

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-eighth Legislature First Regular Session - 2025

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 358

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STATE CONTROLLER; AMENDING SECTION 67-1085, IDAHO CODE,  
TO REVISE PROVISIONS REGARDING THE REPORTING OF AGREEMENTS; AMEND-  
ING CHAPTER 10, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
67-1085A, IDAHO CODE, TO ESTABLISH STATE AGENCY AGREEMENT REPORTING RE-  
QUIREMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-1085, Idaho Code, be, and the same is hereby  
amended to read as follows:

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

~~(2) Any state officer or department, division, bureau, or agency re-~~  
~~porting an agreement pursuant to subsection (1) of this section shall also~~  
~~provide a contact person for the agreement.~~

~~(3) The state controller shall have authority to develop a policy in or-~~  
~~der to carry out the provisions and requirements of this section, including~~  
~~the scope and method of reporting agreements, and shall publish and maintain~~  
~~such policy in the same location where the list of agreements is published.~~  
~~The stated intent of the policy shall be to further improve transparency of~~  
~~state agreements.~~

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

67-1085A. STATE AGENCY AGREEMENT REPORTING REQUIREMENTS. (1) As used  
in this section:

(a) "Agency" means any state officer, department, division, bureau, or  
agency of the state of Idaho.

(b) "Agreement" includes any legally binding contract, MOU, or MOA en-  
tered into by an agency with external entities.

(c) "Master agreement" means a contract outlining general terms for a  
business relationship with specific sub-agreements that are subject to  
the master agreement's terms.

1 (d) "Memorandum of agreement" or "MOA" means a legally binding agree-  
2 ment defining the terms, obligations, and responsibilities of the par-  
3 ties.

4 (e) "Memorandum of understanding" or "MOU" means a non-binding agree-  
5 ment outlining a common understanding or objective between two (2) or  
6 more parties.

7 (f) "Sub-agreement" means a contract subordinate to a master agreement  
8 that outlines specific terms or obligations.

9 (2) Agencies shall report any executed MOU, MOA, or agreement, in-  
10 cluding sub-agreements, regardless of fund source, to the state controller  
11 within ten (10) business days of execution.

12 (3) Reports required pursuant to subsection (2) of this section shall  
13 be submitted through the designated state controller reporting portal and  
14 must include:

15 (a) A document title;

16 (b) The date of execution and end date, if applicable;

17 (c) A list of participating entities;

18 (d) A brief summary or purpose;

19 (e) An agency contact person's name, email, and phone number;

20 (f) Any amendments or modifications to the agreement; and

21 (g) The monetary value of the agreement, including total contract cost,  
22 funding sources, and payment schedule, if applicable.

23 (4) Amendments to existing agreements shall not require separate re-  
24 porting but shall be updated in the original submission, including the date  
25 of the last amendment and updated end date if the amendment extended the term  
26 of the agreement.

27 (5) (a) The following agreements are exempt from the provisions of this  
28 section and are not required to be reported:

29 (i) Employment-related agreements with state employees, exclud-  
30 ing settlement agreements;

31 (ii) Routine financial documents such as invoices and purchase  
32 orders used in the ordinary course of business;

33 (iii) Student housing and financial aid agreements between insti-  
34 tutions and students; and

35 (iv) Template agreements with standard terms used for short-term  
36 incidental purposes.

37 (b) Statewide contracts executed by the department of administration,  
38 division of purchasing, shall be reported by the department of admin-  
39 istration, except that sub-agreements executed by individual agencies  
40 shall be reported by the agency executing the sub-agreement.

41 (6) Each agency shall annually review, update, and certify the accuracy  
42 and completeness of its reported agreements by January 1 of each year. The  
43 certification must be signed or acknowledged by the agency head or an autho-  
44 rized representative.

45 (7) The state controller shall maintain and publish a centralized pub-  
46 licly accessible list of reported agreements, subject to public records ex-  
47 emptions under chapter 1, title 74, Idaho Code. At a minimum, the publicly  
48 available information shall include the information required to be reported  
49 under subsection (3) of this section. The state controller shall monitor  
50 compliance, may provide assistance to agencies, and may report non-compli-

1    ance to the governor and legislature. The state controller shall have au-  
2    thority to develop and maintain a guidance policy to carry out the provisions  
3    and requirements of this section, including the manner of reporting agree-  
4    ments to its reporting portal, and shall publish such policy in the same lo-  
5    cation where the list of reported agreements is published.

6           SECTION 3. An emergency existing therefor, which emergency is hereby  
7    declared to exist, this act shall be in full force and effect on and after  
8    July 1, 2025.