

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 8
EXECUTIVE AND ADMINISTRATIVE OFFICERS -- GOVERNOR AND LIEUTENANT-GOVERNOR

67-801. STATE EXECUTIVE OFFICERS ENUMERATED. The executive department shall consist of a governor, lieutenant-governor, secretary of state, state controller, state treasurer, attorney general and superintendent of public instruction.

[(67-801) R.S., sec. 170; compiled from Const., art. 4, sec. 1, in R.C., sec. 85; reen. C.L., sec. 85; C.S., sec. 127; I.C.A., sec. 65-701; am. 1994, ch. 180, sec. 172, p. 535.]

67-802. OFFICE OF GOVERNOR -- DUTIES OF GOVERNOR. The office of the governor shall be composed of: the state liquor division, as provided by [chapter 2, title 23](#), Idaho Code; the military division, as provided by [title 46](#), Idaho Code; the division of financial management; and such other divisions and units as are established or assigned by law, or created through administrative action of the governor.

The governor shall appoint an administrator for each division, with the advice and consent of the senate. Administrators shall serve at the pleasure of the governor, and shall be exempt from the provisions of [chapter 53, title 67](#), Idaho Code. Other subordinate staff necessary to accomplish a division's mission shall be subject to the provisions of [chapter 53, title 67](#), Idaho Code.

The supreme executive power of the state is vested by section 5, article IV, of the constitution of the state of Idaho, in the governor, who is expressly charged with the duty of seeing that the laws are faithfully executed. In order that he may exercise a portion of the authority so vested, the governor is authorized and empowered to implement and exercise those powers and perform those duties by issuing executive orders from time to time which shall have the force and effect of law when issued in accordance with this section and within the limits imposed by the constitution and laws of this state. Such executive orders, when issued, shall be serially numbered for each calendar year and may be referred to and cited by such numerical designation and title. Each executive order issued hereunder shall be effective only after signature by the governor, attestation by and filing with the secretary of state, who shall keep a permanent register and file of such orders in the same manner as applies to acts of the legislature. In addition, each executive order required by [chapter 52, title 67](#), Idaho Code, to be published in the administrative bulletin shall be filed with the administrative rules coordinator and published in the bulletin. Each such executive order issued by the governor must prescribe a date after which it shall cease to be effective, which shall be within four (4) calendar years of the effective date of such order, and if no date after which such order shall cease to be effective is contained in the order, then such order shall cease to be effective four (4) calendar years from the issuance thereof, unless renewed by subsequent executive order. The governor may modify or repeal any executive order by issuance of a new executive order. The procedures expressly set forth in this section shall be sufficient to make an executive order effective.

In addition to those powers prescribed above, and those prescribed by the constitution, the governor has the powers, and may perform the duties prescribed in this section and the following sections:

1. To supervise the official conduct of all executive and ministerial officers.
2. To see that all offices are filled, and the duties thereof performed, or, in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session.
3. To make the appointments and supply the vacancies provided by law.
4. He is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States.
5. Whenever any suit or legal proceeding is pending in this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state.
6. He may require the attorney general or prosecuting attorney of any county to inquire into the affairs or management of any corporation existing under the laws of this state.
7. He may require the attorney general to aid any prosecuting attorney in the discharge of his duties.
8. He may offer rewards not exceeding one thousand dollars (\$1,000) each, payable out of the state treasury, for the apprehension of any convict who has escaped from the state prison, or of any person who has committed, or is charged with the commission of, an offense punishable with death; and also offer like rewards, not exceeding five hundred dollars (\$500) each, in cases of felony, where the offense is not punishable with death.
9. To perform such duties respecting fugitives from justice as are prescribed by the penal code.
10. To issue and transmit election proclamations as prescribed by law.
11. He may require any officer to make special reports to him in writing on demand.
12. He has such other powers and may perform such other duties as are devolved upon him by any law of this state.

[(67-802) R.S., sec. 180; am. 1890-1891, p. 198, sec. 1; reen. 1899, p. 135, sec. 1; reen., R.C. & C.L., sec. 90; C.S., sec. 128; I.C.A., sec. 65-702; am. 1974, ch. 22, sec. 2, p. 592; am. 1980, ch. 358, sec.1, p. 923; am. 1980, ch. 361, sec.1, p. 938; am. 1986, ch. 301, sec. 1, p. 751; am. 1993, ch. 216, sec. 98, p. 667; am. 2009, ch. 23, sec. 61, p. 70.]

67-803. TRANSMISSION OF LIST OF APPOINTMENTS. Within ten (10) days after the meeting of the legislature the governor must transmit to it a list of all the appointments made by him and not before communicated.

[(67-803) R.S., sec. 181; reen. R.C. & C.L., sec. 91; C.S., sec. 129; I.C.A., sec. 65-703.]

67-804. RECORDS OF GOVERNOR'S OFFICE. The governor must cause to be kept the following records:

1. A register of all applications for pardon or for commutation of any sentence, with a list of the official signatures and recommendations in favor of each application.

2. A register of statements in capital cases made to him, with his action thereon.

3. An account of all his disbursements of state moneys, and of all rewards offered by him for the apprehension of criminals and persons charged with crime.

4. A register of all appointments made by him, with date of commission, names of appointee and predecessor.

5. A record of all persons confined in the state prison, showing the name of the convict, his age and general appearance, when and where convicted, and of what crime, the time of his sentence, and when such time expires.

[(67-804) R.S., sec. 182; reen. R.C. & C.L., sec. 92; C.S., sec. 130; I.C.A., sec. 65-704.]

67-805. ACTING GOVERNOR TO PERFORM SAME DUTIES -- COMPENSATION OF PRESIDENT PRO TEMPORE OF THE SENATE OR SPEAKER OF THE HOUSE OF REPRESENTATIVES WHEN ACTING AS GOVERNOR. (1) Every provision in the laws of this state in relation to the powers and duties of the governor and in relation to acts and duties to be performed by others toward him, extends to the person performing for the time being the duties of acting governor.

(2) Notwithstanding any other provisions of law to the contrary, when performing the duties of acting governor, the president pro tempore of the senate or the speaker of the house of representatives will receive, in addition to his daily legislative compensation, an amount equal to the difference between that daily legislative compensation and the daily salary of the governor.

[(67-805) R.S., sec. 183; reen. R.C. & C.L., sec. 93; C.S., sec. 131; I.C.A., sec. 65-705; am. 1977, ch. 105, sec.7, p. 226; am. 2009, ch. 29, sec. 1, p. 80.]

67-805A. SUCCESSION TO OFFICE OF GOVERNOR. (1) In case of the death, resignation, or permanent removal from office for any cause of the governor, the lieutenant governor shall succeed to all of the powers, duties and emoluments of the office of governor for the residue of the term, and shall be, in all respects, the governor of the state. Upon such succession, the office of lieutenant governor is vacant, and shall be filled as provided by law.

(2) In case of temporary inability to perform his duties, or in the case of his temporary absence from the state, the lieutenant governor shall perform such duties as acting governor until the disability is removed, or until the governor returns to the state.

(3) In any case in which the lieutenant governor succeeds to the office of governor, the president pro tempore of the senate shall serve as acting lieutenant governor until the office of lieutenant governor is filled.

[67-805A, added 1977, ch. 105, sec. 8, p. 226.]

67-807. AGREEMENT FOR RAIL PASSENGER SERVICE APPLICATION. In addition to any other powers and duties as are devolved upon him by law, the governor, or his authorized representative, may negotiate with the proper representatives of any other state, to establish an agreement to enable the state of Idaho, in concert with other states, to submit an application to the national railroad passenger corporation for the institution of railroad pas-

senger service under the provisions of section 403(b) of the rail passenger service act, 45 U.S.C. 563(b). The governor may not participate in the submission of an application until the base agreement and any application have been approved by the legislature.

[67-807, added 1981, ch. 259, sec. 1, p. 550.]

67-808. GOVERNOR AUTHORIZING HOUSING ACCOMMODATION CONSTRUCTION. The governor of Idaho is hereby authorized, with the approval of the board of examiners and for and on behalf of the state of Idaho, to contract with competent parties for the construction of housing accommodations on state-owned real property used in the operation of any state institution (for use by state officers and employees working at such institution) and to similarly contract for the acquisition of real property, with or without a contractual provision for the construction of similar housing accommodations thereon, near to, and for use in connection with the operation of, any such institution.

Contracts for such accommodations on such state-owned land may provide that said accommodations shall not become a part of the realty, except as hereinafter provided, that the state of Idaho shall lease said accommodations for an agreed period of time and at an agreed consideration and that said accommodations shall become a part of the realty when the total agreed consideration has been paid by the state of Idaho.

[67-808, added 1957, ch. 223, p. 502; am. 2015, ch. 244, sec. 41, p. 1030.]

67-808c. GOVERNOR TO OCCUPY GOVERNOR'S RESIDENCE. The governor of the state of Idaho may, during his term of office, for the convenience and benefit of the state of Idaho, occupy the governor's residence as a residence.

[67-808c, added 1947, ch. 179, sec. 4, p. 437; am. 1987, ch. 11, sec. 1, p. 15.]

67-808d. GOVERNOR'S EXPENSE ALLOWANCE. In recognition of the duties that devolve upon the governor as the chief executive of this state, there is hereby set aside out of any moneys not otherwise appropriated from the general fund, the sum of \$10,000. Such moneys shall be set aside from the general fund at the beginning of each fiscal biennium, and may be used by the governor at his discretion to assist in defraying expenses relating to or resulting from the discharge of his official duties. Such moneys shall be accounted for solely on the certificate of the governor, and the provisions of [chapter 36, title 67](#), Idaho Code, and section [67-3516](#), Idaho Code, do not apply to such expense allowance.

[67-808d, added I.C., sec. 67-808d, as added by 1969, ch. 273, sec. 1, p. 815.]

67-809. DUTIES OF LIEUTENANT GOVERNOR -- ACTUAL AND NECESSARY EXPENSES -- COMPENSATION OF SENATE PRESIDENT PRO TEMPORE WHEN ACTING AS LIEUTENANT GOVERNOR. (1) The lieutenant governor shall perform on a day to day basis such duties in and for the government of this state as the governor may from time to time direct. The lieutenant governor shall perform such additional duties as the governor may deem necessary and desirable to promote the im-

provement of state government and the development of the human, natural and industrial resources of this state. At the written direction of the governor, the lieutenant governor may represent the state in negotiations, compacts, hearings and other matters dealing with the states or the federal government. He shall cooperate with all state and local governmental agencies to promote and encourage the orderly development of the resources of Idaho.

The lieutenant governor shall also exercise the powers and privileges of the office of governor and presidency of the senate as provided by sections 12 and 13, article IV of the constitution of the state of Idaho.

(2) The lieutenant governor shall be entitled to receive the following expense allowances:

(a) As unvouchered expense allowances:

(i) While performing the duties of acting governor, the difference between the daily salary of lieutenant governor and the daily salary of governor, which amount shall be in addition to the salary as lieutenant governor. Such amount shall not be paid for any day on which the lieutenant governor claims an unvouchered expense allowance as president of the senate.

(ii) For each day spent serving as president of the senate during a legislative session, the per diem authorized for a member of the legislature by the citizen's committee on legislative compensation.

(iii) Actual mileage expense reimbursement for coming to and returning from any regular, extraordinary or organizational session of the legislature at the same rate as mileage expense reimbursement is made for other state officers and employees.

(iv) For each day actually spent in the office serving as lieutenant governor while the legislature is not in session, the same daily amount of per diem enumerated in subsection (2) (a) (ii) of this section.

(v) For each day actually spent in the office serving as lieutenant governor when the legislature is not in session, the sum of twenty-five dollars (\$25.00) if the lieutenant governor maintains his primary residence in Ada county.

(b) As vouchered expense allowances:

(i) Actual and necessary expenses incurred while serving as president of the senate during a legislative session, subject to the same requirements and limitations as if a member of the legislature.

(ii) Actual and necessary expenses incurred while serving as lieutenant governor or as acting governor.

(3) Unvouchered expense allowances and vouchered expense reimbursement for duties performed as president of the senate shall be paid from the legislative fund. All other compensation and/or allowances for duties performed as the lieutenant governor shall be paid from the appropriation made for the office of the lieutenant governor.

(4) The actual and necessary expenses of the lieutenant governor while performing his official duties as lieutenant governor or as acting governor are hereby expressly exempted from the provisions of sections [67-2007](#) and [67-2008](#), Idaho Code (Standard Travel Pay and Allowance Act of 1949).

(5) Notwithstanding any other provisions of law to the contrary, when performing the duties of acting lieutenant governor, the president pro tempore of the senate will receive, in addition to his daily legislative com-

compensation, an amount equal to the difference between that daily legislative compensation and the daily salary of the lieutenant governor.

[67-809, added 1959, ch. 48, sec. 1, p. 103; am. 1967, ch. 232, sec. 1, p. 685; am. 1967, ch. 407, sec. 1, p. 1218; am. 1969, ch. 282, sec. 1, p. 855; am. 1977, ch. 283, sec. 1, p. 815; am. 1984, ch. 203, sec. 2, p. 499; am. 2001, ch. 269, sec. 1, p. 975; am. 2009, ch. 29, sec. 2, p. 81.]

67-810. EMPLOYEES. The lieutenant-governor is authorized to employ such necessary help in the performance of his official duties as shall be necessary, and the cost and expense thereof shall be paid out of the regular appropriation for the lieutenant-governor.

[67-810, added I.C., sec. 67-810, as reen. by S.L. 1967, ch. 232, sec. 2, p. 685; am. 1977, ch. 283, sec. 2, p. 816.]

67-811. DISPLAY OF GOVERNORS' PICTURES. A display of the separate pictures of each governor of Idaho, from territorial days to the present, is hereby authorized. The location of the display shall be on the walls of the second floor hallway in the west end of the statehouse.

[67-811, added 1965, ch. 103, sec. 1, p. 189.]

67-812. ADDITIONS TO EXHIBIT -- COST. Each governor shall henceforth keep this exhibit up to date by adding thereto his own photograph, of comparable size and quality, and the cost thereof shall be paid from his office budget.

[67-812, added 1965, ch. 103, sec. 2, p. 189.]

67-813. ESTABLISHMENT OF GOVERNOR-ELECT TRANSITIONAL FUND. There is hereby established in the state treasury a fund to be known and designated as the "governor-elect transitional fund." All moneys in the governor-elect transitional fund are perpetually appropriated and dedicated for the purposes set forth in this act.

[67-813, added 1969, ch. 42, sec. 1, p. 107.]

67-814. CERTIFICATION OF ELECTION OF GOVERNOR-ELECT BY SECRETARY OF STATE. As soon as possible after every general election at which a governor-elect has been elected, the secretary of state shall certify to the administrator of the division of financial management and to the state controller the fact of such election.

[67-814, added 1969, ch. 42, sec. 2, p. 107; am. 1994, ch. 180, sec. 173, p. 535.]

67-815. FACILITIES TO BE FURNISHED BY DIRECTOR OF THE BUDGET. The director of the budget shall, upon request by every governor-elect, furnish the following services and facilities to the governor-elect from moneys set aside in the governor-elect transitional fund:

- (1) Suitable office space, furniture, fixtures and equipment;
- (2) Payment of salaries and expenses of staff personnel designated by the governor-elect;

(3) Payment of travel expenses for the governor-elect and his staff personnel;

(4) Payment of incidental office expenses, including postage, communications and supplies.

[67-815, added 1969, ch. 42, sec. 3, p. 107.]

67-816. TIME DURING WHICH FUND IS AVAILABLE TO GOVERNOR-ELECT. The moneys authorized for use of the governor-elect as herein provided shall be available from the date of certification as provided in section [67-814](#)[, Idaho Code,] until the governor-elect officially assumes the office of governor.

[67-816, added 1969, ch. 42, sec. 4, p. 107.]

67-817. INCUMBENT GOVERNOR, WHEN GOVERNOR-ELECT, PROHIBITED FROM USING FUND. In the case where the governor-elect is the incumbent governor, there shall be no expenditures of funds for the provision of services and facilities to such incumbent under this act.

[67-817, added 1969, ch. 42, sec. 5, p. 107.]

67-818. COORDINATION OF POLICY AND PROGRAMS RELATED TO THREATENED SPECIES AND ENDANGERED SPECIES IN IDAHO. (1) There is hereby created in the office of the governor, the "Office of Species Conservation." The administrator of the office of species conservation shall be the official in the state designated to oversee implementation of federal recovery plans, as provided in 16 U.S.C. section 1533(f), and to fulfill the duties provided by this section. The administrator shall be appointed by, and serve at the pleasure of, the governor and shall be subject to confirmation by the state senate.

(2) The duties of the office of species conservation shall include:

(a) Coordination of all state departments and divisions with duties and responsibilities affecting endangered species, threatened species, candidate species, species petitioned to be listed, and rare and declining species as defined in section [36-2401](#), Idaho Code;

(b) Coordinating state implementation and response to federal recovery plans, biological opinions, guidance and projects among all state and local governments in the state of Idaho;

(c) Participation in regional efforts to cooperatively address endangered species, threatened species, candidate and petitioned species, and rare and declining species;

(d) Providing input and comment to federal and state agencies, and tribes on issues relating to endangered species, threatened species, candidate and petitioned species, and rare and declining species;

(e) Cooperating and consulting with the department of fish and game, the department of lands, the department of water resources, the department of agriculture, and the department of parks and recreation regarding agreements pursuant to 16 U.S.C. section 1533, 16 U.S.C. section 1535 and 16 U.S.C. section 1539;

(f) Negotiating agreements with federal agencies concerning endangered species, threatened species, candidate species, petitioned species, and rare and declining species including, but not limited to, agreements pursuant to 16 U.S.C. section 1533(d) and 16 U.S.C. section

1539(a), other than those agreements negotiated pursuant to 16 U.S.C. section 1535;

(g) Providing the people of the state of Idaho with an ombudsman who can listen to citizens being harmed or hindered by the regulations of the ESA and direct them to the appropriate state or federal agency and/or speak on their behalf, as deemed appropriate by the ombudsman, to address issues or concerns related to the ESA;

(h) Serve as a repository for agreements and plans among governmental entities in the state of Idaho for the conservation of rare and declining species, petitioned, candidate, threatened and endangered species.

(3) State policy and management plans developed pursuant to this section shall be developed in accordance with the following subsections:

(a) State policy on rare and declining, petitioned, candidate, threatened, and endangered species and state management plans shall be developed in consultation with the appropriate state agencies. The appropriate state agency for wildlife and plant management issues is the department of fish and game. The appropriate state agency for timber harvest activities, oil and gas exploration activities and for mining activities is the department of lands. The appropriate state agencies for agricultural activities are the department of agriculture and the Idaho state soil and water conservation commission. The appropriate state agency for public road construction is the transportation department. The appropriate state agency for water rights is the department of water resources. The appropriate state agency for water quality is the department of environmental quality. The appropriate state agency for outfitting and guiding activities is the Idaho outfitters and guides licensing board;

(b) State management plans shall be the policy of the state of Idaho, but are subject to legislative approval, amendment or rejection by concurrent resolution. State management plans shall be subject to public notice and comment but shall not be subject to judicial review.

(4) The governor's office of species conservation shall prepare a report to the legislature recommending a plan to develop state conservation assessments and strategies for rare and declining species in the state of Idaho and submit that report and recommendation to the legislature. The report and recommendation are subject to legislative approval, amendment or rejection by concurrent resolution.

(5) The state asserts primacy over the management of its fish, wildlife and water resources. Accordingly, any introduction or reintroduction of any aquatic or terrestrial species onto lands within the state or into state waters, including those actions that would impair or impede the state's primacy over its land and water, without state consultation and approval is against the policy of the state of Idaho and is hereby prohibited.

(6) No provision of this section shall be interpreted as to supersede, abrogate, injure or create rights to divert or store water and apply water to beneficial uses established under section 3, article XV, of the constitution of the state of Idaho, and [title 42](#), Idaho Code.

[67-818, added 2000, ch. 270, sec. 3, p. 775; am. 2001, ch. 103, sec. 99, p. 339; am. 2003, ch. 129, sec. 5, p. 382; am. 2005, ch. 402, sec. 1, p. 1367; am. 2010, ch. 279, sec. 33, p. 755; am. 2013, ch. 149, sec. 1, p. 346; am. 2017, ch. 136, sec. 1, p. 328.]

67-819. FUNDING -- ACCOUNT CREATED. (1) The governor's office of species conservation may accept private contributions, federal funds, funds from other public agencies or any other source. The moneys shall be used solely for the purposes provided in section [67-818](#), Idaho Code, and be expended and accounted for as provided by law.

(2) There is hereby established in the state treasury the species conservation fund which shall consist of all moneys received pursuant to subsection (1) of this section. Moneys in the species conservation fund shall be used for purposes described in section [67-818](#), Idaho Code.

[67-819, added 2000, ch. 270, sec. 3, p. 776.]

67-820. FLAGS FLOWN AT HALF-STAFF -- DEATH IN LINE OF DUTY FOR POLICE, FIREFIGHTERS, PARAMEDICS OR EMTS. (1) The governor, upon timely notification and verification of the death of a federal, state or local law enforcement officer, firefighter, paramedic or emergency medical technician who is employed or volunteering for an agency in the state of Idaho and who died in the line of duty, shall direct that the flag of the United States and the state flag be flown at half-staff, from the time of notification to the governor until the day following the memorial service, at the state capitol building and at other state and local government buildings. The flags shall be flown upon an existing flagstaff or flagstaffs or, at the option of the governor, a flagstaff or flagstaffs erected at an appropriate site, after consultation with organizations representing law enforcement officers, firefighters, paramedics or emergency medical technicians regarding the location and design of the flagstaff or flagstaffs. The flag flown over the capitol building in honor of the deceased shall be presented to the family.

(2) Except as prohibited by the United States flag code, the governor may direct that the flag of the United States be flown at half-staff at a monument honoring fallen service members, which directive shall be effective for a period of one (1) year and may be renewed by the governor annually. The governor may request the time, manner and condition of such direction in keeping with the traditions of the United States flag code.

[(67-820) 67-818, added 2000, ch. 273, sec. 1, p. 798; am. and redesign. 2005, ch. 25, sec. 121, p. 132; am. 2015, ch. 336, sec. 1, p. 1268.]

67-821. COORDINATION OF POLICY AND PROGRAMS RELATED TO DRUG AND SUBSTANCE ABUSE. (1) There is hereby established in the office of the governor the "Office of Drug Policy." The administrator of the office of drug policy shall be the official in the state designated to oversee and execute the coordination of all drug and substance abuse programs within the state of Idaho. The administrator shall be appointed by and shall serve at the pleasure of the governor, and shall be subject to confirmation by the state senate.

(2) The office of drug policy shall:

(a) Cooperate and consult with counties, cities and local law enforcement on programs, policies and issues in combating Idaho's illegal drug and substance abuse problem;

(b) Serve as a repository of agreements, contracts and plans concerning programs for combating illegal drug and substance abuse from community organizations and other relevant local, state and federal agencies and

shall facilitate the exchange of this information and data with relevant interstate and intrastate entities;

(c) Provide input and comment on community, tribal and federal plans, agreements and policies relating to illegal drug and substance abuse; and

(d) Coordinate public and private entities to develop, create and promote statewide campaigns to reduce or eliminate substance abuse.

[67-821, added 2007, ch. 69, sec. 1, p. 183; am. 2012, ch. 107, sec. 14, p. 297.]

67-823. COORDINATION OF POLICY AND PROGRAMS RELATED TO SCIENCE, TECHNOLOGY, ENGINEERING AND MATH EDUCATION IN IDAHO. (1) There is hereby created in the office of the governor the "Science, Technology, Engineering and Math (STEM) Action Center" and the STEM action center advisory board. The administrator of the STEM action center shall be the official in the state designated to coordinate and oversee implementation of STEM programs; to promote STEM through best practices in education to ensure connection with industry and Idaho's long-term economic prosperity; to produce an Idaho STEM-competitive workforce to offer better access to competitive employment opportunities; and to drive student experience, engagement and industry alignment by identifying and implementing public and higher education STEM best practices to transform workforce development.

(2) The STEM action center advisory board shall consist of the following nine (9) members:

(a) The director of the department of commerce, or his designee;

(b) The director of the department of labor, or his designee;

(c) One (1) member of the state board of education;

(d) The superintendent of public instruction, or her designee; and

(e) Five (5) members appointed by the governor, who shall serve at the pleasure of the governor for terms of three (3) years, and who shall be residents of the state and represent manufacturing or STEM-related industries. The board's chairman will be elected annually by the members of the board.

(3) The terms of the first board shall be staggered with three (3) appointments expiring July 1, 2018; three (3) appointments expiring July 1, 2019; and three (3) appointments expiring July 1, 2020. Thereafter, the term of office for each member shall be three (3) years.

(4) A vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment and for the balance of the unexpired term.

(5) The duties of the STEM action center shall include:

(a) Coordinate all state departments and divisions on STEM-related activities;

(b) Perform industry needs and education process foci on industry career talent, gap analysis and needs assessment to lead future STEM teacher professional development activities and goals;

(c) Align public education STEM activities with higher education STEM activities;

(d) Identify and coordinate best practices among public education and higher education;

(e) Strategically engage industry, business and public or government entities to cooperate with the STEM action center and focus outcomes and goals on workforce needs and opportunities;

(f) Support high-quality professional development focused on career readiness and talent development and provide other assistance for educators and students;

(g) Work cooperatively with the Idaho department of education and the Idaho state board of education to define and implement pilot programs and select schools to:

- (i) Further STEM education;
 - (ii) Ensure that best practices are implemented; and
 - (iii) Integrate research and document results of that research;
- and

(h) Engage private entities to provide additional funding and/or in-kind employee time for STEM activities in schools supporting industry career readiness in addition to what is currently provided by private entities.

(6) The duties and oversight of the STEM action center shall not interfere or conflict with the duties and oversight of the state board of education.

(7) As funding allows, the administrator of the STEM action center shall:

(a) Support high-quality professional development for educators regarding STEM education;

(b) Ensure that the STEM action center acts as a research and development center for tools and best practice in STEM education coordination and development;

(c) Review and acquire STEM education-related instructional materials and products for:

- (i) Educator high-quality professional development;
- (ii) Assessment, data collection, analysis and reporting; and
- (iii) Public school instruction; and

(d) Facilitate participation in interscholastic STEM-related competitions, fairs, expositions, camps and STEM education student programs;

(e) Engage private industry in the development and maintenance of the STEM action center and STEM action center projects;

(f) Use resources to bring the latest STEM content, 21st century skills and hands-on STEM education resources into public education classroom schools;

(g) Annually identify at least five (5) best practice innovations used in Idaho schools that have resulted in growth in interest and performance in STEM by students and teachers involved in pilot programs, math academies and STEM projects;

(h) Identify best practices being used outside the state and, as appropriate, develop and implement selected practices through pilot programs;

(i) As appropriate, join and participate in a national STEM network and collaborate with neighboring states in STEM program development;

(j) Identify performance changes linked to use of the best practices;

(k) Support best methods of high-quality professional development for STEM education in kindergarten through grade 12, including methods of high-quality professional development pilot programs that reduce cost and increase effectiveness, implement practices that support industry career readiness and talent development, and help educators learn how to most effectively implement STEM best practices, 21st century skills and STEM resources in classrooms;

- (l) Support targeted high-quality professional development for improved instruction in K-12 STEM education, including:
- (i) Improved instructional materials and resources that are dynamic and engaging for students;
 - (ii) Targeted instruction for students who traditionally avoid enrolling in STEM courses;
 - (iii) Introduction of engaging engineering and other STEM programs;
 - (iv) Use of applied instruction; and
 - (v) Introduction of other research-based methods that support student achievement in STEM areas; and
- (m) Provide an Idaho best practices STEM resource database, including best practices from public education, higher education, informal STEM partners and other STEM-related entities.
- (8) The administrator shall track and compare the growth of students participating in a STEM action center program to all other similarly situated students in the state, in the following STEM-related activities, at the beginning and end of each year:
- (a) Public education high school graduation rates;
 - (b) The number of students taking STEM courses at an institution of public higher education;
 - (c) The number of students who graduate from an Idaho public school and begin a postsecondary education program; and
 - (d) The number of students, as compared to all similarly situated students, who are performing at grade level in STEM classes.
- (9) The STEM action center may:
- (a) Enter into contracts for the purposes of this section; and
 - (b) Apply for, receive and disburse funds, contributions or grants from any source for the purposes set forth in this section.
- (10) The administrator shall report the progress of the STEM action center, including the information described in subsection (5) of this section, to the following groups once each year:
- (a) The house and senate education committees;
 - (b) The governor's office;
 - (c) The joint finance-appropriations committee; and
 - (d) The state board of education.
- (11) The report described in subsection (10) of this section shall include information that demonstrates the effectiveness of the program, including:
- (a) The number of educators receiving high-quality STEM professional development;
 - (b) The number of students receiving services from the STEM action center and the number of students participating in STEM camps, academies, pilot programs and classroom STEM activities;
 - (c) A report on the STEM action center's fulfillment of its duties; and
 - (d) Student performance of students participating in a STEM action center program.

[67-823, added 2015, ch. 304, sec. 1, p. 1202; am. 2018, ch. 23, sec. 1, p. 38; am. 2019, ch. 161, sec. 12, p. 544.]

67-824. STEM EDUCATION FUND. There is hereby created in the state treasury the STEM education fund to support the programs and priorities of the state in advancing science, technology, engineering and mathematics educa-

tion. The STEM education fund may accept private contributions, moneys from other public agencies or moneys from any other source. The moneys shall be used solely for the purposes provided in section [67-823](#), Idaho Code, and be expended and accounted for as provided by law. All expenditures from the STEM education fund must be approved by the Idaho STEM action center advisory board.

[67-824, added 2016, ch. 140, sec. 1, p. 406; am. 2018, ch. 23, sec. 2, p. 41.]

67-825. STEM ACTION CENTER ADVISORY BOARD -- MEETINGS -- HONORARIUM AND EXPENSES -- ORGANIZATION. (1) The STEM action center advisory board shall hold no fewer than four (4) regular meetings annually at such time and place as may be directed by the board. Special meetings may be called by the chair at any time and place designated in such call.

(2) Each member shall be compensated as provided in section [59-509](#)(c), Idaho Code.

(3) At its first meeting after the first day of July in each year, the STEM action center advisory board shall organize and shall elect from its membership a chairperson and a vice chairperson.

[67-825, added 2016, ch. 37, sec. 1, p. 87; am. 2018, ch. 23, sec. 3, p. 41.]

67-826. IDAHO ROADLESS RULE IMPLEMENTATION COMMISSION. (1) There is hereby established in the office of the governor an Idaho roadless rule implementation commission, hereinafter referred to as the "commission."

(2) The commission, in conjunction with the United States forest service, shall coordinate, advise, and propose projects, plans, and policies occurring within or affecting "Idaho roadless areas," as defined in 36 CFR 294.21.

(3) The commission shall, as a part of its role of reviewing and proposing projects, plans, and policies for Idaho roadless areas, coordinate and advise on activities related to shared stewardship, good neighbor authority, forest health, and the protection of communities at risk from wildfire within and adjacent to Idaho roadless areas.

(4) The commission shall coordinate and develop policies related to the United States forest service's implementation and interpretation of the Idaho roadless rule as codified in 36 CFR 294, subpart C.

(5) The commission shall, as necessary, enter into memoranda of understanding or other agreements with the United States forest service to cooperate on activities subject to the Idaho roadless rule as provided in 36 CFR 294, subpart C.

(6) The commission shall be supported by the governor's office of species conservation. Support for the commission shall include but is not limited to working with the United States forest service staff to propose and support projects within and adjacent to Idaho roadless areas, coordinate commission meetings, and other tasks as assigned by the commission or the governor.

(7) The members of the commission shall be appointed by and serve at the pleasure of the governor. The commission shall be composed of nine (9) to twelve (12) members. Three (3) members shall serve initial terms of four (4) years, three (3) members shall serve initial terms of three (3) years, and three (3) members shall serve initial terms of two (2) years. In the

event that more than nine (9) members are appointed, such additional members shall serve initial terms of five (5) years. Following initial terms, members shall serve four (4) year terms. Members may be appointed from the following three (3) categories:

- (a) Individuals who:
 - (i) Represent developed outdoor recreation, off-highway vehicle users or commercial recreation activities;
 - (ii) Represent energy or mineral development interests;
 - (iii) Represent the commercial timber industry; or
 - (iv) Hold a federal grazing lease or other federal land use lease.
- (b) Individuals who:
 - (i) Represent an environmental organization;
 - (ii) Represent dispersed recreation activities;
 - (iii) Represent archaeological and historical interests; or
 - (iv) Represent a nationally or regionally recognized wildlife or sportsmen's interest group.
- (c) Individuals who:
 - (i) Participated in the development of the Idaho roadless rule or were members of the roadless area conservation national advisory committee;
 - (ii) Hold state, county, or local elected office;
 - (iii) Represent an American Indian tribe within the state of Idaho; or
 - (iv) Represent the public at large.

(8) There shall be a chairman and a vice chairman of the commission elected by a majority of the members of the commission. A majority of the commissioners shall constitute a quorum.

(9) The commission meetings shall, if determined warranted, be held semiannually or at other times upon the call of the chairman or a majority of the commission.

(10) The commission shall prepare and submit an annual report, on or before January 15 of each year, to the senate resources and environment committee and the house resources and conservation committee reflecting the actions of the commission pursuant to the provisions of this section and setting forth the membership of the commission.

[67-826, added 2018, ch. 27, sec. 1, p. 51; am. 2020, ch. 222, sec. 1, p. 654.]

67-827. COORDINATION OF POLICY AND PROGRAMS -- INFORMATION TECHNOLOGY SERVICES AND CYBERSECURITY. (1) There is hereby established in the office of the governor the "Office of Information Technology Services."

(2) The administrator of the office of information technology services shall be the official in the state designated to oversee and execute the coordination and implementation of all information technology services and cybersecurity policies within the state of Idaho. The administrator shall be appointed by and shall serve at the pleasure of the governor and shall be subject to confirmation by the senate.

[67-827, added 2018, ch. 258, sec. 1, p. 610.]

67-827A. POWERS AND DUTIES. The office of information technology services is hereby authorized and directed:

(1) (a) (i) To control and approve the acquisition and installation of all telecommunications equipment and facilities for all departments and institutions of state government, except as provided in subparagraphs (ii), (iii) and (iv) of this paragraph;

(ii) To coordinate the acquisition and installation of all telecommunications equipment and facilities for the institutions of higher education and the elected officers in the executive branch;

(iii) To coordinate the acquisition and installation of all telecommunications equipment and facilities for the legislative and judicial branches;

(iv) Provided however, that the acquisition and installation of all public safety and microwave equipment shall be under the control of the military division. The military division is authorized to charge and receive payment for actual and necessary expenses incurred in providing services to any unit of state government under the provisions of this subparagraph.

(b) In approving or coordinating the acquisition or installation of telecommunications equipment or facilities, the office shall first consult with and consider the recommendations and advice of the directors or executive heads of the various departments or institutions. Any acquisition or installation of any telecommunications equipment or facilities that is contrary to the office's recommendation, or is not in harmony with the state's overall plan for telecommunications and information sharing, shall be reported in writing to the governor and the legislature.

(2) To provide a system of telecommunications for all departments and institutions of state government. Funds received pursuant to this subsection shall be appropriated for payment of telecommunication and telephone charges incurred by the various agencies and institutions of state government.

(3) To provide a means whereby political subdivisions of the state may use the state telecommunications system, upon such terms and under such conditions as the office of information technology services may establish.

(4) To accept federal funds granted by congress or by executive order for all or any of the purposes of this chapter, as well as gifts and donations from individuals and private organizations or foundations.

(5) To oversee implementation of cybersecurity policies to foster risk and cybersecurity management telecommunications and decision-making with both internal and external organizational stakeholders.

(6) To coordinate and consult with state agencies and officials regarding information security needs.

(7) To coordinate with state agencies and officials on penetration tests and vulnerability scans of state technology systems in order to identify steps to mitigate identified risks.

(8) To coordinate with state agencies and officials to ensure that state agencies implement mandatory education and training of state employees and provide guidance on appropriate levels of training for various classifications of state employees.

(9) To coordinate with appropriate state agencies to create, coordinate, publish, routinely update and market a statewide cybersecurity website as an information repository for intelligence-sharing and cybersecurity best practices.

(10) To coordinate public and private entities to develop, create and promote statewide public outreach efforts to protect personal information and sensitive data from cyber threats.

(11) To promulgate and adopt reasonable rules for effecting the purposes of this act pursuant to the provisions of [chapter 52, title 67](#), Idaho Code.

[67-827A, added 2018, ch. 258, sec. 2, p. 610; am. 2022, ch. 145, sec. 1, p. 519.]

67-828. OFFICE OF INFORMATION TECHNOLOGY SERVICES MAY CHARGE AND RECEIVE PAYMENT FOR CERTAIN SERVICES TO UNITS OF STATE GOVERNMENT -- APPROPRIATION. The office of information technology services is authorized to charge and receive payment for actual and necessary expenses incurred in providing services to any unit of state government under the provisions of this section. Any money received for services provided under the provisions of this section is hereby continually appropriated to the unit providing the services as compensation for such actual and necessary expenses.

[67-828, added 2018, ch. 258, sec. 3, p. 611.]

67-829. ADVANCE PAYMENTS AND INTERACCOUNT TRANSACTIONS. Any unit of the office of information technology services providing services to departments of state government as authorized in this chapter may charge and receive payment in advance of performance thereof for a period of time not to exceed the current appropriation of the department requesting such services. Such payments may be used for personnel costs and operating expenditures of the unit providing the services.

[67-829, added 2018, ch. 258, sec. 4, p. 611.]

67-830. DECLARATION OF PURPOSE. The legislature finds that advances in information technology and telecommunications present significant opportunities for the state of Idaho to improve the efficiency and productivity of state government, to encourage public access to government information and to enhance lifelong educational and training opportunities. The implications of these information technology and telecommunications advances require a centralized and coordinated strategic planning process involving the expertise and participation of experienced persons from both state government and the private sector. The establishment of the Idaho technology authority will facilitate a centralized approach to the acquisition and evaluation of necessary technical information and the informed development of a statewide strategic plan to ensure a coordinated approach to the design, procurement and implementation of information technology and telecommunications systems for both state government and the public.

[67-830, added 2018, ch. 258, sec. 5, p. 612.]

67-831. DEFINITIONS. As used in this chapter:

(1) "Information technology" means all present and future forms of computer hardware, computer software and services used or required for automated data processing, computer-related office automation or telecommunications.

(2) "State agencies" means all state agencies or departments, boards, commissions, councils and institutions of higher education but shall not include the elected constitutional officers and their staffs, the legislature and its staffs or the judiciary.

(3) "Telecommunications" means all present and future forms of hardware, software or services used or required for transmitting voice, data, video or images over a distance.

[67-831, added 2018, ch. 258, sec. 6, p. 612.]

67-832. IDAHO TECHNOLOGY AUTHORITY -- COMPOSITION -- APPOINTMENT AND TERM OF OFFICE -- REIMBURSEMENT -- CONTRACTING FOR NECESSARY SERVICES. (1) An Idaho technology authority is hereby created within the office of information technology services. The authority shall consist of up to eighteen (18) members. The governor shall appoint up to two (2) members of the authority that shall include an information technology executive from private industry and an employee of state government. The remaining membership of the authority shall be comprised of the following: one (1) legislator appointed by the president pro tempore of the senate and one (1) legislator appointed by the speaker of the house of representatives to include one (1) legislator from each of the two (2) largest parties; one (1) person appointed by the chief justice of the supreme court to represent the judicial branch of state government; the state controller; the director of the department of administration; the director of the department of health and welfare; the director of the department of labor; the director of the transportation department; the director of the Idaho state police; the director of the department of correction; the chair of the Idaho geospatial council executive committee; the director of the legislative services office; the administrator of the office of information technology services; the administrator of the division of financial management in the office of the governor; the executive director of the state board of education; and the adjutant general of the military division in the office of the governor. The governor shall designate a member of the authority to act as chair and all appointed members of the authority shall serve at the pleasure of the appointing authority. An agency director may delegate responsibility to serve as a member of the authority to another senior management executive within the agency with authority for general agency operations whose responsibilities may include, but not be limited to, information technology operations.

(2) The authority shall hold no fewer than two (2) regular meetings annually at such time and place as may be directed by its chair. The authority may meet more frequently at the call of the chair or if requested by a majority of the authority's members. Members of the authority shall serve with no salary or benefits, but are entitled to reimbursement as provided in section [59-509](#)(b), Idaho Code.

(3) The authority may contract for professional services or assistance when necessary or desirable to carry out its powers and duties.

[67-832, added 2018, ch. 258, sec. 7, p. 612.]

67-833. GENERAL POWERS AND DUTIES OF THE AUTHORITY. The authority shall:

(1) Review and evaluate the information technology and telecommunications systems presently in use by state agencies;

(2) Prepare statewide short-range and long-range information technology and telecommunications systems plans to meet the needs of state agencies;

(3) Within the context of its strategic plans, establish statewide information technology and telecommunications policies, standards, guidelines, conventions and comprehensive risk assessment criteria that will assure uniformity and compatibility of such systems within state agencies;

(4) Recommend and coordinate the use and application of state agencies' information technology and telecommunications resources;

(5) Review and approve large-scale information technology and telecommunications projects for state agencies including, but not limited to, risk assessment methodologies used by state agencies using authority risk assessment criteria;

(6) Review state agencies' compliance with statewide information technology and telecommunications systems plans;

(7) Recommend cost-efficient procedures for state agencies' acquisition and procurement of information technology and telecommunications systems;

(8) Upon request, provide technical expertise to state government and any other governmental entity;

(9) Maintain a continuous and comprehensive inventory of information technology and telecommunications systems within state agencies;

(10) In accordance with statutes governing the availability or confidentiality of public records and information, establish guidelines for the accessing of public information by the public;

(11) On an annual basis, publish a report of the activities of the authority for the governor and the legislature;

(12) Recommend the enactment or promulgation of any statutes or rules necessary to carry out the statewide information technology and telecommunications systems plans;

(13) Enter into contracts for professional services and assistance not otherwise available in state government;

(14) Encourage and promote cooperative information technology efforts and activities between the state, local government, private enterprise and the public;

(15) Encourage and support education and training opportunities relating to information technology and telecommunications; and

(16) Appoint subcommittees, delegate responsibilities and perform any additional functions consistent with the purpose of this act which are necessary and appropriate for the proper conduct of the authority.

[67-833, added 2018, ch. 258, sec. 8, p. 613.]

67-834. DEFINITIONS. As used in sections [67-835](#), [67-836](#) and [67-837](#), Idaho Code:

(1) "Geographic information" means data and datasets containing location information including, but not limited to, remotely sensed imagery, global positioning systems files, geospatially referenced computer-aided design files, digital cartographic products, spatially enabled databases, and geospatial datasets locating and describing features and their attributes on, above or under the earth.

(2) "Geographic information systems" or "GIS" means an information system capable of capturing, integrating, storing, editing, analyzing, managing, sharing, and displaying geographic information. A GIS involves

computer hardware, software, networks and applications, as well as the people to operate, develop, administer and use them.

(3) "Metadata" means a description of the quality, currency, attributes, methods and other salient aspects of geographic and tabular information.

(4) "State agency" means all state agencies or departments, boards, commissions, councils and institutions of higher education but shall not include the elected constitutional officers and their staffs, the legislature and its staffs or the judiciary.

[67-834, added 2018, ch. 258, sec. 9, p. 614.]

67-835. INTEGRATED PROPERTY RECORDS SYSTEM -- TRANSFER OF RESPONSIBILITY. The office of information technology services shall:

(1) Take possession and control of the state's integrated property records system previously created pursuant to section 58-330, Idaho Code;

(2) Manage the state's integrated property records system;

(3) Lead the establishment of a standard format, workflow and technical procedures to permit updating of the integrated property records system with geographic and other relevant data and information received from state agencies; and

(4) Lead the planning and deployment of multiagency enterprise use of the integrated property records system.

[67-835, added 2018, ch. 258, sec. 10, p. 614.]

67-836. AGENCIES TO PROVIDE RECORDS AND DATA. (1) Every state agency shall, no later than January 15, 2009, provide records in an electronic format acceptable to the department of administration of all interests in any real property owned, used or granted by it including, without limitation, records of ownership, leases, encumbrances, easements, rights-of-way leases or any other interest in real property. On and after July 1, 2018, and on a regular and continuous basis thereafter, every state agency shall update such records and provide any new records to the office of information technology services. Metadata will accompany all state agency records.

(2) For the purposes of this section, the Idaho transportation department shall provide highway right-of-way records from January 1, 2002, forward, augmented thereafter each time real property owned by the state of Idaho is affected as part of the Idaho transportation department's regular course of business.

(3) For the purposes of this section, state agencies shall provide only records and geographic information that are subject to disclosure under [chapter 1, title 74](#), Idaho Code, or that the agency has determined to disclose as a public record.

[67-836, added 2018, ch. 258, sec. 11, p. 614.]

67-837. RESPONSIBILITY FOR QUALITY. In regard to any obligation on any state agency or other entity to provide records to the office of information technology services pursuant to section [67-835](#) or [67-836](#), Idaho Code, the obligation for quality remains with the originator and does not transfer to the office of information technology services by virtue of its receipt or by integration or other use of such records.

[67-837, added 2018, ch. 258, sec. 12, p. 615.]