committee shall meet as often as may be necessary for the proper performance of its duties upon the call of the cochairs.

[67-433, added 1967, ch. 354, sec. 2, p. 999; am. 1971, ch. 290, sec. 2, p. 1104; am. 1973, ch. 151, sec. 2, p. 292; am. 1996, ch. 159, sec. 4, p. 504.]

67-435. POWERS AND DUTIES. (1) The joint finance-appropriations committee shall have the following powers and duties:

(a) To review the executive budget and the budget requests of each state department, agency and institution, including requests for construction of capital improvements, as well as other requests for appropriations submitted to the legislature.

(b) To conduct such hearings as it may deem necessary and proper.

(c) To submit a report to each session of the legislature covering its activities during the preceding period and setting forth its findings and recommendations and to make such recommendations to the appropriate legislative committees as it may deem proper concerning the budget and other proposed legislation.

(d) To perform such other duties as the legislature or legislative council may by appropriate resolution direct.

(2) The joint finance-appropriations committee shall use the following procedures for releasing reports produced by the legislative audits division:

(a) All reports produced by the legislative audits division shall be delivered to the cochairs of the joint finance-appropriations committee for their review and approval prior to release;

(b) The cochairs of the joint finance-appropriations committee may, at their discretion, conduct hearings relating to any report and seek input and testimony prior to, or after reports are released; and

(c) After such review as deemed necessary and prudent by the cochairs of the joint finance-appropriations committee, the cochairs shall release the reports produced by the legislative audits division within sixty (60) days of submission to the cochairs; except in the event that a report is returned to the legislative audits division for further audit or review, then the cochairs shall approve the release of reports within sixty (60) days after the report is resubmitted to the cochairs.

[67-435, added 1967, ch. 354, sec. 4, p. 999; am. 1969, ch. 418, sec. 1, p. 1158; am. 1970, ch. 150, sec. 1, p. 459; am. 1971, ch. 290, sec. 3, p. 1104; am. 1973, ch. 151, sec. 3, p. 292; am. 1993, ch. 327, sec. 40, p. 1225; am. 1994, ch. 180, sec. 168, p. 533; am. 2009, ch. 52, sec. 8, p. 140.]

67-437. DEPARTMENTS, AGENCIES, AND INSTITUTIONS TO SUBMIT INFORMATION. All departments, agencies and institutions of state government which are required by section [67-3502](#), Idaho Code, to submit reports of actual and estimated receipts and expenditures to the division of financial management shall submit the same information to the legislative services office for

the joint finance-appropriations committee, not later than the deadline prescribed in section [67-3502](#), Idaho Code.

[67-437, added 1967, ch. 354, sec. 6, p. 999; am. 1999, ch. 37, sec. 1, p. 74.]

67-438. INQUISITORIAL AUTHORITY. In the discharge of any duty herein imposed, the committee shall have the authority to examine and inspect all properties, equipment, facilities, files, records and accounts of any state office, department, institution, board, committee, commission or agency, and to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the district courts.

[67-438, added 1967, ch. 354, sec. 7, p. 999.]

67-439. ENFORCEMENT OF SUBPOENAS. In case of the failure on the part of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the district court, on application of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

[67-439, added 1967, ch. 354, sec. 8, p. 999.]

67-440. FEES AND MILEAGE OF WITNESSES. Each witness who appears before the committee by its order, other than a state official or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness.

[67-440, added 1967, ch. 354, sec. 9, p. 999; am. 1973, ch. 151, sec. 5, p. 292; am. 1976, ch. 314, sec. 4, p. 1081.]

67-450A. CHARGES FOR AUDIT. The annual appropriation to the office of legislative services from the general fund shall provide for authorized audits and services to general fund departments, agencies, commissions, or institutions without charge to the unit receiving such services. The cost and expenses incurred by the legislative services office in conducting audits or in carrying out other work authorized by law in dedicated funds, shall be paid from the appropriation to the office, department, board, commission, or institution and/or the dedicated funds under the control of the office, department, board, commission, or institution for whom the work is done. The audit fee or costs of work performed in such dedicated fund agencies shall be based on an hourly rate computed by the legislative services office and shall be sufficient to defray all costs and expenses incurred, including but not limited to related salary, travel and office overhead expenses. The legislative services office may require partial payments, during the course of the audit, for services rendered and expenses incurred. All charges shall be paid within thirty (30) days after billing is received.

All moneys received from the various dedicated fund agencies shall be added to the legislative services office's appropriation from the general fund and are hereby appropriated to the legislative services office, providing that the legislative services office's expenditures shall not exceed the amount appropriated by the legislature.

[67-450A, added I.C., sec. 67-450A, as added by 1971, ch. 342, sec. 1, p. 1334; am. 1993, ch. 327, sec. 28, p. 1219; am. 1996, ch. 159, sec. 19, p. 523.]

67-450B. INDEPENDENT FINANCIAL AUDITS OF LOCAL GOVERNMENTAL ENTITIES -- FILING REQUIREMENTS. (1) The requirements set forth in this section are minimum audit requirements for all local governmental entities, and include, without limitation, all cities, counties, authorities and districts organized as separate legal and reporting entities under Idaho law, and include the councils, commissions and boards as appointed or elected and charged with fiscal management responsibilities of the local governmental entity.

Audits under these requirements are to be performed by independent auditors in accordance with generally accepted governmental auditing standards, as defined by the United States general accountability office. The auditor shall be employed on written contract.

The entity's governing body shall be required to include in its annual budget all necessary expenses for carrying out the provisions of this section.

The entity shall file one (1) copy of each completed audit report with the legislative services office within nine (9) months after the end of the audit period.

(2) The minimum requirements for any audit performed under the provisions of this section are:

(a) The governing body of a local governmental entity whose annual expenditures from all sources exceed two hundred fifty thousand dollars (\$250,000) shall cause a full and complete audit of its financial statements to be made each fiscal year.

(b) The governing body of a local governmental entity whose annual expenditures from all sources exceed one hundred fifty thousand dollars (\$150,000), but do not exceed two hundred fifty thousand dollars (\$250,000) in the current year, shall have an annual audit or may elect to have its financial statements audited on a biennial basis. The first year that expenditures exceed one hundred fifty thousand dollars (\$150,000) is the first year of the biennial audit period. The local governmental entity may continue the biennial audit cycle in subsequent years as long as the entity's annual expenditures during the first year of the biennial audit period do not exceed two hundred fifty thousand dollars (\$250,000). In the event that annual expenditures exceed two hundred fifty thousand dollars (\$250,000) in the current year following a year in which a biennial audit was completed, the local governmental entity shall complete an annual audit. In the event that annual expenditures in the current year do not exceed one hundred fifty thousand dollars (\$150,000) following a year in which an annual or biennial audit was completed, the local governmental entity has no minimum audit requirement.

(c) The governing body of a local governmental entity whose annual expenditures from all sources do not exceed one hundred fifty thousand

dollars (\$150,000) has no minimum audit requirements under this section.

(d) Federal audit requirements applicable because of expenditure of federal assistance supersede the minimum audit requirements provided in this section.

[67-450B, added 1993, ch. 387, sec. 1, p. 1418; am. 1996, ch. 47, sec. 1, p. 140; am. 2009, ch. 52, sec. 9, p. 140; am. 2011, ch. 21, sec. 1, p. 59; am. 2015, ch. 244, sec. 40, p. 1029; am. 2019, ch. 203, sec. 1, p. 622.]

67-450C. INDEPENDENT FINANCIAL AUDITS OF AFFILIATED ORGANIZATIONS TO STATE GOVERNMENTAL AGENCIES OR ENTITIES -- FILING REQUIREMENTS. (1) The requirements set forth in this section are minimum audit requirements for all affiliated organizations to state governmental entities, and include, without limitation, all state departments, commissions, institutions, colleges or universities, which are created pursuant to statute or the constitution and which receive an appropriation from the legislature.

As used in this section "affiliated organization" means an organization affiliated with an agency or entity of state government which meets all of the following criteria:

(a) The organization has separate legal standing, where neither direct association through appointment of a voting majority of the organization's body nor fiscal dependency exists.

(b) The affiliation with a specific primary state government agency or entity is set forth in the organization's articles of incorporation by reference to the name of the primary state government agency or entity in describing the purposes for which the organization was established.

(c) The affiliation with a specific primary state government agency or entity is set forth in the organization's application to the internal revenue service for exemption for payment of federal income tax pursuant to the internal revenue code by reference to the name of the primary government in response to any of the questions contained in the exemption application and the organization has been granted that exemption.

Audits under these requirements are to be performed by independent auditors in accordance with generally accepted governmental auditing standards, as defined by the United States general accounting office. The auditor shall be employed on written contract.

The affiliated organization's governing body shall be required to include in its annual budget all necessary expenses for carrying out the provisions of this section.

The affiliated organization shall file one (1) copy of each completed audit report with the legislative services office within nine (9) months after the end of the audit period.

(2) The minimum requirements for any audit performed under the provisions of this section are:

(a) The governing body of an affiliated organization whose annual expenditures (from all sources) exceeds two hundred fifty thousand dollars (\$250,000) shall cause a full and complete audit of its financial statements to be made each fiscal year.

(b) The governing body of an affiliated organization whose annual expenditures (from all sources) exceed one hundred thousand dollars (\$100,000), but do not exceed two hundred fifty thousand dollars

(\$250,000) may elect to have its financial statements audited on a biennial basis and may continue biennial auditing cycles in subsequent years as long as the organization's annual expenditures do not exceed two hundred fifty thousand dollars (\$250,000) during either year of any biennial period. Biennial audits shall include an audit of each fiscal year since the previous audit.

(c) The governing body of an affiliated organization whose annual expenditures (from all sources) do not exceed one hundred thousand dollars (\$100,000) has no minimum audit requirements under this section.

(d) Federal audit requirements applicable because of expenditure of federal assistance supersede the minimum audit requirements provided in this section.

[67-450C, added 1997, ch. 209, sec. 1, p. 626; am. 2009, ch. 52, sec. 10, p. 141.]

67-450D. INDEPENDENT FINANCIAL AUDITS -- DESIGNATED ENTITIES. (1) Notwithstanding any other provisions of the Idaho Code relating to audit requirements regarding the entities hereinafter designated, beginning on July 1, 2010, the requirements set forth in this section shall constitute the minimum audit requirements for the following entities:

Alfalfa and clover seed commission;
 Idaho apple commission;
 Idaho barley commission;
 Idaho bean commission;
 Idaho beef council;
 Idaho cherry commission;
 Idaho dairy products commission;
 Idaho food quality assurance institute;
 Idaho forest products commission;
 Idaho grape growers and wine producers commission;
 Idaho honey commission;
 Idaho hop grower's commission;
 Idaho mint commission;
 Idaho oilseed commission;
 Idaho pea and lentil commission;
 Idaho potato commission;
 Idaho rangeland resource commission;
 Idaho wheat commission.

(2) The minimum requirements for any audit performed under the provisions of this section are:

(a) Any entity whose annual expenditures (from all sources) exceed two hundred fifty thousand dollars (\$250,000) shall cause a full and complete audit of its financial statements to be made each fiscal year.

(b) Any entity whose annual expenditures (from all sources) exceed one hundred thousand dollars (\$100,000), but do not exceed two hundred fifty thousand dollars (\$250,000), in the current year shall have an annual audit or may elect to have its financial statements audited on a biennial basis. The first year that expenditures exceed one hundred thousand dollars (\$100,000) is the first year of the biennial audit period. The designated entity may continue the biennial audit cycle in subsequent years as long as the entity's annual expenditures during the first year of the biennial audit period do not exceed two hundred fifty thousand dollars (\$250,000). In the event that annual expenditures

exceed two hundred fifty thousand dollars (\$250,000) in the current year following a year in which a biennial audit was completed, the designated entity shall complete an annual audit. In the event that annual expenditures in the current year do not exceed one hundred thousand dollars (\$100,000) following a year in which an annual or biennial audit was completed, the designated entity has no minimum audit requirement.

(c) Any entity whose annual expenditures (from all sources) do not exceed one hundred thousand dollars (\$100,000) has no minimum audit requirements under the provisions of this section.

(d) Federal audit requirements applicable because of expenditure of federal assistance supersede the minimum audit requirements provided in this section.

(3) All moneys received or expended by the entities identified in subsection (1) of this section shall be audited as specified in subsection (2) of this section by a certified public accountant designated by the entity, who shall furnish a copy of such audit to the director of the legislative services office and to the senate agricultural affairs committee and the house of representatives agricultural affairs committee. The audit shall be completed within ninety (90) days following the close of the commission's fiscal year.

(4) Any entity identified in subsection (1) of this section that is not audited pursuant to the provisions of this section shall submit an unaudited annual statement of revenues, expenditures and fund balances to the director of the legislative services office, to the senate agricultural affairs committee and the house of representatives agricultural affairs committee, to the state controller and to the division of financial management.

(5) The right is reserved to the state of Idaho to audit the funds of the entities identified in this section at any time.

[67-450D, added 2010, ch. 178, sec. 1, p. 366; am. 2011, ch. 21, sec. 2, p. 60; am. 2015, ch. 124, sec. 8, p. 315; am. 2016, ch. 19, sec. 2, p. 24; am. 2016, ch. 85, sec. 2, p. 269; am. 2017, ch. 130, sec. 2, p. 307.]

67-450E. LOCAL GOVERNING ENTITIES CENTRAL REGISTRY -- REPORTING INFORMATION REQUIRED -- PENALTIES FOR FAILURE TO REPORT. In addition to the provisions applicable to local governing entities found in section [67-450B](#), Idaho Code, the provisions of this section shall also apply to local governing entities. For purposes of this section, "local governing entity" shall have the same meaning as provided in section [67-450B](#), Idaho Code. The term local governing entity shall also include entities governed by [chapter 20, title 50](#), Idaho Code. If a local governing entity is governed by the provisions of section [33-701](#), Idaho Code, such entity shall not be required to comply with the provisions of this section.

(1) (a) There is hereby established a central registry and reporting portal ("registry") on the legislative services office website. The registry and reporting portal shall serve as the unified location for the reporting of and access to administrative and financial information of local governing entities in this state. To establish a complete list of all local governmental entities operating in Idaho, on the effective date of this legislation and so that the registry established will be comprehensive, every existing local governing entity shall register with the state registry. For calendar year 2015, the submission of information required by subsection (2) of this section shall occur prior to March 1, 2015, and shall be in the form and format required by the

legislative services office. In addition to the information required by this section for the March 1, 2015, filing deadline, the entity shall report the date of its last independent audit. The registry listing will be available on the legislative services office website by January 1, 2016.

(b) The county clerk shall notify each local governing entity of the requirements of this section.

(c) After March 1, 2015, and on or before December 1 of each year:

- (i) The state tax commission shall submit a list to the legislative services office of all taxing districts within the state; and
- (ii) The county clerk of each county shall submit a list to the legislative services office of all taxing districts in the county and any other local governing entities that are authorized to impose fees, assessments or receive property tax money within the county.

(2) On or before December 1 of each year, every local governing entity shall submit to the online central registry and reporting portal the following information:

(a) Administrative information:

- (i) The terms of membership and appointing authority for the governing board member of the local governmental entity;
- (ii) The official name, mailing address and electronic mailing address of the entity;
- (iii) The fiscal year of the entity;
- (iv) Except for cities and counties, the section of Idaho Code under which the entity was established, the date of establishment, the establishing entity and the statute or statutes under which the entity operates, if different from the statute or statutes under which the entity was established.

(b) Financial information:

- (i) The most recent adopted budget of the entity; and
- (ii) An unaudited comparison of the budget to actual revenues and expenditures for the most recently completed fiscal year.

(c) Bonds or other debt obligation information:

- (i) The cumulative dollar amount of all bonds or other debt obligations issued or incurred by the entity; and
- (ii) The average length of term of all bond issuances or other debt obligations and the average interest rate of all bonds or other debt obligations.

(d) Within five (5) days of submitting to the central registry the information required by this subsection, the local governing entity shall notify the entity's appointing authority, if the entity has an appointing authority, that it has submitted such information.

(e) If any information provided by an entity as required by this subsection changes during the year, the entity shall update its information on the registry within thirty (30) days of any such change.

(f) All reasonable fees, costs and other expenses incurred assisting local governing entities in compiling the reporting information required by this section may be charged by the county against the local governing entity requesting the county's service. An entity may request assistance from the county to comply with provisions of this section but the county is under no obligation to provide such assistance. For purposes of this section, reasonable fees and costs

shall include, but not be limited to, the labor costs, material costs and copying costs incurred while assisting local governing entities to comply with this section. Such fees and costs may be deducted from any distributions of taxes, fees or assessments collected by the county on behalf of the local governing entity.

(3) Audits required by section [67-450B](#), Idaho Code, will be submitted to the online portal.

(4) Notification and penalties.

(a) If a local governing entity fails to submit information required by this section or submits noncompliant information required by this section, the legislative services office shall notify the entity immediately after the due date of the information that either the information was not submitted in a timely manner or the information submitted was noncompliant. The local governing entity shall then have thirty (30) days from the date of notice to submit the information or notify the legislative services office that it will comply by a time certain.

(b) No later than September 1 of any year, the legislative services office shall notify the appropriate board of county commissioners and the state tax commission of the entity's failure to comply with the provisions of this section. Upon receipt of such notification, the board of county commissioners shall place a public notice in a newspaper of general circulation in the county indicating that the entity is noncompliant with the legal reporting requirements of this section. The county commissioners shall assess to the entity the cost of the public notice. Such costs may be deducted from any distributions of taxes, fees or assessments collected by the county on behalf of the local governing entity. For any noncomplying entity, the legislative services office shall notify the board of county commissioners and the state tax commission of the compliance status of such entity by September 1 of each year until the entity is in compliance.

(c) A local governing entity that fails to comply with this section shall be prohibited from including in its budget any budget increase otherwise permitted by either subsection (1)(a) or (e) of section [63-802](#), Idaho Code.

(d) In addition to any other penalty provided in this section, in any failure to comply with this section, the state tax commission shall withhold the annual distribution of sales tax distribution pursuant to section [63-3638](#)(10), Idaho Code, for any noncomplying entity. The state tax commission shall withhold and retain such money in a reserve account until the legislative services office certifies that the entity has complied with the provisions of this section, at which point the state tax commission shall pay any money owed to the local governing entity previously in violation of this section.

(e) For any local governing entity that is a non-taxing district, including entities established pursuant to [title 50](#), Idaho Code, upon notification to the board of county commissioners from the legislative services office of noncompliance by such entity, the board of county commissioners shall convene to determine appropriate compliance measures including, but not limited to, the following:

(i) Require a meeting of the board of county commissioners and the entity's governing body wherein the board of county commissioners shall require compliance of this section by the entity;

(ii) Assess a noncompliance fee on the noncomplying entity. Such fee shall not exceed five thousand dollars (\$5,000). Such fees and costs may be deducted from any distributions of taxes, fees or assessments collected by the county on behalf of the local governing entity. The amount of any such fee shall not be passed on to persons subject to the jurisdiction of the entity in the form of adjustments to any fee or assessment imposed or collected by the entity. Any fee collected shall be deposited into the county's current expense fund;

(iii) Cause a special audit to be conducted on the entity at the cost of the entity.

(5) The provisions of this section shall have no impact or effect upon reporting requirements for local governing entities relating to the state tax commission.

[67-450E, added 2014, ch. 249, sec. 1, p. 626.]

67-451. LEGISLATIVE ACCOUNT CREATED -- DUTIES OF CONTROLLER -- DISBURSEMENTS FROM ACCOUNT -- REPORT OF DISBURSEMENTS. (1) There is hereby created in the state treasury the legislative account. The legislative account shall consist of such moneys as are placed into it by other appropriations, by receipts paid into the legislative account, and the moneys appropriated and transferred into it according to the provisions of this act.

(2) There is hereby appropriated out of the general fund and transferred into the legislative account, and commencing January 1, 2008, the state controller is authorized and directed to make such transfers in the amounts shown on each of the following dates in each year:

January 1	\$1,825,000
March 1	\$1,825,000
June 1	\$1,445,000
September 1	\$1,660,000

(3) The president pro tempore of the senate and the speaker of the house of representatives are hereby authorized to make expenditures out of the legislative account for any necessary expenses of the legislature and the legislative account is hereby perpetually appropriated for any necessary expenses of the legislature. Necessary expenses of the legislature shall include, but are not necessarily limited to, salaries and wages of officers, members, and employees of the legislature, consultants and other expert or professional personnel, travel expenses of officers, members, and employees of the legislature, other current expenses incurred in any operation or function of the legislature, premiums for life, accidental death and dismemberment, hospital, medical, surgical and major medical insurance for members of the legislature during their terms of office, and for employees of the legislature during the period of their employment, and capital outlay items necessary for any operation or function of the legislature. The signature of the president pro tempore of the senate or the speaker of the house of representatives on any voucher or claim for payment shall be sufficient authority for the state controller to pay the same. Expenses for any interim activity of the legislature or legislators shall be paid in the same manner. Expenses for any interim legislative committees shall be paid in the same manner, if previously authorized by concurrent resolution.

(4) The state controller is hereby directed to devise and implement a financial reporting and control system for the purposes of this act that ex-

empts legislative expenditures from any other provision of law, and the legislative account shall be specifically exempt from the provisions of [chapter 35, title 67](#), Idaho Code, and shall be specifically exempt from the provisions of [chapter 36, title 67](#), Idaho Code. Such system must produce a report as of the end of each calendar month that clearly shows additions to the account, the unexpended balance in the account, the expenditures to date, and the expenditures for the month reported, suitably detailed in such manner as the presiding officers may instruct the state controller. A copy of such report must be delivered to the president pro tempore of the senate and the speaker of the house of representatives and to the governor by no later than the fifth working day of the following month.

[67-451, as added by 1971, ch. 205, sec. 2, p. 896; am. 1974, ch. 239, sec. 1, p. 1601; am. 1977, ch.27, sec. 1, p. 49; am. 1978, ch. 278, sec. 1, p. 675; am. 1980, ch. 392, sec. 1, p. 996; am. 1985, ch. 1, sec. 3, p. 1; am. 1988, ch. 145, sec. 1, p. 265; am 1989, ch. 392, sec. 1, p. 972; am. 1989, ch. 393, sec. 1, p. 975; am. 1991, ch. 58, sec. 1, p. 112; am. 1993, ch. 393, sec. 1, p. 1456; am. 1994, ch. 180, sec. 169, p. 533; am. 2000, ch. 373, sec. 1, p. 1233; am. 2001, ch. 305, sec. 1, p. 1111; am. 2007, ch. 273, sec. 1, p. 800.]

67-451A. LEGISLATIVE LEGAL DEFENSE FUND CREATED. There is hereby created in the state treasury the legislative legal defense fund. The legislative legal defense fund shall consist of such moneys as are placed into it by appropriations and shall be continuously appropriated to the senate and house of representatives. The legislative legal defense fund shall be specifically exempt from the provisions of [chapter 35, title 67](#), Idaho Code, and from the provisions of [chapter 36, title 67](#), Idaho Code. The president pro tempore of the senate and the speaker of the house of representatives are hereby authorized to make expenditures out of the fund for any necessary legal expenses of the legislature.

[67-451A, added 2012, ch. 335, sec. 1, p. 929.]

67-452. MEMBERSHIP IN PACIFIC FISHERIES LEGISLATIVE TASK FORCE. The legislative council, joining with the presiding officers of other jurisdictions, shall appoint, respectively two (2) senators, one (1) from the majority party and one (1) from the minority party, and two (2) members of the house of representatives, one (1) from the majority party and one (1) from the minority party, to represent Idaho on the Pacific Fisheries Legislative Task Force, which shall operate as a clearinghouse for opinion from the various interests involved in pacific fishing, and which shall include among its duties the duty to report to the legislatures of the participating jurisdictions and to the state delegations in the United States congress concerning means of protecting and fostering fishing in the participating jurisdictions. Actual and necessary expenses and per diem shall be allowed as provided by the legislative council, and shall be paid from legislative funds.

[67-452, added 1986, ch. 50, sec. 2, p. 144.]

67-453. STATEMENTS REGARDING PROPOSED CONSTITUTIONAL AMENDMENTS. (1) Whenever the legislature shall have directed the submission of a proposal to amend the constitution of the state of Idaho to the electors, the legisla-

tive council shall, not less than one hundred twenty (120) days prior to the date of the election at which the proposed amendment will be submitted to the people, prepare and file with the secretary of state a dossier containing the following:

(a) A brief statement setting forth in simple, understandable language the meaning and purpose of the proposed amendment and the result to be accomplished by such amendment. The statement shall be included in the publications of the proposed amendment required by law of the secretary of state, and shall be printed on the official ballot by which such proposed amendment is submitted to the electors; and

(b) A concise presentation of the major arguments advanced by the proponents and opponents of the proposed amendment designed to represent as fairly as possible the arguments relative to the proposed amendment. In preparing such arguments, the legislative council may seek the advice and suggestions of known supporters and opponents or any other persons or groups and may, in its sole discretion, use any of the suggested arguments. If any such suggestions are utilized by the legislative council, no recognition shall be given to the persons or groups which submitted the argument. The arguments shall be published in the publications required by law of the secretary of state, but shall not appear on the ballot by which such proposed amendment is submitted to the electors.

(2) The secretary of state shall cause to be printed in either the voters' pamphlet pursuant to section [34-1812C](#), Idaho Code, or in a pamphlet similar to the voters' pamphlet, the arguments prepared pursuant to subsection (1) of this section and the question that will be on the general election ballot.

[67-453, added 1976, ch. 235, sec. 1, p. 827; am. 2007, ch. 201, sec. 1, p. 618.]

67-454. SUBCOMMITTEES FOR REVIEW OF ADMINISTRATIVE RULES -- MEETINGS REGARDING RULES. For the purposes of review of proposed administrative rules pursuant to [chapter 52, title 67](#), Idaho Code, germane joint subcommittees are hereby authorized and created. The speaker of the house of representatives and the president pro tempore of the senate shall designate a subcommittee of each germane committee of each house for the consideration of proposed rules of the respective state agencies. The respective germane subcommittee of each house thus designated shall meet with the germane subcommittee of the other house and shall constitute the germane joint subcommittee. A subcommittee of each standing committee of each house shall be composed of the chairman of the committee, one (1) member of the majority party from the committee, appointed by the president pro tempore in the case of senate members, and by the speaker in the case of house members, and one (1) member of the minority party from the committee, appointed by the minority leader of the senate in the case of senate members, and by the minority leader of the house in the case of house members. If vacancies occur or exist in the majority party membership of the subcommittees of the senate, the president pro tempore shall appoint a replacement member; if vacancies occur or exist in the minority party membership of the subcommittees of the senate, the minority leader shall appoint a replacement member. If vacancies occur or exist in the majority party membership of the subcommittees of the house, the speaker shall appoint a replacement member; if vacancies occur or exist in the minority party membership of the subcommittees of the house, the minor-

ity leader shall appoint a replacement member. Meetings of a joint germane subcommittee shall be governed by the joint rules of the legislature; the chairmen shall sit as cochairmen.

Upon notice of intended action as provided in sections [67-5221](#) and [67-5223](#), Idaho Code, and transmission of analysis from the director of legislative services, the subcommittees may hold a meeting, which shall be held within forty-two (42) days of receipt of the analysis. A meeting may be called by the cochairmen or by two (2) or more members of the subcommittees giving oral or written notice to the legislative services office within fourteen (14) days of receipt of the analysis from the legislative services office. Upon a finding of the same objection by a majority of the members of the subcommittee of each house voting separately, an objection to a rule shall be transmitted to the agency with a concise statement of the reasons for the objection. A report of the joint subcommittee on each rule transmitted to it, including a finding that there is no objection to the rule or that an objection has been filed, shall be filed with the agency, transmitted to the membership of the germane standing committees, and submitted to the next regular session of the legislature.

[67-454, added 1978, ch. 255, sec. 3, p. 559; am. 1983, ch. 197, sec. 1, p. 536; am. 1993, ch. 216, sec. 97, p. 666; am. 1996, ch. 159, sec. 5, p. 504; am. 1999, ch. 21, sec. 1, p. 29.]

67-455. GOVERNOR'S HOUSING COMMITTEE -- GOVERNOR'S RESIDENCE FUND. (1) There is hereby created the governor's housing committee consisting of five (5) appointed members. The following public officials shall each appoint one (1) member to serve on the committee: the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives and the director of the department of administration. Members of the committee shall serve at the pleasure of the appointing public official or his successor.

(2) There is hereby created the governor's residence fund. All moneys in or added to the governor's residence fund and any dividend or interest earnings thereon are hereby perpetually appropriated to the department of administration and set apart for the purposes of providing a governor's housing allowance and the acquisition, construction, remodel, furnishing, equipping or maintenance of a governor's residence and the same shall be available for such purposes immediately upon being credited to the account, upon authorization for expenditure being given by the governor's housing committee. Upon the direction of the committee, the department shall use moneys in the account for any purpose related to a governor's housing allowance or the acquisition, construction, remodel, furnishing, equipping or maintenance of a governor's residence. The net proceeds from any sale or rental of a governor's residence, or any property related thereto, and of any cash or cash-equivalent donation made to the committee, shall be returned to the governor's residence fund.

[67-455, added 1996, ch. 160, sec. 1, p. 528; am. 1999, ch. 336, sec. 1, p. 913.]

67-455A. COMMITTEE MAY ACQUIRE AND DISPOSE OF PROPERTY. (1) The governor's housing committee may accept grants, gifts or donations of any kind

from any private or public source related to the acquisition, construction, remodel, furnishing, equipping or maintenance of a governor's residence.

(2) The governor's housing committee may acquire real property for purposes related to a governor's residence. Any real property acquired by the governor's housing committee shall be titled in the name of the state of Idaho for the benefit of the governor's housing committee and shall be administered by the department of administration on behalf of and for the benefit of the governor's housing committee. The governor's housing committee may sell such real property by public, private or negotiated sale, exchange, donation or by any other means and may rent a governor's residence and any furnishings and equipment related thereto, as the committee may deem appropriate and prudent. Any real property acquired hereunder shall not be subject to sections [58-331](#) through [58-335](#), Idaho Code, relating to surplus real property as the same may now exist or as the same may be amended from time to time. Any sale or disposal of such real property shall not require the reservation to the state of mineral or other rights in the real property.

(3) The governor's housing committee may acquire personal property for the purpose of remodeling, furnishing, equipping or maintaining a governor's residence. Any personal property acquired by the governor's housing committee shall be the property of the state of Idaho held for the benefit of the governor's housing committee and shall be administered on behalf of the governor's housing committee by the department of administration. The governor's housing committee may dispose of any personal property acquired hereunder by any means as the committee may deem appropriate and prudent and such disposal shall not be subject to section [67-5732A](#), Idaho Code, relating to surplus personal property, as the same exists or may be amended from time to time.

(4) The governor's housing committee may acquire and contract for services related to the acquisition, construction, remodel, furnishing, equipping or maintenance of a governor's residence. Notwithstanding any other law to the contrary, the acquisition, construction, remodel, furnishing, equipping or maintenance of a governor's residence shall not be considered public works and shall not be subject to any laws related to public works of the state of Idaho. Notwithstanding any other law to the contrary, the governor's housing committee shall not be subject to the state procurement act provided in [chapter 92, title 67](#), Idaho Code.

(5) Notwithstanding the provisions of sections [18-1359](#)(1)(d), [18-2705](#), [58-112](#), [74-501](#), [74-503](#) and [67-9230](#), Idaho Code, or any other provision of law, an incumbent governor shall not be deemed prohibited from purchasing real or personal property acquired hereunder, and any such purchase shall be valid for all purposes. Insofar as the provisions of this section are inconsistent with the provisions of any other law, general, specific or local, the provisions of this section shall be controlling.

(6) This section shall apply to all real and personal property acquired pursuant to this section or section [67-455](#), Idaho Code, before or after the effective date of this section.

[[67-455A](#), added 1999, ch. 336, sec. 2, p. 913; am. 2015, ch. 141, sec. 165, p. 510; am. 2016, ch. 289, sec. 14, p. 813.]

67-456. SPECIAL COMMITTEE ON CRIMINAL JUSTICE REINVESTMENT OVERSIGHT. (1) In order to maintain continuous oversight of the Idaho criminal justice reinvestment initiative and related issues, there is hereby established a special legislative committee on justice reinvestment oversight.

(2) The committee shall consist of five (5) members of the senate, one (1) of whom shall be the chairperson of the senate judiciary and rules committee, two (2) from the majority party appointed by the president pro tempore of the senate and two (2) from the minority party appointed by the minority leader, and five (5) members of the house of representatives, one (1) of whom shall be the chairperson of the house judiciary, rules and administration committee, two (2) from the majority party appointed by the speaker of the house and two (2) from the minority party appointed by the minority leader. The cochairpersons of the special committee shall be the chairperson of the senate judiciary and rules committee and the chairperson of the house judiciary, rules and administration committee. Appointments to the committee shall be for the term of office of the member appointed. Any vacancy shall be filled in a manner consistent with the appointment procedure set forth in this subsection, except the appointment shall be for the remainder of the unexpired term. A committee member may be reappointed to the committee.

(3) The cochairpersons may appoint advisors with expertise in Idaho's criminal justice system and are expected to receive input and technical assistance from the council of state governments justice center. Any advisors to the committee who are not legislative members shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges.

(4) The committee shall have as a primary duty and responsibility the task of monitoring, studying and guiding analysis and policy development in all aspects of the criminal justice system in Idaho including, but not limited to, monitoring performance and outcome measures as set forth in the justice reinvestment act and studying the data-driven justice reinvestment and resource allocation approach and policies to improve public safety, reduce recidivism and reduce spending on corrections in Idaho.

(5) By no later than February 1 of each year, the committee shall report to the legislature on its activities and findings and may report and make recommendations on any aspect of the Idaho criminal justice system in this state at any time.

(6) Members of the committee shall be compensated from the legislative account on order of the president pro tempore of the senate or the speaker of the house of representatives at the rates applicable for committee members of the legislative council.

(7) The special committee shall cease to exist following its report to the first regular session of the sixty-seventh Idaho legislature in 2023.

[67-456, added 2014, ch. 290, sec. 2, p. 733; am. 2019, ch. 254, sec. 1, p. 761.]

67-457. JOINT LEGISLATIVE OVERSIGHT COMMITTEE -- CREATION. There is hereby created the joint legislative oversight committee which shall be appointed as follows: the president pro tempore of the senate shall appoint majority party members of the senate, the senate minority leader shall appoint minority party members of the senate, the speaker of the house of representatives shall appoint majority party members of the house of representatives and the minority leader of the house of representatives shall appoint minority party members of the house of representatives. Membership on the committee shall be evenly divided between the house of representatives and the senate and shall be evenly divided between the two (2) largest political parties represented in the legislature. The cochairmen of the joint finance-appropriations committee, or their designees,

shall be members of the joint legislative oversight committee. The joint legislative oversight committee is hereby created under the jurisdiction of the legislative council for the purpose of conducting performance audits or evaluations, and reviewing all records related thereto, of any state agency at any time as the committee deems necessary. The legislative council shall appoint cochairmen who shall be from different houses of the legislature and who shall be from different political parties and shall determine the size of the committee. The legislative council, by a seventy-five percent (75%) vote, shall appoint a director of legislative performance evaluations for the purpose of conducting performance audits or evaluations pursuant to sections [67-457](#) through [67-464](#), Idaho Code. The director of legislative performance evaluations shall serve at the pleasure of the joint legislative oversight committee. The legislative council shall initially establish the compensation of the director of legislative performance evaluations and thereafter the compensation of the director of legislative performance evaluations shall be established by the joint legislative oversight committee.

[67-457, added 1993, ch. 327, sec. 3, p. 1190; am. 1996, ch. 65, sec. 1, p. 189.]

67-458. DEFINITIONS. For the purposes of sections [67-457](#) through [67-464](#), Idaho Code:

- (1) "Committee" means the joint legislative oversight committee.
- (2) "Performance audit or evaluation" shall mean an examination of the effectiveness of the administration, the efficiency and the adequacy of such administration in terms of the programs of the state agency authorized by law to be performed. Such examinations shall include, but not be limited to:
 - (a) How effectively the programs are administered;
 - (b) Benefits of each program in relation to the expenditures;
 - (c) Goals of the programs;
 - (d) Development of indicators by which the success or failure of a program may be gauged;
 - (e) Conformity of programs with legislative intent;
 - (f) Assistance to legislative committees dealing with specific programs;
 - (g) Impact of federal grant-in-aid programs on agency programs.
- (3) "State agency" means each state board, commission, department, office or institution, educational or otherwise, of the state of Idaho. State agency shall also mean any city, county, district or other political subdivision of the state created by statute which has the authority to levy, collect and spend tax moneys.

[67-458, added 1993, ch. 327, sec. 3, p. 1191; am. 1996, ch. 65, sec. 2, p. 189.]

67-459. TERM OF MEMBERSHIP AND ORGANIZATION OF COMMITTEE. All members appointed to the joint legislative oversight committee shall serve for a term as provided by the legislative council. The committee shall meet no later than thirty (30) days after appointment by the legislative council for the purpose of organizing the committee. A chairman and cochairman shall be appointed by the legislative council and shall be from different houses of the legislature and from different political parties. Actual and necessary

expenses and per diem shall be allowed as provided by the legislative council and shall be paid from the legislative account.

[67-459, added 1993, ch. 327, sec. 3, p. 1191.]

67-460. POWERS OF COMMITTEE. The joint legislative oversight committee shall have the following powers:

(1) To direct the director of legislative performance evaluations in accordance with section [67-461](#), Idaho Code, to review the performance of any state agency or program and to prepare reports for submission to the joint legislative oversight committee.

(2) To contract with private individuals or entities for the conduct of performance evaluations or portions thereof.

(3) To examine witnesses, to require the appearance of any person and the production of papers or records, including books, accounts, documents, computer records, and other materials, and to order the appearance of any person for the purpose of producing papers or records, including books, accounts, documents, computer records, and other materials, as is provided other legislative committees.

(4) To administer oaths to witnesses appearing before the committee when, by a majority vote, the committee deems the administration of an oath necessary and advisable as provided by law.

(5) To determine that a witness has perjured himself by testifying falsely before the committee, and to direct the attorney general to institute legal proceedings as provided by law.

(6) To conduct meetings at such times as the cochairmen deem necessary.

(7) To issue subpoenas upon the signature of either of the cochairmen; provided that the district court in and for the county in which any inquiry, evaluation, investigation, hearing or proceeding may take place shall have the power to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or the refusal to testify or produce papers or records, including books, accounts, documents, computer records, and other materials, in court.

[67-460, added 1993, ch. 327, sec. 3, p. 1192; am. 1996, ch. 32, sec. 1, p. 83; am. 1996, ch. 65, sec. 3, p. 190; am. 2007, ch. 90, sec. 27, p. 265.]

67-461. CONDUCT OF AND ISSUANCE OF PERFORMANCE EVALUATION REPORTS. (1) In conducting a performance evaluation, the director of legislative performance evaluations shall obtain an overview of the operations of the agency or program.

(a) The survey phase will develop background information, including roles and identities of key personnel, identify actual and potential financial, managerial and operational problem areas and determine whether and to what extent detailed audit tests may be required in each specific area.

(b) In consultation with the agency or program, the director of legislative performance evaluations will develop a performance evaluation work plan.

(2) Prior to the presentation of any performance evaluation to the committee, the evaluated agency and the governor shall have an opportunity to review the performance evaluation report and issue a response.

(a) The response of the agency and the governor to the performance evaluation report shall be included in the final report when it is presented to the committee.

(b) All documents, writings and information transmitted pursuant to this subsection shall be deemed confidential and shall not be released to the public prior to the time the committee issues its performance evaluation report pursuant to subsection (3) of this section.

(c) Any person violating the provisions of this subsection regarding confidentiality shall be guilty of a misdemeanor.

(3) The committee shall issue performance evaluation reports, favorable or unfavorable, of any state agency, and such reports shall be a public record except that:

(a) Prior to the release of a performance evaluation report or the point at which a performance evaluation is no longer being actively pursued, all papers, physical and electronic records and correspondence and other supporting materials comprising the work papers in the possession of the director of legislative performance evaluations or other entity charged with the preparation of a performance evaluation report shall be confidential and exempt from disclosure pursuant to [chapter 1, title 74](#), Idaho Code.

(b) All other records or materials in the possession of the director of legislative performance evaluations or other entity charged with the preparation of a performance evaluation report that would otherwise be confidential or exempt from disclosure shall be exempt from disclosure pursuant to the provisions of [chapter 1, title 74](#), Idaho Code.

(c) Nothing herein shall be construed to prohibit or prevent public access to state agency records in the possession of the director of legislative performance evaluations that would otherwise be subject to disclosure pursuant to the provisions of [chapter 1, title 74](#), Idaho Code. The director of legislative performance evaluations shall refer requests for access to those records directly to the state agency that is the official custodian of the requested records, which shall be responsible for responding to the request for public records.

(4) If data supplied by an individual are needed to initiate, continue or complete a performance evaluation, the director of legislative performance evaluations may by written memorandum to the file provide that the individual's identity will remain confidential and exempt from disclosure under [chapter 1, title 74](#), Idaho Code, and this written memorandum will protect the identity of the person from disclosure under [chapter 1, title 74](#), Idaho Code, notwithstanding any other provision of law to the contrary.

(5) A final copy of the report, including recommendations, the evaluated agency's response, and the governor's response, shall be submitted to the governor and to the official, officer or person in charge of the state agency examined at least one (1) day prior to its release, and shall be made available to each member of the legislature no later than one (1) day following the report's receipt by the joint legislative oversight committee.

(6) The committee may meet in executive session to consider whether to direct the director of legislative performance evaluations to initiate or continue a performance evaluation or to receive or consider materials exempt from disclosure under subsection (2), (3) or (4) of this section.

p. 740; am. 2000, ch. 429, sec. 1, p. 1385; am. 2000, ch. 430, sec. 1, p. 1386; am. 2015, ch. 141, sec. 166, p. 511.]

67-462. RECORDING TESTIMONY UNDER OATH. Whenever making a performance evaluation, the committee may require that testimony be given under oath, which may be administered by the chairman or by a person authorized by law to administer oaths, and may require that the testimony be recorded by an official court reporter or by some other competent person, under oath, which report when written, certified and approved by the person as being the direct transcript of the testimony, proceedings, documents, expenditure review or performance evaluation, shall be prima facie a correct statement of the testimony, proceedings, documents, expenditure review or performance evaluation provided that the person's signature to the certificate shall be duly acknowledged by him before a notary public.

[67-462, added 1993, ch. 327, sec. 3, p. 1193.]

67-463. ASSISTANCE. The office of the attorney general, the office of the state controller and the administrator of the division of financial management are authorized to assist the joint legislative oversight committee in its conduct of performance evaluations if the committee and the director of legislative performance evaluations deems that such offices may be helpful.

[67-463, added 1993, ch. 327, sec. 3, p. 1193; am. 1994, ch. 180, sec. 171, p. 535; am. 1996, ch. 65, sec. 5, p. 192.]

67-464. QUORUM. There shall be no business transacted, including adoption of a rule or procedure, without the presence of a quorum of the committee and no action shall be valid unless approved by the majority of those members present and voting and entered upon the minutes of the committee.

[67-464, added 1993, ch. 327, sec. 3, p. 1193.]