

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 24
CIVIL STATE DEPARTMENTS -- ORGANIZATION

67-2401. GUBERNATORIAL RESPONSIBILITY -- ADMINISTRATIVE DEPARTMENTS CREATED. The supreme executive power of the state is vested by the Constitution, article 4, section 5, 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 and in addition to the powers now conferred upon him by law, civil administrative departments are hereby created, through the instrumentality of which the governor is authorized to exercise the functions in this act assigned to each department, respectively.

[(67-2401) 1919, ch. 8, sec. 1, p. 43; C.S., sec. 250; I.C.A., sec. 65-2301.]

67-2402. STRUCTURE OF THE EXECUTIVE BRANCH OF IDAHO STATE GOVERNMENT. (1) Pursuant to section 20, article IV, Idaho constitution, all executive and administrative offices, agencies, and instrumentalities of the executive department of state, except for those assigned to the elected constitutional officers, are allocated among and within the following departments:

- Department of administration
- Department of agriculture
- Department of commerce
- Department of labor
- Department of correction
- Department of environmental quality
- Department of finance
- Department of fish and game
- Department of health and welfare
- Department of insurance
- Department of juvenile corrections
- Idaho transportation department
- Industrial commission
- Department of lands
- Idaho state police
- Department of parks and recreation
- Department of revenue and taxation
- Department of self-governing agencies
- Department of water resources
- State board of education

The public school districts of Idaho, having condemnation authority, shall be considered civil departments of state government for the purpose of and limited to the purchase of state endowment land at appraised prices.

(2) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general and superintendent of public instruction each heads a constitutional office.

(3) For its internal structure, unless specifically provided otherwise, each department shall adhere to the following standard terms:

(a) The principal unit of a department is a division. Each division shall be headed by an administrator. The administrator of any division shall be exempt from the provisions of [chapter 53, title 67](#), Idaho Code.

(b) The principal unit of a division is a bureau. Each bureau shall be headed by a chief.

(c) The principal unit of a bureau is a section. Each section shall be headed by a supervisor.

[(67-2402) 1919, ch. 8, sec. 2, p. 43; C.S., sec. 251; am. 1921, ch. 104, sec. 2, p. 233; I.C.A., sec. 65-2302; am. 1939, ch. 37, sec. 11, p. 74; am. 1941, ch. 82, sec. 1, p. 151; am. 1947, ch. 59, sec. 1, p. 82; am. 1947, ch. 238, sec. 1, p. 587; am. 1969, ch. 466, sec. 10, p. 1326; am. 1972, ch. 196, sec. 17, p. 483; am. 1974, ch. 40, sec. 2, p. 1072; am. 1975, ch. 164, sec. 13, p. 18; am. 1978, ch. 242, sec. 1, p. 519; am. 1985, ch. 160, sec. 2, p. 428; am. 1994, ch. 180, sec. 196, p. 544; am. 1995, ch. 44, sec. 59, p. 102; am. 1995, ch. 365, sec. 2, p. 1277; am. 1996, ch. 421, sec. 4, p. 1413; am. 2000, ch. 132, sec. 1, p. 311; am. 2000, ch. 469, sec. 1, p. 1456; am. 2004, ch. 346, sec. 9, p. 1035; am. 2007, ch. 360, sec. 26, p. 1090.]

67-2403. HEADS OF DEPARTMENTS. (1) Each department, unless specifically provided otherwise, shall have an officer as its executive and administrative head who shall be known as a director. The director of each department shall, subject to the provisions of law, execute the powers and discharge the duties vested by law in his department.

(2) The director of the department may appoint a deputy director. The deputy director of the department shall be exempt from the provisions of [chapter 53, title 67](#), Idaho Code.

[(67-2403) 1919, ch. 8, sec. 3, p. 43; C.S., sec. 252; I.C.A., sec. 65-2303; am. 1943, ch. 58, sec. 1, p. 120; am. 1974, ch. 40, sec. 3, p. 1072; am. 1995, ch. 365, sec. 3, p. 1278.]

67-2404. APPOINTMENT OF DEPARTMENT HEADS. (1) Unless specifically provided otherwise, the governor shall appoint all department directors. The appointment of a director is subject to the advice and consent of the senate. The governor may appoint a director to assume office prior to confirmation by the senate. The director so appointed is vested with all the rights, powers, and duties of the office upon assuming office, notwithstanding the fact that he has not been confirmed by the senate. If the senate does not confirm the appointment of a director, the governor shall make a new appointment.

(2) Unless a term of office is provided by law, each director, unless specifically provided otherwise, shall serve at the pleasure of the governor.

(3) The governor shall select each director on the basis of his professional and administrative knowledge and experience, and such other qualifications as may be provided by law.

(4) If a vacancy occurs in the office of director, the governor shall appoint a new director to serve at the pleasure of the governor.

[67-2404, added I.C. sec. 67-2404, As added by 1974, ch. 40, sec. 4, p. 1072.]

67-2405. POWERS AND DUTIES OF DEPARTMENT HEADS. (1) Unless specifically provided otherwise, each department head shall:

- (a) Supervise, direct, account for, organize, plan, administer and execute the functions vested within the department as provided by law.
- (b) Establish policy to be followed by the department and its employees.
- (c) Compile and submit reports and budgets for the department as required by law.
- (d) Provide the governor with any information that he requests at any time on the operation of the department.
- (e) Represent the department in communications to the legislature and the governor.
- (f) Establish the internal organizational structure of the department and assign the functions of the department to subunits to promote economic and efficient administration and operation of the department. The internal structure of a department shall be established in accordance with section [67-2402](#) (3), Idaho Code.
- (g) Subject to law, and the provisions of the state's merit system, establish and make appointments to necessary subordinate positions, remove incompetent, ineffectual or unfit employees and abolish unnecessary positions.

(2) Each department head has authority to:

- (a) Prescribe rules consistent with law for the administration of the department, the conduct of employees, the distribution and performance of business, and the custody, use and preservation of records, documents and property pertaining to the operation of the department. The constitutional officers shall prescribe their own rules.
- (b) Subject to law, and the state merit system where applicable, transfer employees between positions, remove persons appointed to positions, and change the duties, titles, and compensation of employees within the department.
- (c) Delegate any of the functions vested within the department head to subordinate employees, except the power to fix their compensation.
- (d) Require that any officer or employee of the department give an official bond, if the officer or employee of the department is not required to do so by law, in the amount to be determined by the director of the department of administration.

[67-2405, added I.C., sec. 67-2405, as added by 1974, ch. 40, sec. 5, p. 1072; am. 1993, ch. 235, sec. 1, p. 817.]

67-2406. DIRECTORS OF DEPARTMENTS ENUMERATED. The following department directors are created:

- Director, department of administration
- Director, department of agriculture
- Director, department of commerce
- Director, department of labor
- Director, department of correction
- Director, department of finance
- Director, department of fish and game
- Director, department of environmental quality
- Director, department of health and welfare
- Director, department of insurance
- Director, department of juvenile corrections

Director, Idaho transportation department
Director, department of lands
Director, Idaho state police
Director, department of parks and recreation
Director, department of water resources.

[67-2406, added 1974, ch. 40, sec. 6, p. 1072; am. 1985, ch. 160, sec. 3, p. 429; am. 1995, ch. 44, sec. 60, p. 103; am. 1996, ch. 421, sec. 5, p. 1413; am. 2000, ch. 132, sec. 2, p. 312; am. 2000, ch. 469, sec. 2, p. 1457; am. 2004, ch. 346, sec. 10, p. 1036; am. 2007, ch. 360, sec. 27, p. 1091.]

67-2410. NO COMPENSATION FOR ADVISORY BOARDS. No member of an advisory and nonexecutive board shall receive any compensation.

[(67-2410) 1919, ch. 8, sec. 10, par. 1, p. 43; C.S., sec. 259; I.C.A., sec. 65-2310.]