

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 41
STATE HISTORICAL SOCIETY

67-4111. DECLARATION OF POLICY. (1) The citizens of the state of Idaho have an ongoing appreciation, pride and interest in the history of Idaho and the preservation of Idaho's historic resources. There is a need to enhance the cultural environment of the state of Idaho. Industry, commerce, agriculture and quality of life will be enhanced by the preservation of Idaho's cultural and historic resources and the connection to place.

(2) It is hereby declared to be the policy of the state of Idaho to encourage the preservation of our cultural and historic resources and to assist the society in joining with all persons and institutions concerned with the history of Idaho to ensure that cultural and historic resources are recognized and fostered and will add value to and play a significant role in the welfare and educational experience of Idaho's citizens.

[67-4111, added 2009, ch. 167, sec. 2, p. 499.]

67-4112. DEFINITIONS. As used in this chapter:

(1) "Board" means the board of trustees of the Idaho state historical society.

(2) "Historical record" means any record, artifact, object, historical or archaeological site or structure, document, evidence or public or private writing pursuant to the provisions of [title 9](#), Idaho Code, relevant to the history of the state of Idaho.

(3) "Idaho state historical society" and "society" mean the educational institution pursuant to [chapter 41, title 67](#), Idaho Code. The society includes the Idaho state museum, the Idaho state archives and state records center, the state historic preservation office, and operates in public trust state historic sites, including the old Idaho penitentiary, John and Ann Doney house, the Lorenzo Hill Hatch house, Franklin relic hall, Franklin cooperative mercantile institution, Rock Creek station and Stricker homesite, and Pierce courthouse.

[67-4112, added 2009, ch. 167, sec. 3, p. 499; am. 2018, ch. 137, sec. 1, p. 283.]

67-4113. HISTORIC SITE DESIGNATION -- PUBLIC NOTICE AND COMMENT. No state agency or officer may recommend, designate or declare or cause any historic site to be designated as an historic site without first:

(1) Sending notification to the board of county commissioners and, if within the corporate limits of any city, to the city council where said historic site is located. Notification must include the description of the proposed site and a full and complete disclosure of the consequences of such designation under current state and federal laws;

(2) Giving at least twenty (20) days public notice of its intended action. The notice shall include a statement of the historical significance of the proposed site, the location, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to all persons who have made timely requests in writing of the agency for advance notice of its intended site designation; and

(3) Affording all interested persons reasonable opportunity to submit data, views or arguments, orally or in writing. Opportunity for oral hearing must be granted, if requested in writing, no later than five (5) days before the date of the intended action by twenty-five (25) persons, by a governmental subdivision or state agency, or by an association having not less than twenty-five (25) members. All written and oral submissions respecting the proposed site designation shall be considered fully by the state agency or offices.

[67-4113, added 1978, ch. 187, sec. 1, p. 423.]

67-4114. PURPOSE -- PRESERVATION OF HISTORICAL SITES AND MONUMENTS. The purpose of this act is to identify, to preserve, and to protect those sites, monuments, and points of interest within the state of Idaho which by reason of their connection with the history and development of the state merit preservation and protection, for the better appreciation of the historical heritage of this commonwealth by the people of this state and their posterity.

[67-4114, added 1957, ch. 142, sec. 1, p. 233.]

67-4115. DESIGNATION. The governor of this state is hereby authorized, in his discretion, upon the advice and recommendation of the Idaho State Historical Society, to designate, establish, and declare any historic or archaeological site, monument, or point of interest in this state as an Idaho state historic site provided however, that if the historic or archaeological site be so designated or selected is situate upon privately owned land, or upon land owned by other than the state of Idaho, the site shall not be so designated without the permission and consent of the owner thereof.

[67-4114, added 1957, ch. 142, sec. 2, p. 233.]

67-4116. MARKING AND MAINTENANCE. The Idaho State Historical Society shall provide signs or markers for Idaho state historic sites. Said markers, if located upon land owned by the state of Idaho, shall be maintained by the department of the state having charge of the administration of said land. If located upon private land, said markers shall be maintained by agreement or arrangement between the Idaho State Historical Society and any local historical organization where said historic site is located or, and with the consent of, the landowner.

[67-4116, added 1957, ch. 142, sec. 3, p. 233.]

67-4117. APPROVAL OF MARKERS, MONUMENTS AND SIGNS. No marker, monument, nor sign referring to or memorializing any historic event shall be placed on or adjacent to any highway of the state of Idaho on land owned by the state of Idaho, or over which the state of Idaho has an easement, without the consent and approval of the department of the state having charge of the administration of said land, and the approval by the Idaho State Historical Society of the form and character of the marker, monument, or sign, and of the language used thereon.

[67-4117, added 1957, ch. 142, sec. 4, p. 233.]

67-4118. PENALTY FOR DAMAGE, INJURY, MOLESTATION, OR DESTRUCTION OF AN ARCHAEOLOGICAL OR HISTORICAL SITE, OR MARKER. Any person who shall in any way wilfully, intentionally, or recklessly damage, molest, disturb, destroy, or harm any archaeological or any historic site, or who shall remove, destroy, obliterate, or in any way damage any sign, marker, or monument thereon or adjacent thereto, referring to any such historic site, shall be guilty of a misdemeanor and shall also be liable civilly to the state of Idaho by way of penalty in a sum equal to triple the amount of the cost and expense of repairing, replacing, and reconstructing said site or the property or markers, signs, or monuments thereon, or existing in connection therewith, to their condition prior to such damage, injury, molestation, or destruction. At each archaeological or historic site designated as herein provided, appropriate notice shall be posted of the purport of this section and of the penalties and liability prescribed.

[67-4118, added 1957, ch. 142, sec. 5, p. 233.]

67-4119. PURPOSE -- PROTECTION OF ARCHAEOLOGICAL AND VERTEBRATE PALEONTOLOGICAL SITES AND RESOURCES. The purpose of this act is to protect archaeological and vertebrate paleontological sites and resources on public lands in the state of Idaho and to ensure their safety and availability for scientific research.

[67-4119, added 1963, ch. 181, sec. 1, p. 539.]

67-4120. PERMITS FOR EXCAVATION. A permit shall first be obtained from the board of trustees of the Idaho State Historical Society before any excavation in or on any prehistoric site, ruins, pictographs, petroglyphs, or any other ancient marking or writing, or in or on any archaeological or vertebrate paleontological deposit or site on any public lands in Idaho. Such permits shall be issued only to applicants who are qualified by experience or professional training to conduct such excavations in an approved scientific manner. Said trustees may appoint any such professionally qualified advisors as, in their opinion, may be needed to advise them upon the granting of said permits.

[67-4120, added 1963, ch. 181, sec. 2, p. 539.]

67-4121. REGULATIONS -- COLLECTIONS HELD IN TRUST. (1) The board of trustees of the Idaho state historical society is hereby authorized and empowered to promulgate and to enforce such regulations as it may deem needful to protect the prehistoric ruins and relics and archaeological and vertebrate paleontological sites and deposits on any public land in Idaho. No person shall remove from the state of Idaho any part of any such ruins, pictographs, petroglyphs, relics, deposits, objects, specimens, or artifacts recovered from any such archaeological or vertebrate paleontological site or deposit without first obtaining the consent of the board of trustees of the Idaho state historical society. Said board of trustees may require, as a condition to such consent, that such portion of such relics, ruins, pictographs, petroglyphs, objects, specimens, artifacts, or deposits as said board of trustees shall require, shall become or remain the property of the state of Idaho. Nothing in this section shall be construed to interfere with the administrative management of relics, ruins, pictographs, petroglyphs, deposits, objects, specimens, or artifacts that have been recovered from any

such sites or deposits and that are the property of any agency or institution of the government of the state of Idaho.

(2) Idaho state historical society artifacts, archival materials and historic buildings are held in trust for the people of the state of Idaho and are protected, secure, unencumbered, cared for and preserved. These collections shall not be capitalized or defined as financial assets and shall not be sold to finance debt or infrastructure.

[67-4121, added 1963, ch. 181, sec. 3, p. 539; am. 2018, ch. 84, sec. 1, p. 189.]

67-4122. PENALTIES. Any person violating this act shall be guilty of a misdemeanor and, upon conviction thereof, shall, in addition to any other penalties imposed, forfeit to the state of Idaho all articles and materials he acquired from or discovered on such archaeological or vertebrate paleontological sites.

[67-4122, added 1963, ch. 181, sec. 4, p. 539.]

67-4123. STATE HISTORICAL SOCIETY -- GOVERNED BY BOARD OF TRUSTEES. The Idaho state historical society, hereinafter referred to as the society, shall be governed by a board of trustees. The society and its board of trustees shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be within the department of self-governing agencies. The board shall be responsible for administering the powers and duties required to preserve and protect any historical record of the history and culture of Idaho.

[67-4123, added 1970, ch. 145, sec. 1, p. 438; am. 1974, ch. 10, sec. 18, p. 49; am. 2009, ch. 167, sec. 4, p. 499.]

67-4124. BOARD OF TRUSTEES -- QUALIFICATIONS, APPOINTMENT AND TERMS OF MEMBERS. The board of trustees shall consist of seven (7) members to be appointed by the governor. The members of the board shall be chosen with due regard to their knowledge, competence, experience and interest in the fields related to the preservation and promotion of Idaho history. The governor shall consider geographic representation when selecting board members by appointing one (1) trustee from each of the seven (7) judicial districts as set forth in [chapter 8, title 1](#), Idaho Code. All appointees shall be chosen solely on the basis of their qualifications. The board shall provide the governor with a list of nominated qualified candidates to fill any board vacancy.

All members of the board shall serve for a specific term. Upon expiration of the terms of members serving on the board on the effective date of this act, the governor shall appoint members for a term of six (6) years, except appointments for the unexpired portion of a term. No member shall serve more than two (2) consecutive full terms.

[67-4124, added 1970, ch. 145, sec. 2, p. 438; am. 1974, ch. 10, sec. 19, p. 49; am. 1989, ch. 32, sec. 1, p. 37; am. 1999, ch. 15, sec. 1, p. 23; am. 2009, ch. 167, sec. 5, p. 500.]

67-4125. BOARD MEETINGS -- OFFICERS -- QUORUM -- EXPENSES. The board shall hold such meetings as may be necessary for the orderly conduct of its

business, with at least one (1) meeting in each calendar quarter, and from time to time on seventy-two (72) hours' notice of the chairman or of a majority of the members. At the first meeting of the board, and every two (2) years thereafter, the members of the board shall select a chairman and a vice chairman. Four (4) members shall be necessary to constitute a quorum at any meeting and action of the majority of members present shall be the action of the board.

The members of the board of trustees of the society shall be compensated as provided by section [59-509](#)(h), Idaho Code.

[67-4125, added 1970, ch. 145, sec. 3, p. 438; am. 1980, ch. 247, sec. 82, p. 648; am. 1989, ch. 32, sec. 2, p. 37; am. 1995, ch. 187, sec. 1, p. 675.]

67-4126. POWERS AND DUTIES OF BOARD. The board of trustees of the society shall have powers and duties as follows:

1. To appoint a director of the society as provided herein and advise him in the performance of his duties and formulate general policies affecting the society.

2. To encourage and promote interest in the history of Idaho and encourage membership in the society.

3. To collect for preservation and display artifacts and information illustrative of Idaho history, culture and society.

4. To print such publications and reports as may be deemed necessary.

5. To encourage creation of county historical societies and museums in the counties of Idaho.

6. To facilitate the use of Idaho records for official reference and historical research.

7. To be responsible for records management services for state government. Records management services include the management, storage and retrieval of all state created records under retention. State created records shall mean any document, book, paper photograph, sound recording or other material, regardless of physical form or characteristic, made or received pursuant to law or in connection with the transaction of official state business. The board may charge reasonable amounts for records management services. The records managed pursuant to this subsection will not be subject to the exemption in public records law provided in section [74-101](#)(15), Idaho Code.

8. To accept from any state, county, or city, or any public official, any official books, records, documents, original papers, newspaper files, printed books, or portraits, not in current use. When such documents are so accepted, copies therefrom shall be made and certified under the seal of the society upon application of any person, which person shall pay for such copies reasonable fees established by the society.

9. To require that any state, county, or city, or any public official, deposit official books, records, documents, or original papers, not in current use, which are of definite historical importance, in the society for preservation and to provide methods whereby such materials, which have no significance, may be destroyed.

10. To establish such rules as may be necessary to discharge the duties of the society.

11. To employ such personnel as may be necessary for the administration of its duties in accordance with the rules of the administrator of the divi-

sion of human resources promulgated pursuant to [chapter 52, title 67](#), Idaho Code.

12. To have and use an official seal.
13. To delegate and provide subdelegation of any such authority.
14. To identify historic, architectural, archaeological, and cultural sites, buildings, or districts, and to coordinate activities of local historic preservation commissions.
15. To serve as the geographic names board of the state of Idaho.

[67-4126, added 1970, ch. 145, sec. 4, p. 438; am. 1974, ch. 234, sec. 1, p. 1596; am. 1982, ch. 365, sec. 1, p. 915; am. 1999, ch. 370, sec. 20, p. 1001; am. 2012, ch. 216, sec. 1, p. 588; am. 2015, ch. 141, sec. 172, p. 515.]

67-4127. DIRECTOR OF THE SOCIETY APPOINTED BY BOARD -- POWERS AND DUTIES. A director of the society shall be appointed by the board of trustees, serve at the pleasure of the board, be qualified by reason of his education, training, experience and demonstrated ability to fill such position, and exercise the following powers and duties in addition to all other powers and duties inherent in the position or delegated to him or imposed upon him by the board:

1. To be a nonvoting member of the board of trustees and secretary thereto.
2. To be the administrative officer of the state historical society.
3. To prescribe such rules as may be necessary for the efficient operation of his office.
4. To serve as state historic preservation officer if so appointed by the governor pursuant to section [67-4127A](#), Idaho Code.

[67-4127, added 1970, ch. 145, sec. 5, p. 438; am. 1974, ch. 234, sec. 2, p. 1596; am. 1996, ch. 232, sec. 2, p. 760.]

67-4127A. STATE HISTORIC PRESERVATION OFFICER APPOINTED BY THE GOVERNOR. The state historic preservation officer shall be appointed by the governor, serve at the pleasure of the governor and be qualified by reason of his education, training, experience and demonstrated ability to fill the position. The compensation for the state historic preservation officer shall be set by the governor. The state historic preservation officer may be the same person as the director of the state historical society or may also be an employee of the state historical society or may be an individual not employed by the state historical society.

[67-4127A, added 1996, ch. 232, sec. 3, p. 760.]

67-4128. TITLE TO PROPERTY VESTED IN BOARD. All rights and title to property, real and personal, belonging to the historical society of the state of Idaho are hereby vested in the board of trustees and their successors.

[67-4128, added 1970, ch. 145, sec. 6, p. 438.]

67-4129. BOARD EMPOWERED TO ACQUIRE AND DISPOSE OF PROPERTY. The board of trustees of the society is empowered to acquire, by purchase or exchange, any property which in the judgment of the board is needful for the operation

of the society, and to dispose of, by sale or exchange, any property which in the judgment of the board is not needful for the operation of the same.

[67-4129, added 1970, ch. 145, sec. 7, p. 438.]

67-4129A. HISTORICAL SOCIETY ACCOUNT. The director of the Idaho state historical society may receive, on behalf of the society, any money or real or personal property donated, bequeathed, devised, or conditionally granted to the society. "Donated," as used in this section, shall include moneys paid by the public for admission to historical facilities operated by the society, and shall include moneys derived from retail sales related to the society's programs.

Such moneys received directly or derived from the sale of such property shall be deposited by the state treasurer in a special account in the agency asset fund to be known as the "Historical Society Account," which is hereby established, reserved, set aside and administered to carry out the terms or conditions of such donation, bequest, devise, or grant. Pending such expenditure or use, surplus moneys in the historical society account shall be invested by the state treasurer in the manner provided for idle state moneys in the state treasury by section [67-1210](#), Idaho Code. Interest received on all such investments shall be paid into the historical society account.

The director shall provide annually, to the legislative services office, an accounting of the historical society account, setting forth the sources, applications and balance of moneys within the account.

[67-4129A, added 1983, ch. 65, sec. 1, p. 148; am. 1993, ch. 327, sec. 34, p. 1223; am. 1996, ch. 159, sec. 22, p. 525.]

67-4129B. IDAHO HISTORIC PRESERVATION AND CULTURAL ENHANCEMENT FUND. (1) There is hereby created in the state treasury the Idaho historic preservation and cultural enhancement fund. Moneys in the fund shall consist of grants, federal moneys, donations or funds from any other source.

(2) Moneys in the fund may be expended pursuant to appropriation to the state historical society and the fund balance may be appropriated annually to the state historical society. The state treasurer shall invest all idle moneys in the fund. Any interest earned on the investment of idle moneys shall be returned to the fund.

(3) Moneys in the fund shall be used exclusively for the purposes of protection and preservation of the state's cultural resources, historic buildings, structures, artifacts, and records; for enhancement of statewide cultural and historic education opportunities; and for historical research purposes.

[67-4129B, added 2006, ch. 119, sec. 3, p. 336; am. 2018, ch. 169, sec. 21, p. 370.]

67-4129C. RECORDS MANAGEMENT SERVICES FUND. There is hereby created in the state treasury the "records management services fund." Moneys in the fund shall consist of funds received from state and local governmental agencies for records management services. The Idaho state historical society shall have the authority to charge and receive payment from such agencies in accordance with rules promulgated or procedures or guidelines established by the agency. Moneys received pursuant to this section are for the operations of maintaining, storing and retrieving governmental records.

The legislature shall appropriate all moneys in the records management services fund.

[67-4129C, added 2012, ch. 216, sec. 2, p. 589.]

67-4130. FRANKLIN COUNTY PIONEER RELIC HALL -- RECOGNITION -- ADMINISTRATION -- APPROPRIATIONS. (1) There is hereby reaffirmed the recognition accorded the Franklin County Pioneer Relic Hall pursuant to chapter 31, laws of 1935 [First Extraordinary Session], and accepted by the state of Idaho October 14, 1935 as provided therein.

(2) The Franklin County Pioneer Relic Hall shall be maintained pursuant to sections [67-4123](#) and [67-4128](#), Idaho Code, with the advice and assistance of the Idaho Pioneer Association of Franklin, Idaho.

(3) Funds for the administration and maintenance of the facility shall be appropriated upon the request of the Idaho historical society and made available to the association for such purposes.

[67-4130, added I.C., sec. 67-4130, as added by 1974, ch. 10, sec. 20, p. 49.]

67-4131. RECORDS MANAGEMENT SERVICES -- RULES, GUIDELINES, PROCEDURES. (1) The Idaho state historical society may develop, subject to the provisions of [chapter 52, title 67](#), Idaho Code, rules and procedures pertaining to records management services. Rules, or if rules are not adopted, guidelines and procedures shall be established:

(a) Pertaining to retention periods for all state created records;

(b) Prescribing conditions and procedures for destruction of state created records;

(c) Ensuring efficient utilization of manpower, building space and supplies with regard to paper flow and forms usage;

(d) Pertaining to proper and efficient utilization of microfilming and imaging services; and

(e) Pertaining to protocols for an electronic records management program.

(2) The Idaho state historical society shall develop and shall provide to all state agencies a records management manual containing all the rules and procedures developed for records management. Such manual may be provided to state agencies in an electronic format.

[67-4131, added 2012, ch. 216, sec. 3, p. 589.]