

IN THE SENATE

SENATE BILL NO. 1026

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1  
2 RELATING TO THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMEND-  
3 ING SECTION 36-2105, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCU-  
4 PATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 39-4106, IDAHO  
5 CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LI-  
6 CENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-4302,  
7 IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFES-  
8 SIONAL LICENSES; AMENDING SECTION 54-307, IDAHO CODE, TO PROVIDE FOR  
9 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-  
10 TION 54-401, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND  
11 PROFESSIONAL LICENSES; AMENDING SECTION 54-604, IDAHO CODE, TO PROVIDE  
12 FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING  
13 SECTION 54-706, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL  
14 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-907, IDAHO CODE, TO  
15 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;  
16 AMENDING SECTION 54-1006, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OC-  
17 CUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1105, IDAHO  
18 CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL  
19 LICENSES; AMENDING SECTION 54-1203, IDAHO CODE, TO PROVIDE FOR THE  
20 DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION  
21 54-1403, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND  
22 PROFESSIONAL LICENSES; AMENDING SECTION 54-1503, IDAHO CODE, TO PRO-  
23 VIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMEND-  
24 ING SECTION 54-1603, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCU-  
25 PATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS;  
26 AMENDING SECTION 54-1706, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OC-  
27 CUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1805, IDAHO  
28 CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL  
29 LICENSES; AMENDING SECTION 54-1905, IDAHO CODE, TO PROVIDE FOR THE  
30 DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNI-  
31 CAL CORRECTIONS; AMENDING SECTION 54-2005, IDAHO CODE, TO PROVIDE FOR  
32 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-  
33 TION 54-2105, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL  
34 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2205, IDAHO CODE, TO  
35 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;  
36 AMENDING SECTION 54-2304, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF  
37 OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2404,  
38 IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFES-  
39 SIONAL LICENSES; AMENDING SECTION 54-2605, IDAHO CODE, TO PROVIDE FOR  
40 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-  
41 TION 54-2803, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL  
42 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2908, IDAHO CODE, TO  
43 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND  
44 TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-3003, IDAHO CODE,  
45 TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;

1 AMENDING SECTION 54-3105, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF  
 2 OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE A TECHNICAL CORREC-  
 3 TION; AMENDING SECTION 54-3203, IDAHO CODE, TO PROVIDE FOR THE DIVISION  
 4 OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-3307,  
 5 IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFES-  
 6 SIONAL LICENSES; AMENDING SECTION 54-3403, IDAHO CODE, TO PROVIDE FOR  
 7 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-  
 8 TION 54-3714, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL  
 9 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-4006, IDAHO CODE, TO  
 10 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;  
 11 AMENDING SECTION 54-4106, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF  
 12 OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-4204,  
 13 IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFES-  
 14 SIONAL LICENSES; AMENDING SECTION 54-4704, IDAHO CODE, TO PROVIDE FOR  
 15 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-  
 16 TION 54-5004, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL  
 17 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5206, IDAHO CODE, TO  
 18 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;  
 19 AMENDING SECTION 54-5309, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF  
 20 OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5403,  
 21 IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFES-  
 22 SIONAL LICENSES; AMENDING SECTION 54-5503, IDAHO CODE, TO PROVIDE FOR  
 23 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-  
 24 TION 54-5606, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL  
 25 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5806, IDAHO CODE, TO  
 26 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AND  
 27 AMENDING SECTION 55-2203, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF  
 28 OCCUPATIONAL AND PROFESSIONAL LICENSES.

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

30 SECTION 1. That Section 36-2105, Idaho Code, be, and the same is hereby  
 31 amended to read as follows:

32 36-2105. CREATION OF IDAHO OUTFITTERS AND GUIDES LICENSING  
 33 BOARD. There is hereby created in the ~~department of self-governing agencies~~  
 34 division of occupational and professional licenses the Idaho outfitters and  
 35 guides licensing board, herein referred to as "the board," consisting of  
 36 four (4) members appointed by the governor, and one (1) member appointed by  
 37 the Idaho fish and game commission, as provided in section 36-2106, Idaho  
 38 Code.

39 SECTION 2. That Section 39-4106, Idaho Code, be, and the same is hereby  
 40 amended to read as follows:

41 39-4106. IDAHO BUILDING CODE BOARD CREATED -- MEMBERSHIP -- APPOINT-  
 42 MENT -- TERMS -- QUORUM -- COMPENSATION -- MEETINGS. (1) The Idaho building  
 43 code board is established within the division of occupational and profes-  
 44 sional licenses as an appeals, code adoption, and rulemaking board, to be  
 45 appointed by the governor, and shall consist of ten (10) members: one (1)  
 46 member of the general public; one (1) local fire official; one (1) licensed

1 engineer; one (1) licensed architect; two (2) local building officials, one  
2 (1) from a county and one (1) from a city; two (2) building contractors, one  
3 (1) residential contractor who is an active member of the Idaho building con-  
4 tractors association with construction knowledge based primarily on a work  
5 history of buildings regulated by the International Residential Code, and  
6 one (1) commercial contractor who is an active member of either the associ-  
7 ated builders and contractors or the associated general contractors of Amer-  
8 ica with construction knowledge based primarily on a work history of build-  
9 ings regulated by the International Building Code; one (1) representative  
10 of the modular building industry; and one (1) individual with a disability  
11 from an organization that represents people with all types of disabilities.  
12 Board members shall be appointed for terms of four (4) years and until their  
13 successor has been appointed. Three (3) consecutive failures by a member to  
14 attend meetings of the board without reasonable cause shall constitute cause  
15 for removal of the member from the board by the governor. Whenever a vacancy  
16 occurs, the governor shall appoint a qualified person to fill the vacancy for  
17 the unexpired portion of the term.

18 (2) The members of the board shall, at their first regular meeting fol-  
19 lowing the effective date of this chapter and every two (2) years thereafter,  
20 elect, by majority vote of the members of the board, a chairman who shall pre-  
21 side at meetings of the board. A majority of the currently appointed members  
22 of the board shall constitute a quorum.

23 (3) Each member of the board not otherwise compensated by public moneys  
24 shall be compensated as provided by section 59-509(n), Idaho Code, for each  
25 day spent in attendance at meetings of the board.

26 (4) The board shall meet for regular business sessions at the call of  
27 the administrator, chairman, or at the request of four (4) members of the  
28 board, provided that the board shall meet at least biannually.

29 SECTION 3. That Section 39-4302, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 39-4302. FACTORY BUILT STRUCTURES ADVISORY BOARD. (1) The factory  
32 built structures advisory board is established in the division of ~~building~~  
33 safety occupational and professional licenses to advise the administrator  
34 in the administration and enforcement of the provisions of this chapter and  
35 chapter 40, title 39, and chapters 21, 22 and 25, title 44, Idaho Code. The  
36 board shall consist of eight (8) members appointed by the governor. One (1)  
37 member shall represent a manufacturer of commercial modular buildings, one  
38 (1) member shall be a consumer who lives in a manufactured home, two (2) mem-  
39 bers shall be licensed as a retailer or installer of manufactured or mobile  
40 homes, one (1) member shall represent a manufacturer of manufactured homes,  
41 two (2) members shall be either a dealer or installer of modular buildings,  
42 and one (1) member shall be a consumer who uses or has used modular buildings.  
43 The board shall serve at the pleasure of the governor and shall serve the  
44 following terms commencing July 1, 2016: two (2) members shall be appointed  
45 for a term of one (1) year, three (3) members shall be appointed for a term of  
46 two (2) years, and three (3) members shall be appointed for a term of three  
47 (3) years. Thereafter board members shall be appointed for a term of three  
48 (3) years and shall serve at the pleasure of the governor. Whenever a vacancy  
49 occurs, the governor shall appoint a qualified person to fill the vacancy for

1 the unexpired portion of the term. The members of the board shall be com-  
2 pensated as provided in section 59-509(n), Idaho Code, for each day spent in  
3 attendance at meetings of the board. A majority of members shall constitute  
4 a quorum, and a quorum at any meeting called by the administrator shall have  
5 full and complete power to act upon and resolve in the name of the board any  
6 matter, thing or question referred to it by the administrator, or which by  
7 reason of any provision of this chapter, it has the power to determine.

8 (2) The board shall, on the first day of each July or as soon thereafter  
9 as practicable, elect a chairman, vice-chairman and secretary from among  
10 its members, and these officers shall hold office until their successors are  
11 elected. As soon as the board has elected its officers, the secretary shall  
12 certify the results of the election to the administrator. The chairman shall  
13 preside at all meetings of the board and the secretary shall make a record of  
14 the proceedings which shall be preserved in the offices of the division of  
15 ~~building safety~~ occupational and professional licenses. If the chairman is  
16 absent from any meeting of the board, his duties shall be discharged by the  
17 vice-chairman. All members of the board present at a meeting shall be enti-  
18 tled to vote on any question, matter, or thing which properly comes before  
19 the board.

20 (3) The board shall have the authority to promulgate rules in accor-  
21 dance with chapter 52, title 67, Idaho Code, to implement the provisions of  
22 this chapter and chapter 40, title 39, and chapters 21, 22 and 25, title 44,  
23 Idaho Code.

24 SECTION 4. That Section 54-307, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 54-307. BOARD -- ORGANIZATION AND MEETINGS. (1) There is hereby cre-  
27 ated in the ~~department of self-governing agencies~~ division of occupational  
28 and professional licenses a board of architectural examiners.

29 (2) The board shall consist of six (6) members, five (5) of whom shall  
30 be architects and shall have been residents of and lawfully practicing ar-  
31 chitects within the state of Idaho for a period of at least five (5) years  
32 directly preceding appointment, and one (1) of whom shall be a member of the  
33 public with an interest in the rights of the consumers of architectural ser-  
34 vices. At all times, the board shall have at least one (1) member who is en-  
35 gaged primarily in professional architectural education.

36 (3) The regular term of office of a member shall begin as of the first  
37 Monday immediately following the date of his appointment and shall continue  
38 for five (5) years thereafter and until his successor shall have been ap-  
39 pointed and accepted his appointment. A member appointed to fill a vacancy  
40 occasioned otherwise than by expiration of a term shall serve the unexpired  
41 term of his predecessor. No members shall be appointed for a period exceed-  
42 ing two (2) consecutive terms. Any member who has served two (2) consecutive  
43 terms may be reappointed after a lapse of five (5) years from the termination  
44 date of his last term.

45 (4) Board members shall be appointed by the governor and shall serve at  
46 the pleasure of the governor.

47 (5) In the event of death, resignation, incapacity, disqualification  
48 or removal, a vacancy in membership shall be declared by the board and filled

1 for the unexpired portion of the term in the same manner as the original ap-  
2 pointment.

3 (6) The board shall, at least annually, hold a meeting and elect a  
4 chairman. The board may hold additional meetings at the call of the chairman  
5 or at the request of any two (2) members of the board.

6 (7) A majority of the members of the board shall constitute a quorum.

7 (8) Members of the board shall receive an honorarium and be reimbursed  
8 for expenses as provided in section 59-509(p), Idaho Code.

9 SECTION 5. That Section 54-401, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 54-401. STATE ATHLETIC COMMISSION. There is hereby created and estab-  
12 lished the state athletic commission in the ~~department of self-governing~~  
13 ~~agencies~~ division of occupational and professional licenses. The state  
14 athletic commission shall be administered by the state athletic commis-  
15 sioner who shall be appointed by the governor subject to confirmation by  
16 the senate and shall be subject to removal at the pleasure of the governor.  
17 The state athletic commissioner shall be appointed for a term of four (4)  
18 years and shall receive an honorarium not to exceed that provided in section  
19 59-509(p), Idaho Code.

20 SECTION 6. That Section 54-604, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22 54-604. ESTABLISHMENT OF STATE BOARD OF PODIATRY. (1) There is hereby  
23 established in the ~~department of self-governing agencies~~ division of occu-  
24 pational and professional licenses a state board of podiatry to be composed  
25 of five (5) members to be appointed by the governor in the manner hereinafter  
26 set forth. Four (4) members shall be podiatrists, duly licensed under the  
27 laws of the state of Idaho, and who have been continuously engaged in the  
28 practice of podiatry for a period of not less than five (5) years prior to  
29 their appointment. The fifth member of the board shall be a layman, and res-  
30 ident of the state of Idaho for a period of not less than five (5) years prior  
31 to his appointment. All appointments to the board shall be made for terms of  
32 four (4) years, and all board members shall serve at the pleasure of the gov-  
33 ernor. Vacancies on the board, occurring for any reason, shall be filled by  
34 the governor. The governor in making appointments shall give consideration  
35 to but shall not be bound by the recommendations received from the Idaho po-  
36 diatric medical association.

37 (2) The board shall select a chairman and a vice chairman annually.  
38 The chairman shall be a podiatrist. The board shall meet at least annually  
39 for the purpose of transacting any business which may lawfully come before  
40 it. The board may meet in special session at the call of the chairman, or at  
41 the call of not less than two-thirds (2/3) of the membership of the board.  
42 The members of the board shall each be compensated as provided by section  
43 59-509(m), Idaho Code.

44 (3) Examinations of applicants may be conducted by the board or by des-  
45 ignated representatives of the board.

46 (4) A quorum will consist of at least three (3) members of the board.  
47 The chairman, or person acting as such, will vote only in the case of a tie.

1 SECTION 7. That Section 54-706, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 54-706. STATE BOARD OF CHIROPRACTIC PHYSICIANS CREATED. (1) There is  
4 hereby established in the ~~department of self-governing agencies~~ division of occupa-  
5 occupational and professional licenses a state board of chiropractic physi-  
6 cians to be composed of five (5) members. The members of the board shall be  
7 appointed by the governor for a term of three (3) years. The governor may  
8 consider recommendations for appointment to the board from any chiropractic  
9 association or any individual residing in this state. No person may be ap-  
10 pointed for more than two (2) consecutive terms.

11 (2) The board shall consist of four (4) physicians who are licensed to  
12 practice chiropractic in this state, and each of whom shall have been engaged  
13 continuously in the practice of chiropractic within the state of Idaho for a  
14 period of not less than three (3) years prior to his appointment.

15 (3) The governor shall appoint a representative of the public as one (1)  
16 member of the board who shall be designated as the public member. The public  
17 member of the board shall be a resident of the state of Idaho who has attained  
18 the age of twenty-one (21) years, and shall not be nor shall ever have been  
19 a physician, the spouse of a physician, a person licensed under the laws of  
20 any state to practice a healing art, or a person who has or has had a material  
21 financial interest in providing health care services.

22 (4) The board shall elect a chairman from its membership. The members  
23 of the board, except for state employees, shall be compensated as provided by  
24 section 59-509(n), Idaho Code. Three (3) members of the board shall consti-  
25 tute a quorum, and the board may act by virtue of a majority vote of members  
26 present at a meeting.

27 (5) The members of the board serve at the pleasure of the governor.

28 SECTION 8. That Section 54-907, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 54-907. STATE BOARD OF DENTISTRY ESTABLISHED. There is hereby estab-  
31 lished in the ~~department of self-governing agencies~~ division of occupa-  
32 tional and professional licenses a state board of dentistry to be composed of  
33 eight (8) members, five (5) of whom shall be dentists, two (2) of whom shall  
34 be dental hygienists, and one (1) of whom shall be a member of the public with  
35 an interest in the rights of consumers of dental services. Board members  
36 shall be appointed by the governor and shall serve at the pleasure of the  
37 governor. Upon appointment by the governor, the term of office of a member  
38 of the board shall commence on the first Monday of February following his  
39 appointment and shall continue for five (5) years, or until his successor has  
40 been named, whichever is later. A vacancy in membership of the board shall  
41 occur whenever the regular term of a member expires or when a member dies,  
42 resigns or is removed from office by the governor. Appointments to fill a  
43 vacancy occurring for some reason other than expiration of term of office  
44 shall be made for the unexpired term which is being filled.

45 SECTION 9. That Section 54-1006, Idaho Code, be, and the same is hereby  
46 amended to read as follows:

1           54-1006. IDAHO ELECTRICAL BOARD. (1) The Idaho electrical board,  
2 hereinafter known as the board, is hereby created and made a part of the divi-  
3 sion of ~~building safety occupational and professional licenses~~. It shall be  
4 the responsibility and duty of the administrator of the division of ~~building~~  
5 ~~safety occupational and professional licenses~~ to administer and enforce the  
6 provisions of this chapter, and to serve as secretary to the Idaho electrical  
7 board.

8           (2) The board shall consist of nine (9) members to be appointed by the  
9 governor and who shall serve at the pleasure of the governor. Two (2) members  
10 shall be licensed journeymen or master electricians; two (2) members shall  
11 be employees or officers of licensed electrical contractors; one (1) mem-  
12 ber shall be a licensed limited electrical installer or limited electrical  
13 contractor; one (1) member shall be an employee or officer of an electrical  
14 power provider; one (1) member shall be an employee or officer of a manufac-  
15 turing plant or other large power user; one (1) member shall be an employee or  
16 director of a manufacturer or distributor of electrical supplies or materi-  
17 als; and one (1) member shall be from the public at large not directly asso-  
18 ciated with the electrical industry. Board members shall be appointed for a  
19 term of four (4) years. Members of the board shall hold office until expira-  
20 tion of the term to which the member was appointed and until his successor has  
21 been duly appointed and qualified. Whenever a vacancy occurs, the governor  
22 shall appoint a qualified person to fill the vacancy for the unexpired por-  
23 tion of the term.

24           (3) All members of the board shall be citizens of the United States,  
25 residents of this state for not less than two (2) years and shall be qual-  
26 ified by experience, knowledge and integrity in formulating rules for ex-  
27 aminations, in passing on the fitness and qualifications of applicants for  
28 electrical contractor and journeyman electrician licenses and in establish-  
29 ing standards for electrical products to be used in electrical installations  
30 coming under the provisions of this chapter.

31           (4) The members of the board shall, every two (2) years, elect by major-  
32 ity vote of the members of the board a chairman who shall preside at meetings  
33 of the board and a vice chairman who shall preside at any board meeting in  
34 the event the chairman is not present. A majority of the members of the board  
35 shall constitute a quorum.

36           (5) The board is authorized and directed to prescribe and amend rules  
37 consistent with this chapter for the administration of this chapter, and  
38 to effectuate the purpose thereof, and for the examination and licensing  
39 of electrical contractors, journeyman electricians, master electricians,  
40 provisional journeyman electricians, limited electrical installers, lim-  
41 ited electrical contractors, limited electrical installer trainees and  
42 apprentice electricians. The board shall also establish the categories for  
43 limited electrical installers and limited electrical contractor licensing  
44 and the fees to be charged for permits and inspections of electrical systems.  
45 The board shall establish by administrative rule the fines to be paid for  
46 citations issued and shall hear appeals regarding the imposition of civil  
47 penalties for violations of this chapter and the rules of the Idaho electri-  
48 cal board. The board is authorized to affirm, reject, decrease or increase  
49 the penalty imposed by the administrator. However, in no case shall the  
50 penalty exceed one thousand dollars (\$1,000) for each offense.

1 (6) Each member of the board not otherwise compensated by public moneys  
2 shall be compensated as provided by section 59-509 (n) , Idaho Code.

3 SECTION 10. That Section 54-1105, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 54-1105. BOARD OF MORTICIANS. (1) There is hereby established in the  
6 ~~department of self-governing agencies~~ division of occupational and profes-  
7 sional licenses a state board of morticians to be composed of three (3) mem-  
8 bers who shall be appointed by the governor and who shall serve at the plea-  
9 sure of the governor in the manner hereinafter set forth. Two (2) members  
10 of the board shall be duly licensed morticians under the laws of the state of  
11 Idaho. Each shall be a resident of the state of Idaho for a period of at least  
12 five (5) years next preceding his appointment, during which time he shall  
13 have been continuously engaged in the practice as a mortician as defined in  
14 this chapter. One (1) member of the board shall be a member of the public with  
15 an interest in the rights of the consumers of mortuary services. No person  
16 shall be eligible for appointment to the board of morticians who is finan-  
17 cially interested, directly or indirectly, in any embalming college, whole-  
18 sale funeral supply business, or casket manufacturing business.

19 (2) The governor may consider recommendations for members of the board  
20 from the Idaho funeral service association, other statewide organization or  
21 association of licensed morticians whose membership is composed of a major-  
22 ity of all licensed morticians of the state or from any individual residing  
23 in this state.

24 (3) All members of the board of morticians shall be appointed to serve  
25 for a term of three (3) years, to expire on May 1 of the year of termination  
26 of their term, and until their successors have been appointed and qualified;  
27 provided however, the governor is hereby granted the power to alter the term  
28 of office of the members of the board first appointed hereunder so that the  
29 term of office of not more than one (1) member of the board shall terminate in  
30 any one (1) year. In case of a vacancy occurring on said board of morticians,  
31 the governor shall appoint a qualified member for the remainder of the unex-  
32 pired term of the vacant office.

33 (4) The board shall meet, not less than annually, to elect a chairman  
34 and vice chairman and take official board action on pending matters by ma-  
35 jority vote of all the members of the board of morticians, and in doing so a  
36 majority of the members of said board shall at all times constitute a quorum.  
37 Notice of any meeting shall be given by the chairman to all members of the  
38 board at least ten (10) days in advance of each meeting unless such notice is  
39 waived in writing by all of the members of the board.

40 (5) Each member of the board of morticians shall be compensated as pro-  
41 vided by section 59-509 (m) , Idaho Code.

42 SECTION 11. That Section 54-1203, Idaho Code, be, and the same is hereby  
43 amended to read as follows:

44 54-1203. IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND  
45 PROFESSIONAL LAND SURVEYORS. ~~A board to be known as the "Idaho board of~~  
46 ~~licensure of professional engineers and professional land surveyors" is~~  
47 ~~a division of the Idaho department of self-governing agencies and shall~~



1 ~~administer the provisions of this chapter.~~ There is hereby established in  
 2 the division of occupational and professional licenses the Idaho board of  
 3 licensure of professional engineers and professional land surveyors. It  
 4 shall consist of seven (7) persons, appointed by the governor who may con-  
 5 sider recommendations for appointment to the board from any organized and  
 6 generally recognized state engineering society in this state, any organized  
 7 and generally recognized state land surveying society in this state and from  
 8 any individual residing in this state. The board shall be comprised of four  
 9 (4) persons licensed as professional engineers, two (2) persons licensed as  
 10 professional land surveyors and one (1) person who shall be a member of the  
 11 general public with an interest in the rights of consumers of engineering and  
 12 land surveying services. The members of the board shall have the qualifi-  
 13 cations required by section 54-1204, Idaho Code. Each member of the board  
 14 shall take, subscribe and file the oath required by chapter 4, title 59,  
 15 Idaho Code, before entering upon the duties of the office. On the expiration  
 16 of the term of any member, a successor shall be appointed in like manner by  
 17 the governor for a term of five (5) years. Any appointment to complete a term  
 18 that has not expired, because of resignation, removal or inability of a mem-  
 19 ber to serve for any reason, shall be for the unexpired portion of the term.  
 20 A member of the board shall hold office until the expiration of the term for  
 21 which he was appointed and until his successor has been appointed and quali-  
 22 fied. A member, after serving two (2) consecutive full terms in addition to  
 23 any unexpired portion of a term, shall not be reappointed for a period of two  
 24 (2) years. The board, on its own initiative, may appoint any former member as  
 25 an emeritus member for special assignment to assist the board in the adminis-  
 26 tration of this chapter.

27 SECTION 12. That Section 54-1403, Idaho Code, be, and the same is hereby  
 28 amended to read as follows:

29 54-1403. BOARD OF NURSING. (1) Appointment, Removal and Term of Of-  
 30 fice. There is hereby created within the ~~department of self-governing agen-~~  
 31 ~~cies~~ division of occupational and professional licenses the board of nursing  
 32 for the state of Idaho composed of nine (9) members appointed by the gover-  
 33 nor. Membership of the board shall consist of the following:

- 34 (a) Five (5) persons licensed to practice registered nursing in Idaho;
- 35 (b) Two (2) persons licensed to practice practical nursing in Idaho;
- 36 (c) One (1) person licensed as an advanced practice registered nurse in  
 37 Idaho; and
- 38 (d) One (1) person who is a lay person to health care occupations.

39 In making appointments to the board, consideration shall be given to the  
 40 board's responsibility in areas of education and practice. Members of the  
 41 board shall hold office until expiration of the term to which the member was  
 42 appointed and until his successor has been duly appointed and qualified.  
 43 Upon expiration of any term or creation of any vacancy, the board shall no-  
 44 tify the governor thereof, who then shall make such appointment or fill such  
 45 vacancy within sixty (60) days. Appointments shall be for terms of four (4)  
 46 years except appointments to vacancies which shall be for the unexpired term  
 47 being filled. No member shall be appointed for more than three (3) consecu-  
 48 tive terms. All board members shall serve at the pleasure of the governor.

1 (2) Qualifications of Members. No person is qualified for appointment  
2 hereunder unless that person is a citizen of the United States and a resident  
3 of the state of Idaho. Members required to be licensed hereunder shall not be  
4 qualified for appointment to the board unless actively engaged in some field  
5 of nursing in Idaho at the time of appointment. No person is qualified for  
6 appointment as a lay member of the board if the person or his spouse is li-  
7 censed in any health occupation; is an employee, officer or agent of or has  
8 any financial interest in any health care facility, institution, or associ-  
9 ation or any insurance company authorized to underwrite health care insur-  
10 ance; or is engaged in the governance and administration of any health care  
11 facility, institution or association.

12 (3) Conduct of Business. The board shall meet at such times as required  
13 to conduct the business of the board and shall annually elect from its mem-  
14 bers a chairman, vice chairman and such other officers as may be desirable.  
15 Five (5) members shall constitute a quorum and the vote of a majority of mem-  
16 bers present at a meeting wherein a quorum is present shall determine the ac-  
17 tion of the board. Each member of the board shall be compensated as provided  
18 by section 59-509(i), Idaho Code.

19 SECTION 13. That Section 54-1503, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 54-1503. STATE BOARD OF OPTOMETRY ESTABLISHED -- QUALIFICATIONS. (1)  
22 There is hereby established in the ~~department of self-governing agencies~~  
23 division of occupational and professional licenses a state board of optome-  
24 try composed of five (5) members who shall be appointed by the governor. The  
25 governor may consider recommendations for appointment to the board from any  
26 optometric association or any individual residing in this state. Members  
27 will serve staggered terms of five (5) years each after the effective date of  
28 this act unless otherwise provided in this chapter. A vacancy in membership  
29 on the board shall occur when the regular term of a member expires or when a  
30 member dies, resigns or is removed from office by the governor. Appointments  
31 to fill a vacancy because of the expiration of a regular term shall be filled  
32 by the governor by appointment of a member for a five (5) year term. Appoint-  
33 ments to fill a vacancy occurring for some reason other than expiration of  
34 a term of office shall be made for the unexpired term which is being filled.  
35 The members of the board shall serve at the pleasure of the governor.

36 (2) Four (4) members of the state board of optometry shall be licensed  
37 optometrists in the state of Idaho and shall be residents of and lawfully  
38 practicing optometry within the state of Idaho for a period of not less than  
39 five (5) years immediately preceding their appointment. One (1) member  
40 shall be a member of the public with an interest in the rights of consumers of  
41 optometric services.

42 SECTION 14. That Section 54-1603, Idaho Code, be, and the same is hereby  
43 amended to read as follows:

44 54-1603. BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS. (1) There  
45 is hereby created in the ~~department of self-governing agencies~~ division  
46 of occupational and professional licenses a board of examiners of nursing  
47 home administrators, which board shall consist of five (5) members, and

1 be composed of two (2) public or private nursing home administrators, duly  
2 licensed and registered under this act, and three (3) other members as here-  
3 inafter described, except that such members of the initial board shall be  
4 required only to possess the qualifications and be eligible for licensure  
5 as required under this act, one (1) member shall be selected from any other  
6 profession, agency, or institution concerned with the care of chronically  
7 ill and infirm patients; one (1) licensed nurse from the nursing profession;  
8 and one (1) member representative of the public at large; but no more than two  
9 (2) of the members of the board shall be officials or full-time employees of  
10 state or local governments, except that they may be administrators of pub-  
11 licly owned nursing homes. All members of the board shall be citizens of the  
12 United States or shall have declared their intent to become citizens of the  
13 United States and shall be residents of this state.

14 (2) The term of office for each member of the board shall be three (3)  
15 years.

16 (3) (a) Appointments to the board shall be made by the governor, who  
17 may consider recommendations for appointment to the board from any or-  
18 ganized and generally recognized group concerned with nursing home ad-  
19 ministration and from any individual residing in this state. Each mem-  
20 ber of the board shall hold office until his successor is duly appointed  
21 and qualified. Board members shall serve at the pleasure of the gover-  
22 nor.

23 (b) Members of the board shall be compensated as provided by section  
24 59-509(1), Idaho Code.

25 (4) The board shall elect annually from its membership a chairman and  
26 vice chairman. The board shall hold two (2) or more meetings each year. A  
27 majority of the board membership shall constitute a quorum.

28 (5) The board shall exercise its powers and perform its duties and func-  
29 tions specified by this act.

30 (6) The board may appoint an executive secretary. He shall be the exec-  
31 utive officer to the board but shall not be a member of the board. He shall  
32 have such powers and shall perform such duties as are prescribed by law and  
33 the rules of the board. A clerk and sufficient deputy clerks to adequately  
34 assist the board and the executive secretary in the keeping of the records  
35 and in the performance of their duties may be appointed by the board. All  
36 employees of the board shall be appointed, and serve in accordance with the  
37 provisions of law.

38 (7) The board may, by written agreement, authorize the bureau division  
39 of occupational and professional licenses as agent to act in its interest.

40 SECTION 15. That Section 54-1706, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 54-1706. STATE BOARD OF PHARMACY ESTABLISHED. There is hereby estab-  
43 lished in the ~~department of self-governing agencies~~ division of occupa-  
44 tional and professional licenses a state board of pharmacy whose responsi-  
45 bilities shall be to enforce the provisions of this act. The board shall have  
46 all of the duties, powers and authority specifically granted by and neces-  
47 sary to the enforcement of this act, as well as such other duties, powers and  
48 authority as it may be granted from time to time by appropriate statute.

1 SECTION 16. That Section 54-1805, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 54-1805. THE STATE BOARD OF MEDICINE ESTABLISHED. (1) There is hereby  
4 established in the ~~department of self-governing agencies~~ division of occu-  
5 pational and professional licenses a state board of medicine to be composed  
6 of eleven (11) members.

7 (2) (a) The board shall consist of eleven (11) members. The director  
8 of the Idaho state police or the director's designated agent shall be a  
9 member of the board. Seven (7) members shall be physicians who are res-  
10 idents of this state and engaged in the active practice of medicine in  
11 this state, two (2) members shall be public members, and one (1) member  
12 shall be a physician assistant who is a resident of this state and en-  
13 gaged in the active practice of medicine in this state.

14 (b) All physician and physician assistant appointments to the board  
15 shall be for a single six (6) year term. The physician members shall  
16 consist of six (6) members who are licensed to practice medicine in  
17 this state and one (1) member who is licensed to practice osteopathic  
18 medicine in this state. The physician assistant member shall be  
19 licensed to practice medicine in this state. Whenever a term of a mem-  
20 ber of the board who is licensed to practice medicine or osteopathic  
21 medicine expires or becomes vacant, the governor shall consider rec-  
22 ommendations provided by professional organizations of physicians and  
23 physician assistants and by any individual residing in this state for  
24 appointment.

25 (c) All public members shall be appointed by the governor for three (3)  
26 year terms. Public members must reside in the state and be persons of  
27 integrity and good reputation who have lived in this state for at least  
28 five (5) years immediately preceding their appointment, who have never  
29 been authorized to practice a healing art, and who have never had a sub-  
30 stantial personal, business, professional, or pecuniary connection  
31 with a healing art or with a medical education or health care facility,  
32 except as patients or potential patients.

33 (3) Appointments to fill vacancies occurring from some other reason  
34 than expiration of a term for which a member was appointed shall be made in  
35 the same manner as hereinabove set forth for the unexpired term. All board  
36 members shall serve at the pleasure of the governor.

37 (4) The board shall elect a chairman from its membership. The members  
38 of the board, except for state employees, shall be compensated as provided  
39 by section 59-509(p), Idaho Code. Six (6) members of the board shall consti-  
40 tute a quorum, and the board may act by virtue of a majority vote of members  
41 present at a meeting.

42 SECTION 17. That Section 54-1905, Idaho Code, be, and the same is hereby  
43 amended to read as follows:

44 54-1905. PUBLIC WORKS CONTRACTORS LICENSE BOARD CREATED -- QUALIFI-  
45 CATIONS OF APPOINTEES -- TERM -- REMOVALS. There is hereby created and made  
46 part of the division of ~~building safety in the department of self-governing~~  
47 ~~agencies~~ occupational and professional licenses a public works contractors  
48 license board. It shall be the responsibility and duty of the administrator

1 of the division of ~~building safety~~ occupational and professional licenses  
 2 to administer and enforce the provisions of this chapter, and to serve as  
 3 secretary to the board. The board shall be composed of eight (8) members,  
 4 who shall be appointed by the governor. One (1) member of the board shall  
 5 be a person whose primary business is that of a "heavy construction" con-  
 6 tractor, one (1) member shall be a person whose primary business is that  
 7 of a "highway construction" contractor, one (1) member shall be a person  
 8 whose primary business is that of a "building construction" contractor, one  
 9 (1) member shall be a person whose primary business is that of a "specialty  
 10 construction" contractor, as such construction terms are defined in this  
 11 chapter, one (1) member shall be a subcontractor with a license no higher  
 12 than a class "A," one (1) member shall be a "construction manager," one (1)  
 13 member shall be a registered professional engineer, and one (1) member shall  
 14 be a member of the general public with an interest in the rights of consumers  
 15 of public works contracting services. All contractor members of the board  
 16 shall be contractors holding a current unrevoked license at the time of their  
 17 appointment, actively engaged in the contracting business and have been so  
 18 engaged for a period of not less than five (5) years preceding the date of  
 19 their appointment, and who shall so continue in the contracting business  
 20 during their term of office. Each member of the board next preceding his  
 21 appointment shall have been a citizen and resident of the state of Idaho for  
 22 at least five (5) years. The governor shall appoint a member to said board  
 23 for a term of three (3) years, and no member shall be appointed to more than  
 24 two (2) consecutive terms. All members shall serve at the pleasure of the  
 25 governor. Each member shall hold office after the expiration of their own  
 26 term until their successor has been duly appointed and qualified. Vacancies  
 27 on the board for any cause shall be filled by appointment by the governor for  
 28 the balance of the unexpired term. Each member of the board shall receive  
 29 a certificate of appointment from the governor, and, before entering upon  
 30 the discharge of ~~their~~ his duties, shall file with the secretary of state the  
 31 constitutional oath of office.

32 SECTION 18. That Section 54-2005, Idaho Code, be, and the same is hereby  
 33 amended to read as follows:

34 54-2005. THE IDAHO REAL ESTATE COMMISSION. There is hereby created in  
 35 the ~~department of self-governing agencies~~ division of occupational and pro-  
 36 fessional licenses the Idaho real estate commission, for the purpose of ad-  
 37 ministering this chapter. The commission shall consist of five (5) members  
 38 who shall be appointed by the governor and who shall serve at the pleasure of  
 39 the governor. Members who are licensed under this chapter shall be appointed  
 40 as follows: one (1) from the northern district consisting of Idaho, Lewis,  
 41 Nez Perce, Clearwater, Latah, Benewah, Boundary, Shoshone, Kootenai and  
 42 Bonner counties; one (1) from the southeastern district consisting of Lemhi,  
 43 Butte, Clark, Fremont, Jefferson, Madison, Teton, Bonneville, Bingham,  
 44 Caribou, Bear Lake, Franklin, Oneida, Power and Bannock counties; one (1)  
 45 from the southwestern district consisting of Owyhee, Elmore, Ada, Canyon,  
 46 Boise, Gem, Payette, Washington, Adams and Valley counties; and one (1) from  
 47 the south central district consisting of Blaine, Camas, Cassia, Custer,  
 48 Gooding, Jerome, Lincoln, Minidoka and Twin Falls counties.

1 SECTION 19. That Section 54-2105, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 54-2105. BOARD OF VETERINARY MEDICINE -- COMPOSITION -- APPOINTMENT  
4 -- VACANCY -- QUALIFICATIONS -- COMPENSATION -- REMOVAL -- MEETINGS -- OFFI-  
5 CERS -- REVENUES -- POWERS. (1) A board of veterinary medicine, which shall  
6 consist of six (6) members to be appointed by and serve at the pleasure of  
7 the governor, is hereby created in the ~~department of self-governing agencies~~  
8 division of occupational and professional licenses. Five (5) members shall  
9 be veterinarians and one (1) member shall be a public member. Each of the  
10 five (5) veterinary members shall serve a term of four (4) years as a veteri-  
11 nary board member and a fifth year as a liaison officer, or until his succes-  
12 sor is appointed. The public member shall serve for a term of three (3) years  
13 or until his successor is appointed.

14 Whenever the occasion arises for an appointment of a veterinary member  
15 under this section, the governor may consider recommendations for appoint-  
16 ment to the board from the state veterinary medical association, one (1) of  
17 the regional veterinary medical associations, and from any individual re-  
18 siding in this state. Vacancies due to death, resignation or removal shall  
19 be filled for the remainder of the unexpired term in the same manner as regu-  
20 lar appointments. No person shall serve two (2) consecutive terms, except  
21 in the case of a person appointed for less than a full term. Each of the five  
22 (5) veterinarians shall be qualified to serve as a member of the board if a  
23 graduate of an accredited or approved school of veterinary medicine or, if  
24 a graduate of a nonaccredited or nonapproved school, a letter from the ed-  
25 ucational commission for foreign veterinary graduates (ECFVG) certifying  
26 completion of the ECFVG program or a copy of their ECFVG certificate, or  
27 verification of successful completion of any educational equivalency pro-  
28 gram established for the purpose of evaluating an individual's educational  
29 knowledge and clinical skills as they relate to the practice of veterinary  
30 medicine, as approved and outlined by the rules of the board. In addition  
31 to verification of graduation from an accredited or nonaccredited school of  
32 veterinary medicine, each of the five (5) veterinary members shall be a resi-  
33 dent of this state, and have been licensed to practice veterinary medicine in  
34 this state for the five (5) years immediately preceding the time of appoint-  
35 ment. The public member shall be at least twenty-one (21) years of age and a  
36 resident of this state for five (5) years immediately preceding appointment.  
37 No person may serve on the board who is, or was, during the two (2) years  
38 preceding appointment, a member of the faculty or trustees of an accredited  
39 school of veterinary medicine.

40 (2) Each member of the board and committee on humane euthanasia shall be  
41 compensated as provided by section 59-509(n), Idaho Code.

42 (3) Any member of the board may be removed by the governor at his discre-  
43 tion.

44 (4) The board shall meet at least once each year at the time and place  
45 fixed by rule of the board. Other necessary meetings may be called by the  
46 president of the board by giving notice as may be required by state statute or  
47 rule. Except as may otherwise be provided, a majority of the board consti-  
48 tutes a quorum. Meetings shall be open and public except as otherwise pro-  
49 vided by the open meeting law, chapter 2, title 74, Idaho Code.

1 (5) The board member serving the fourth year of appointment shall be the  
2 president of the board and shall serve as chairman at the board meetings.

3 (6) The veterinary board member serving the fifth year of appointment  
4 shall be the liaison officer of the board and shall render advice, review and  
5 mediate complaints, and perform other tasks assigned by the board.

6 (7) All revenues received under this chapter shall be paid to the state  
7 board of veterinary medicine account created in section 54-2121, Idaho Code,  
8 and shall be subject to and administered in accordance with the provisions of  
9 this chapter.

10 (8) The responsibility for enforcement of the provisions of this chap-  
11 ter is hereby vested in the board. The board shall have all of the duties,  
12 powers and authority specifically granted by or necessary for the enforce-  
13 ment of this chapter and the rules made pursuant thereto, as well as such  
14 other duties, powers and authority as it may be granted from time to time by  
15 applicable law. The powers vested in the board shall include, but are not  
16 limited to:

17 (a) Establish qualifications and prescribe the application format for  
18 issuance or renewal of a license to practice as a veterinarian and cer-  
19 tification to practice as a veterinary technician, euthanasia agency  
20 or euthanasia technician, review each application for compliance with  
21 the licensure and certification requirements, issue, renew or deny li-  
22 censes and certifications. Upon a showing of good cause by a licensee  
23 or certificate holder to the board, the board may grant an extension of  
24 time for submission of the required application or renewal documenta-  
25 tion, including the required number of continuing education hours, as  
26 set forth by this chapter or the rules of the board.

27 (b) Examine and determine the qualifications and fitness of applicants  
28 for a license to practice veterinary medicine, or certification to  
29 practice veterinary technology or as a euthanasia technician or operate  
30 as a certified euthanasia agency in the state.

31 (c) Issue, renew, reinstate, deny, suspend, sanction, reprimand, re-  
32 strict, limit, place on probation, require voluntary surrender of,  
33 or revoke any licenses, certifications or temporary permits or certi-  
34 fications to practice veterinary medicine, veterinary technology or  
35 euthanize animals in the state, and may fine and impose other forms of  
36 discipline, and enter into consent agreements and negotiated settle-  
37 ments with licensed veterinarians, certified veterinary technicians,  
38 certified euthanasia technicians and certified euthanasia agencies  
39 consistent with the provisions of this chapter and the rules adopted  
40 hereunder. Whenever it appears that grounds for discipline exist under  
41 this chapter and the board finds that there is an immediate danger to the  
42 public health, safety or welfare, the board is authorized to commence  
43 emergency proceedings for revocation or other action. Such proceedings  
44 shall be promptly instituted and processed under the applicable provi-  
45 sions of chapter 52, title 67, Idaho Code.

46 (d) Establish a schedule of fees for licensing, certifying and regis-  
47 tering veterinarians, veterinary technicians, euthanasia agencies and  
48 euthanasia technicians, as well as for the review, approval and admin-  
49 istration of national licensing and certification examinations.

1 (e) In addition to the fees specifically provided for herein, the board  
2 may assess additional reasonable fees for services rendered to carry  
3 out its duties and responsibilities as required or authorized by this  
4 chapter or rules adopted hereunder. Such services rendered shall in-  
5 clude, but not be limited to, the following:

- 6 (i) Issuance of duplicate licenses or certificates;  
7 (ii) Mailing lists or reports of data maintained by the board;  
8 (iii) Copies of any documents;  
9 (iv) Verification of license or certification status;  
10 (v) Examination review, approval and administration; and  
11 (vi) Examination materials.

12 (f) Upon its own motion or upon any complaint, to initiate and conduct  
13 investigations on all matters relating to the practice of veterinary  
14 medicine or veterinary technology or the euthanizing of animals. Com-  
15 plaints not filed within one (1) year after the alleged unlawful conduct  
16 occurs will not be investigated. If the alleged unlawful conduct is of  
17 a continuing nature, the date of the occurrence of such conduct shall  
18 be deemed to be any date subsequent to the commencement of the unlawful  
19 conduct up to and including the date on which the complaint is filed so  
20 long as the alleged unlawful conduct continues.

21 (g) Initiate and conduct disciplinary hearings or proceedings on its  
22 own or through its designated hearing officer, provided such hearings  
23 and proceedings shall be held in conformance with the provisions of  
24 chapter 52, title 67, Idaho Code, and in connection thereto, to admin-  
25 ister oaths, receive evidence, make the necessary determinations, and  
26 enter orders consistent with the findings. The board may require the  
27 attendance and testimony of witnesses and the production of papers,  
28 records, or other documentary evidence and may commission depositions.  
29 The board may designate one (1) or more of its members or a person  
30 appointed by the state board of veterinary medicine to serve as its  
31 hearing officer.

32 (h) Employ an executive director who shall be responsible for the per-  
33 formance of the administrative functions of the board and such other du-  
34 ties as the board may direct. The board may also employ or contract with  
35 other individuals to provide professional, clerical or other services  
36 deemed necessary by the board to effectuate the provisions of this chap-  
37 ter and the rules of the board, and purchase or rent necessary office  
38 space, equipment and supplies. The compensation of the executive di-  
39 rector and other personnel shall be determined by the board and the ex-  
40 ecutive director shall be exempt from the provisions of chapter 53, ti-  
41 tle 67, Idaho Code.

42 (i) Appoint from its own membership one (1) or more members to act as  
43 representatives of the board at any meeting within or outside the state  
44 where such representation is deemed desirable.

45 (j) Bring proceedings in the courts for the enforcement of this chapter  
46 or any rules made pursuant thereto.

47 (k) For purposes of enforcement of the provisions of this chapter and  
48 any rules duly promulgated hereunder, including the levying of civil  
49 penalties, assessment and collection of fines, and recovery of costs  
50 and paralegal, hearing officer and attorney's fees incurred by the



1 board in investigation and prosecution of complaints, the board shall  
2 maintain jurisdiction over individuals, irrespective of their license  
3 or certification status (i.e., active, inactive, expired, lapsed, sur-  
4 rendered or disciplined) relative to acts, omissions, complaints and  
5 investigations which occurred during the licensure or certification  
6 period. Jurisdiction of the board shall also extend to all individuals  
7 engaged in the practice of veterinary medicine, veterinary technology  
8 or practicing as a certified euthanasia agency or certified euthanasia  
9 technician in this state as defined in section 54-2103, Idaho Code. It  
10 is the intent of this subsection that the board's jurisdiction should  
11 extend to all licensed or unlicensed or certified or uncertified in-  
12 dividuals and that licensees and certification holders cannot divest  
13 the board of jurisdiction by changing, surrendering or relinquishing  
14 licensure or certification status.

15 (l) Establish a committee on humane euthanasia for the purposes of  
16 training, examining, licensing and certifying euthanasia agencies and  
17 euthanasia technicians and assess application, training workshop and  
18 certification fees. The fees so assessed are continuously appropriated  
19 to the board to support the activities of the committee.

20 (m) Adopt, amend or repeal all sections of this chapter and rules neces-  
21 sary for its government and all rules necessary to carry into effect the  
22 provisions of this chapter pursuant to the Idaho administrative proce-  
23 dure act, chapter 52, title 67, Idaho Code, including the establishment  
24 and publication of standards of professional conduct for the practice  
25 of veterinary medicine.

26 (n) Conduct probationary or other practice and facility inspections  
27 necessary for enforcement of this chapter or the rules duly promul-  
28 gated hereunder or any order, negotiated settlement or probationary  
29 agreement of the board and issue administrative citations to alleged  
30 violators.

31 SECTION 20. That Section 54-2205, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 54-2205. PHYSICAL THERAPY LICENSURE BOARD. (1) There is hereby  
34 established in the ~~department of self-governing agencies~~ division of oc-  
35 cupational and professional licenses a physical therapy licensure board.  
36 The board shall consist of five (5) members appointed by the governor and  
37 who shall serve at the pleasure of the governor, three (3) of whom shall be  
38 licensed physical therapists, one (1) of whom may be a licensed physical  
39 therapist assistant or a licensed physical therapist, and one (1) of whom  
40 shall be a member of the public with an interest in the rights of the con-  
41 sumers of health services. All members of the board shall be residents of  
42 Idaho at the time of their appointment and for their term of service. The  
43 persons appointed to the board who are required to be licensed under this  
44 chapter shall have been engaged in rendering physical therapy or physical  
45 therapy assistant care services, respectively, to the public, in teaching,  
46 or in research in physical therapy or physical therapy assistant care ser-  
47 vices, respectively, for at least three (3) years immediately preceding  
48 their appointments. These members, excepting the public member, shall at  
49 all times be holders of valid licenses and be in good standing without re-

1     striction upon such license for the practice of physical therapy or physical  
2     therapy assistant, respectively, in Idaho.

3           (2) The governor shall appoint members for a term of three (3) years,  
4     but no person shall be appointed to serve more than two (2) consecutive  
5     terms. Terms shall begin on the first day of the calendar year and end on the  
6     last day of the calendar year or until successors are appointed, except for  
7     the first appointed members who shall serve through the last calendar day of  
8     the year in which they are appointed, before commencing the terms prescribed  
9     in this section.

10          (3) The governor may consider recommendations for appointment to the  
11     board from the Idaho physical therapy association and from any individual  
12     residing in this state.

13          (4) The board shall hold a meeting annually and elect a chairman who  
14     shall preside at meetings of the board. In the event the chairman is not  
15     present at any board meeting, the board may by majority vote of the members  
16     present appoint a temporary chairman. A majority of the members of the board  
17     shall constitute a quorum. Other meetings may be convened at the call of the  
18     chairman or upon the written request of any two (2) board members.

19          (5) Each member of the board shall be compensated as provided in section  
20     59-509(n), Idaho Code.

21          (6) Members of the board shall disqualify themselves and, upon the mo-  
22     tion of any interested party may, upon proper showing, be disqualified in any  
23     proceeding concerning which they have an actual conflict of interest or bias  
24     that interferes with their fair and impartial service.

25           SECTION 21. That Section 54-2304, Idaho Code, be, and the same is hereby  
26     amended to read as follows:

27           54-2304. ESTABLISHMENT OF BOARD OF PSYCHOLOGIST EXAMINERS. There is  
28     hereby created in the ~~department of self-governing agencies,~~ division of oc-  
29     cupational and professional licenses an Idaho state board of psychologist  
30     examiners as follows:

31           (1) Said board shall consist of four (4) licensed psychologist members  
32     and one (1) public member who is not a practitioner or spouse of a practi-  
33     tioner in any health care field and who is not a convicted felon and who has  
34     not been an applicant for licensure as a psychologist, who are citizens of  
35     the United States, residents of the state of Idaho, and appointed by the  
36     governor for four (4) year terms. The psychologist members' terms shall be  
37     staggered such that only one (1) term expires June 30 of each year.

38           (2) Each psychologist board member shall be licensed under this chap-  
39     ter.

40           (3) When the term of each psychologist member of the board ends, the  
41     governor shall appoint his successor for a term of four (4) years. The gover-  
42     nor may consider recommendations for appointment to the board from the Idaho  
43     psychological association and from any individual residing in this state.  
44     Any vacancy occurring on the board shall be filled by the governor by ap-  
45     pointment for the unexpired term. Board members shall serve at the pleasure  
46     of the governor.

47           (4) At all times, the board shall have at least one (1) member who is en-  
48     gaged primarily in rendering services in psychology and at least one (1) mem-

1 ber who is engaged primarily in teaching, training, or research in psychol-  
2 ogy.

3 (5) No board member shall serve more than two (2) consecutive terms.

4 (6) Each board member shall be compensated as provided by section  
5 59-509(n), Idaho Code.

6 (7) The board shall annually in the month of July, hold a meeting, and  
7 elect a chairman and vice chairman. The board shall meet at such other times  
8 as deemed necessary and advisable by the chairman, or by a majority of its  
9 members, or by the governor. Reasonable notice of all meetings shall be  
10 given as required by law. A majority of the board shall constitute a quorum  
11 at any meeting or hearing.

12 SECTION 22. That Section 54-2404, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 54-2404. STATE BOARD ESTABLISHED -- MANNER OF APPOINTMENT -- QUALIFI-  
15 CATIONS -- TERMS OF OFFICE -- REMOVAL FROM OFFICE. (1) In order to safeguard  
16 the environment and protect the public health and establish the minimum com-  
17 petency requirements of persons whose duties are identified in this chap-  
18 ter, there is hereby established in the ~~department of self-governing agen-~~  
19 ~~cies~~ division of occupational and professional licenses a board of drinking  
20 water and wastewater professionals for drinking water and wastewater opera-  
21 tors and backflow assembly testers, hereinafter called the board.

22 (2) The board shall consist of seven (7) members, two (2) of whom shall  
23 be drinking water system operators, two (2) of whom shall be wastewater sys-  
24 tem operators, and one (1) who shall be a backflow assembly tester, all of  
25 whom shall be citizens of the United States, residents of the state of Idaho  
26 and licensed under the provisions of this chapter, and one (1) who shall be  
27 lawfully entitled to reside in the United States and be a resident of the  
28 state of Idaho and a member of the public with an interest in the rights of  
29 consumers of water and wastewater services, and one (1) who shall be the di-  
30 rector of the Idaho department of environmental quality or the director's  
31 designated agent.

32 (3) The governor shall appoint each member to the board for a term of  
33 three (3) years. Each member shall serve at the pleasure of the governor and  
34 shall serve until a successor is appointed. No member shall be appointed for  
35 more than two (2) successive terms or a total of two (2) terms during the life  
36 of the board or member.

37 SECTION 23. That Section 54-2605, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 54-2605. IDAHO PLUMBING BOARD. (1) The Idaho plumbing board, re-  
40ferred to as the board, is hereby created and made a part of the division of  
41 ~~building safety~~ occupational and professional licenses. It shall be the  
42 responsibility and duty of the administrator of the division of ~~building~~  
43 ~~safety~~ occupational and professional licenses to administer and enforce the  
44 provisions of this act; and the board shall make, promulgate and publish  
45 such rules as may be necessary for carrying out the provisions of this act in  
46 order to effectuate the purposes thereof and for the orderly and efficient  
47 administration thereof, and except as may be limited or prohibited by law and

1 the provisions of this act, such rules so made and promulgated shall have the  
2 force of statute.

3 (2) The board shall consist of five (5) members. The members shall be  
4 appointed at large by the governor and shall serve at the pleasure of the gov-  
5 ernor. Members shall be appointed for a term of three (3) years. Whenever a  
6 vacancy occurs, the governor shall forthwith appoint a qualified person to  
7 fill the vacancy for the unexpired portion of the term.

8 (3) All members of the board shall be United States citizens, residents  
9 of this state for not less than two (2) years, and qualified by knowledge,  
10 integrity and experience to properly execute the functions of the board. Two  
11 (2) members shall be members of the public at large with an interest in the  
12 rights of consumers of plumbing services; one (1) member shall be an active  
13 plumbing contractor with not less than five (5) years' experience in the  
14 plumbing contracting business; one (1) member shall be an active plumbing  
15 contractor with not less than five (5) years in the plumbing contracting  
16 business with an additional background of experience in gas piping instal-  
17 lations in buildings; and one (1) member shall be a journeyman plumber. All  
18 members of the board shall take, subscribe and file with the secretary of  
19 state an oath of office in the form, manner and time prescribed by chapter 4,  
20 title 59, Idaho Code.

21 (4) The board shall meet within thirty (30) days after the appointment  
22 of all its members and thereafter at such other times as may be expedient and  
23 necessary for the proper performance of its duties. At the board's first  
24 meeting, the members shall elect one (1) of their number to be chairman.  
25 A majority of the board shall constitute a quorum for the transaction of  
26 business and not less than two (2) quorum meetings shall be held each year.  
27 The board may delegate to any member, or its chairman or other employees,  
28 the power to make investigations and hold hearings at any place it may deem  
29 proper, and to report findings to it; and may delegate to its chairman and  
30 employees the performance of ministerial functions.

31 (5) Each member of the board shall be compensated as provided by section  
32 59-509(n), Idaho Code.

33 SECTION 24. That Section 54-2803, Idaho Code, be, and the same is hereby  
34 amended to read as follows:

35 54-2803. STATE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS --  
36 CREATION -- TERMS OF MEMBERS -- OATH. A state board of registration for pro-  
37 fessional geologists is hereby created in the ~~department of self-governing~~  
38 agencies division of occupational and professional licenses whose duty it  
39 shall be to administer the provisions of this chapter. The board shall con-  
40 sist of five (5) members, who shall be appointed by and shall serve at the  
41 pleasure of the governor, four (4) of whom shall have the qualifications re-  
42 quired by section 54-2804, Idaho Code, and one (1) of whom shall be a member  
43 of the public with an interest in the rights of the consumers of geologist  
44 services.

45 The board shall be comprised of members representing at least three (3)  
46 of the following categories: academic geologists, government geologists,  
47 salaried company geologists and independent or consultant geologists.

48 Each member of the board shall take, subscribe and file the oath re-  
49 quired by chapter 4, title 59, Idaho Code, before entering upon the duties of

1 his office. On the expiration of the term of any member his successor shall  
2 be appointed in like manner by the governor for a term of five (5) years.

3 Members of the board shall hold office until the expiration of the term  
4 for which they were appointed and until their successors have been appointed  
5 and qualified.

6 SECTION 25. That Section 54-2908, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 54-2908. SPEECH, HEARING AND COMMUNICATION SERVICES LICENSURE  
9 BOARD. (1) There is hereby established in the ~~department of self-governing~~  
10 ~~agencies~~ division of occupational and professional licenses a speech, hear-  
11 ing and communication services licensure board. The board shall consist  
12 of seven (7) members appointed by the governor. The governor may consider  
13 recommendations for appointment to the board from the Idaho speech, lan-  
14 guage, hearing association, inc. (ISHA), any Idaho association of hearing  
15 aid dealers and fitters, any Idaho association of sign language interpreters  
16 and any individual residing in this state. Two (2) members of the board  
17 shall be speech-language pathologists, one (1) member shall be licensed as  
18 a sign language interpreter, two (2) members shall be audiologists, one (1)  
19 member shall be a hearing aid dealer and fitter, and one (1) member shall be  
20 appointed from the public ~~at-large~~ at large. Each nonpublic member shall:

21 (a) Have been a resident of the state of Idaho for no less than one (1)  
22 year immediately preceding his or her appointment;

23 (b) Have been engaged in rendering services to the public, teaching, or  
24 performing research in the field of audiology, speech-language pathol-  
25 ogy, sign language interpreting, or hearing aid dealing and fitting for  
26 a period of not less than five (5) years preceding his or her appoint-  
27 ment;

28 (c) Be a currently practicing audiologist, speech-language patholo-  
29 gist, sign language interpreter, or hearing aid dealer and fitter; and

30 (d) At all times during such appointment to the board, maintain a valid  
31 license in audiology, speech-language pathology, sign language inter-  
32 preting, or hearing aid dealing and fitting, except for the first ap-  
33 pointees who shall meet the eligibility requirements for licensure as  
34 specified in this chapter at all times after initial appointment.

35 (2) The public member appointed as provided herein shall have been a  
36 resident of the state of Idaho for not less than one (1) year immediately pre-  
37 ceding his appointment. Further, such public member shall not be associ-  
38 ated with or financially interested in the practice or business of audiol-  
39 ogy, speech-language pathology, sign language interpreting, or hearing aid  
40 dealing and fitting, nor shall such public member be engaged in an allied or  
41 related profession or occupation.

42 (3) Members shall serve a term of three (3) years at the pleasure of the  
43 governor. In the event of a vacancy other than expiration of a term, the gov-  
44 ernor shall appoint a replacement to fill the vacancy for the remainder of  
45 the unexpired term.

46 (4) Members shall disqualify themselves and, upon the motion of any in-  
47 terested party may, upon proper showing, be disqualified in any proceeding  
48 concerning which they have an actual conflict of interest or bias that inter-  
49 feres with their fair and impartial service.

1 SECTION 26. That Section 54-3003, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 54-3003. QUALIFICATIONS -- EXAMINATIONS -- BOARD -- LICENSES -- FEES  
4 -- ENDORSEMENT -- EXEMPTIONS -- INDIVIDUALS, PARTNERSHIPS AND CORPORATIONS  
5 -- RESTRICTION ON USE OF NAME -- SEAL. (1) Application and practice. In or-  
6 der to safeguard human health and property, and to promote the public wel-  
7 fare, any person in either public or private capacity practicing or offer-  
8 ing to practice landscape architecture shall be required to submit evidence  
9 of qualifications to practice and shall be issued a license under the provi-  
10 sions of this chapter.

11 (2) Qualifications. For licensure as a landscape architect, evidence  
12 must be submitted to the board that the applicant:

13 (a) Is eighteen (18) years of age or older;

14 (b) Has graduated from a college or school of landscape architecture  
15 approved by the board. In lieu of graduation from an approved college or  
16 school of landscape architecture, an applicant may present evidence of  
17 at least eight (8) years of actual, practical experience in landscape  
18 architecture of a grade and character satisfactory to the board, as  
19 established by rule, that the applicant is competent to practice land-  
20 scape architecture; and

21 (c) Has successfully passed an examination approved by the board.

22 (3) Examinations. The board shall adopt rules covering the subjects  
23 and scope of the examinations. Every applicant for license as a landscape  
24 architect shall be required, in addition to all other requirements, to es-  
25 tablish by written examination his competency to plan, design, specify and  
26 supervise the installation and construction of landscape architectural  
27 projects. Each written examination may be supplemented by such oral exami-  
28 nations as the board may determine.

29 (4) The board.

30 (a) There is hereby created in the ~~department of self-governing agen-~~  
31 ~~cies~~ division of occupational and professional licenses an Idaho state  
32 board of landscape architects. The board shall consist of two (2) land-  
33 scape architects and one (1) member of the public with an interest in the  
34 rights of the consumers of landscape architect services. Members of the  
35 board shall be appointed by and shall serve at the pleasure of the gover-  
36 nor and must be residents of this state. The terms of the members of the  
37 board shall be for four (4) years. Each member shall hold office until  
38 the appointment and qualification of his successor. Vacancies occur-  
39 ring prior to the expiration of the term shall be filled by appointment  
40 in like manner for the unexpired term.

41 (b) The board shall have, in addition to the powers set forth elsewhere  
42 in this chapter, the following powers and duties:

43 (i) To authorize, by written agreement, the ~~bureau~~ division of  
44 occupational and professional licenses to act as agent in its in-  
45 terest, and to make such rules as shall be necessary in the perfor-  
46 mance of its duties;

47 (ii) To adopt rules of professional responsibility;

48 (iii) To adopt rules requiring the completion of continuing educa-  
49 tion by each licensee on an annual basis;

1 (iv) The board, or its duly appointed hearing officer, shall have  
2 the power in any disciplinary proceeding against a licensee under  
3 this chapter, to administer oaths, take depositions of witnesses  
4 within or outside of the state in the manner provided by law in  
5 civil cases, and to apply to any district court of this state for  
6 a subpoena to require the attendance of such witnesses and the pro-  
7 duction of such books, records and papers as the board deems neces-  
8 sary in a disciplinary proceeding against a licensee. The fees and  
9 mileage of the witnesses shall be the same as that allowed in the  
10 district courts in criminal cases, which fees and mileage shall  
11 be paid in the same manner as other board expenses. In any case  
12 of disobedience to, or neglect of, any subpoena or subpoena duces  
13 tecum served upon any person, or refusal of any witness to tes-  
14 tify to any matter about which he may lawfully be interrogated, it  
15 shall be the duty of any district court in this state on applica-  
16 tion by the board to compel compliance with the subpoena by con-  
17 ducting proceedings for contempt, as in the case of disobedience  
18 of the requirements of a subpoena issued from such court or for re-  
19 fusal to testify therein. The licensed person accused in such pro-  
20 ceedings shall have the same right of subpoena.

21 (c) The board shall elect, at its first meeting of every calendar year,  
22 a chairman from its members. In carrying out the provisions of this  
23 chapter, all members of the board shall be compensated as provided by  
24 section 59-509(m), Idaho Code. Payment of travel and other expenses  
25 shall be made from the occupational licenses fund.

26 (5) Renewal and reinstatement -- Revenue.

27 (a) All licenses issued under the provisions of this chapter shall be  
28 subject to annual renewal and shall expire unless renewed in the manner  
29 prescribed by the board regarding applications for renewal, continuing  
30 education, and fees. License renewal and reinstatement shall be in ac-  
31 cordance with section 67-2614, Idaho Code.

32 (b) Amounts. The amount of fees shall be as determined by the board  
33 within the following stated limits:

34 (i) The application fee not to exceed one hundred dollars (\$100).

35 (ii) The fee for examination to be established by board rule not to  
36 exceed that charged by the council of landscape architectural reg-  
37 istration boards plus a fifty dollar (\$50.00) processing fee. The  
38 board may recover the actual costs associated with an applicant's  
39 review of a failed examination.

40 (iii) The fee for an original license and the annual license fee  
41 not to exceed two hundred dollars (\$200).

42 (c) Refund. Fees shall be nonrefundable.

43 (d) Deposit. All fees received under the provisions of this chapter  
44 shall be deposited in the state treasury to the credit of the occupa-  
45 tional licenses fund and all costs and expenses incurred by the board  
46 under the provisions of this chapter shall be a charge against and paid  
47 from said fund for such purposes, and the funds collected hereunder  
48 shall be immediately available for the administration of this chapter,  
49 the provisions of any other law notwithstanding. In no instance will  
50 the occupational licenses fund be obligated to pay any claims that in

1 aggregate with claims already paid exceed the income to the occupa-  
2 tional licenses fund which has been derived by the application of this  
3 chapter.

4 (e) Appropriation. The money paid into the occupational licenses fund  
5 is continuously appropriated to the board for expenditure in the manner  
6 prescribed herein to defray the expenses of the board and in carrying  
7 out and enforcing the provisions of this chapter.

8 (6) Endorsement provisions. The board may approve for licensure:

9 (a) An individual with a current council of landscape architectural  
10 registration boards (CLARB) certification; or

11 (b) With limited examination an applicant who is legally registered or  
12 licensed as a landscape architect in any other state or country whose  
13 requirements for registration or licensure are at least substantially  
14 equivalent to the requirements of this state.

15 (7) Exemptions.

16 (a) None of the provisions of this chapter shall prevent employees of  
17 those lawfully practicing as landscape architects from acting under the  
18 instruction, control or supervision of their employers.

19 (b) None of the provisions of this chapter shall apply to the business  
20 conducted in this state by any land use planner, horticulturist, nurs-  
21 eryman, or landscape nurseryman, gardener, landscape gardener, land-  
22 scape designer, or landscape contractor, as these terms are generally  
23 used, or any other person, including, but not limited to, their right to  
24 plan and supervise in connection therewith, except that no such person  
25 shall use the designation "landscape architect," "landscape architec-  
26 ture," or any description tending to convey the impression that they are  
27 a licensed landscape architect unless they are registered as provided  
28 in this chapter.

29 (c) This chapter shall not apply to architects, professional en-  
30 gineers, geologists, and land surveyors licensed to practice their  
31 respective professions.

32 (8) This chapter applies to individuals only.

33 (a) All licenses shall be issued to individuals only but nothing  
34 contained in this chapter shall prevent a duly licensed landscape ar-  
35 chitect from rendering professional services for a corporation, firm,  
36 partnership or association.

37 (b) Partners. Each partner in a partnership of landscape architects  
38 shall be licensed to practice landscape architecture or to provide al-  
39 lied professional services as defined in section 30-21-901, Idaho Code.  
40 Subject to this requirement, a partnership of landscape architects may  
41 use a partnership name if such name consists of:

42 (i) The names of two (2) or more landscape architects.

43 (ii) The names of one (1) or more landscape architects and one (1)  
44 or more professional engineers or architects.

45 (c) Any person applying to the official of any county or city for a  
46 business license to practice landscape architecture shall at the time  
47 of such application exhibit to such official satisfactory evidence that  
48 such applicant possesses a current Idaho license. The business license  
49 shall not be granted until such evidence is presented, any contrary pro-  
50 vision of any special act or general act notwithstanding.



1 (9) Qualifications for practice -- Seal:

2 (a) No person shall use the designation "landscape architect" or "land-  
3 scape architecture" or advertise any title or description tending to  
4 convey the impression that the person is a landscape architect, or  
5 practicing landscape architecture, unless such person is a licensed  
6 landscape architect. Every holder of a license shall display it in the  
7 principal office, place of business or place of employment.

8 (b) Every landscape architect shall have a seal approved by the board,  
9 which shall contain the name of the landscape architect and the words  
10 "Licensed Landscape Architect, State of Idaho," and such other words or  
11 figures as the board may deem necessary and prescribe.

12 (i) The seal may be a rubber stamp or an electronically applied  
13 seal. Whenever the seal is applied, the licensee's written sig-  
14 nature and the date shall be adjacent to or across the seal. The  
15 seal, signature and date shall be placed on all final reports,  
16 drawings and title pages of specifications, design information  
17 and calculations. Whenever presented to a client or to the public,  
18 such documents that are not final and do not contain a seal, signa-  
19 ture and date, shall be clearly marked as "preliminary," "draft,"  
20 "not for construction" or similar words to distinguish the docu-  
21 ments from a finished product.

22 (ii) The application of the licensee's seal, signature and the  
23 date shall constitute certification that the work thereon was pre-  
24 pared by such landscape architect or under the supervision of such  
25 landscape architect. Each plan or drawing sheet shall be sealed  
26 and signed by the licensee or the licensee's agent responsible for  
27 each sheet. The principal landscape architect in charge shall  
28 sign and seal the title or first sheet. Copies of electronically  
29 produced documents listed in paragraph (b) (i) of this subsection  
30 that are distributed for informational use, such as for bidding  
31 purposes or working copies, may be issued with the licensee's  
32 seal and a notice that the original document is on file with the  
33 licensee's signature and date. The words "original signed by:"  
34 and "date signed:" shall be placed adjacent to or across the seal  
35 of the electronic original. The storage location of the original  
36 documents shall also be provided. Only the title page of reports,  
37 specifications and like documents need bear the seal and signature  
38 of the licensee and the date.

39 (iii) Nothing contained herein shall be construed to permit a  
40 landscape architect to practice as a licensed architect, a li-  
41 censed professional engineer or a licensed land surveyor as these  
42 professions are defined by Idaho Code; provided however, nothing  
43 contained herein shall be construed to prevent a landscape archi-  
44 tect from practicing landscape architecture.

45 SECTION 27. That Section 54-3105, Idaho Code, be, and the same is hereby  
46 amended to read as follows:

47 54-3105. CERTIFIED SHORTHAND REPORTERS BOARD -- MEMBERS -- TERM --  
48 APPOINTMENT. (1) There is hereby created in the division of occupational and  
49 professional licenses a state-certified shorthand reporters board of the

1 state of Idaho which shall consist of five (5) members. Two (2) members of  
2 the board shall be certified shorthand reporters who have had at least five  
3 (5) years continuous experience immediately prior to their nomination as  
4 a freelance shorthand reporter or official court reporter. One (1) other  
5 member of the board shall be an Idaho district judge nominated by the Idaho  
6 supreme court. One (1) other member of the board shall be a member of the  
7 Idaho state bar and nominated by the Idaho state bar association. One (1)  
8 other member shall be a member of the public with an interest in the rights of  
9 consumers of shorthand reporter services.

10 (2) The members of the board shall hold office for terms of three (3)  
11 years each. Appointments to fill vacancies shall be for the unexpired term  
12 of such vacancies.

13 (3) Board members shall be appointed by and serve at the pleasure of  
14 the governor. The governor may consider recommendations for appointment to  
15 the board from the Idaho court reporters association and from any individual  
16 residing in this state. Each member of the board shall hold office for the  
17 specified term and until a successor is duly appointed by the governor.

18 SECTION 28. That Section 54-3203, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

20 54-3203. STATE BOARD OF SOCIAL WORK EXAMINERS -- CREATED -- APPOINT-  
21 MENTS -- TERMS. (1) A state board of social work examiners is hereby cre-  
22 ated and made a part of the ~~department of self-governing agencies~~ division  
23 of occupational and professional licenses. It shall be the duty of the board  
24 to administer the provisions of this chapter pursuant to the provisions of  
25 chapters 26 and 52, title 67, Idaho Code. The board shall consist of six (6)  
26 members, three (3) of which shall be masters social workers, and two (2) of  
27 which shall be social workers, and one (1) of which shall be a lay member and  
28 all of whom shall be appointed by and serve at the pleasure of the governor.  
29 All terms shall be for a period of five (5) years. Whenever a board member's  
30 term expires or a vacancy occurs, the governor may consider recommendations  
31 for appointment to the board for a new term or for an unexpired term from any  
32 Idaho organization and from any individual residing in this state.

33 (2) Each social work member of the board shall:

34 (a) Be a resident of this state;

35 (b) Be currently licensed and in good standing to engage in the practice  
36 of social work in this state;

37 (c) At the time of appointment, have been actively engaged in the prac-  
38 tice of social work for at least one (1) out of the last five (5) years;  
39 and

40 (d) Have at least three (3) years of experience in the practice of so-  
41 cial work.

42 (3) Each fiscal year, the chairmanship will rotate to the person who is  
43 in the fourth year of their five (5) year term. The chairman shall preside at  
44 all meetings of the board. If this person is unable to serve, an election by a  
45 majority vote of the board shall determine the person who will serve as chair  
46 for that fiscal year. In the event the chairman is not present at any board  
47 meeting, the board may by majority vote of the members present appoint a tem-  
48 porary chairman. A majority of the members of the board shall constitute a  
49 quorum.

1 (4) Each member of the board shall be compensated as provided by section  
2 59-509(b), Idaho Code.

3 SECTION 29. That Section 54-3307, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 54-3307. BOARD -- MEMBERS -- VACANCIES. (a) There is hereby created in  
6 the division of occupational and professional licenses a state board of den-  
7 turitry of the state of Idaho, which shall consist of five (5) members. Three  
8 (3) members of the board shall be persons who have been nominated by the as-  
9 sociation of Idaho denturists, inc. and by any individual residing in this  
10 state, who have had at least five (5) years continuous experience immedi-  
11 ately prior to their nomination in the practice of denturitry. Two (2) other  
12 members of the board shall be lay persons nominated by the director of the  
13 Idaho department of health and welfare or by any individual residing in this  
14 state.

15 (b) Members shall be appointed to the board for terms of three (3) years  
16 each and shall serve at the pleasure of the governor. Appointments to fill  
17 vacancies shall be for the unexpired term of such vacancies.

18 (c) Appointments to the board shall be made by the governor and each  
19 member of the board shall hold office for his term and until his successor is  
20 duly appointed by the governor.

21 SECTION 30. That Section 54-3403, Idaho Code, be, and the same is hereby  
22 amended to read as follows:

23 54-3403. BOARD -- ORGANIZATION AND MEETINGS. There is hereby created  
24 in the ~~department of self-governing agencies~~ division of occupational and  
25 professional licenses an Idaho state licensing board of professional coun-  
26 selors and marriage and family therapists as follows:

27 (1) The board shall consist of six (6) members, residents of the state  
28 of Idaho, who shall be appointed by and serve at the pleasure of the governor.  
29 In making appointments, the governor shall give consideration to recommen-  
30 dations submitted by the Idaho counseling association in consultation with  
31 other state counselor organizations, the Idaho association for marriage and  
32 family therapy in consultation with other state marriage and family therapy  
33 organizations, and any individual residing in this state.

34 (2) When the term of each member ends, the governor shall appoint the  
35 successor for a term of four (4) years from qualified candidates. Any va-  
36 cancy occurring on the board shall be filled by the governor by appointment  
37 for the unexpired term.

38 (3) At all times, the board shall have two (2) members who are licensed  
39 as clinical professional counselors or professional counselors and who are  
40 engaged primarily in rendering counseling service; one (1) member who is  
41 engaged or has been engaged primarily in teaching, training or research  
42 in higher education in counseling or marriage and family therapy; one (1)  
43 member who is licensed or is eligible for licensure as both a professional  
44 counselor and a marriage and family therapist and who is engaged primarily  
45 in rendering marriage and family therapy or marriage and family counseling;  
46 one (1) member who is licensed as a marriage and family therapist and who  
47 is engaged primarily in rendering marriage and family therapy; and one (1)

1 member from the general public with an interest in the rights of consumers  
2 of counseling and therapy services. Except for the initial appointment,  
3 all members of the board except the member from the general public shall be  
4 licensed under this chapter.

5 (4) No board member shall serve more than two (2) full consecutive  
6 terms.

7 (5) The members of the board shall be compensated as provided in section  
8 59-509(m), Idaho Code.

9 (6) The board shall annually hold a meeting and elect a chairman and  
10 vice chairman from among its members. The board shall meet at such other  
11 times as deemed necessary and advisable by the chairman, or by a majority of  
12 its members, or by the governor. Notice of all meetings shall be given in the  
13 manner prescribed by law. A majority of the board shall constitute a quorum  
14 at any meeting or hearing.

15 SECTION 31. That Section 54-3714, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 54-3714. LICENSURE BOARD. (1) There is hereby created in the division  
18 of occupational and professional licenses the occupational therapy licen-  
19 sure board of Idaho.

20 (2) The occupational therapy licensure board of Idaho shall consist  
21 of five (5) members who shall be appointed by and serve at the pleasure of  
22 the governor, three (3) of whom shall be occupational therapists, one (1) of  
23 whom shall be an occupational therapy assistant, and one (1) of whom shall  
24 be a member of the public with an interest in the rights of consumers of oc-  
25 cupational therapy services. All members of the board shall be residents  
26 of Idaho. The governor may consider recommendations for appointment to the  
27 board from the association and from any individual residing in this state.  
28 The persons appointed to the licensure board who are required to be licensed  
29 under this chapter shall have been engaged in rendering occupational therapy  
30 services to the public, teaching, or research in occupational therapy for  
31 at least five (5) years immediately preceding their appointments and shall  
32 at all times be holders of a valid license and be in good standing without  
33 restriction upon such license.

34 (23) Appointments shall be for three (3) year terms, but no person  
35 shall be appointed to serve more than two (2) consecutive terms. Terms shall  
36 begin on the first day of the calendar year and end on the last day of the  
37 calendar year or until successors are appointed.

38 (34) The licensure board shall annually hold a meeting and elect a  
39 chairman who shall preside at meetings of the licensure board. In the event  
40 the chairman is not present at any licensure board meeting, the licensure  
41 board may by majority vote of the members present appoint a temporary chair-  
42 man. A majority of the members of the licensure board shall constitute a  
43 quorum. Other meetings may be convened at the call of the chairman or the  
44 written request of any two (2) licensure board members.

45 (45) Each member of the licensure board shall be compensated as pro-  
46 vided in section 59-509(n), Idaho Code.

47 SECTION 32. That Section 54-4006, Idaho Code, be, and the same is hereby  
48 amended to read as follows:

1           54-4006. BOARD OF MASSAGE THERAPY. (1) There is hereby established in  
2 the ~~department of self-governing agencies, bureau of occupational licenses,~~  
3 division of occupational and professional licenses the board of massage  
4 therapy. The members thereof shall be appointed by the governor and serve at  
5 the pleasure of the governor.

6           (2) The board shall consist of five (5) members, four (4) of whom shall  
7 be licensed pursuant to this chapter and one (1) of whom shall be a member of  
8 the public with an interest in the rights of the consumers of massage therapy  
9 services. At no time shall more than one (1) board member be an owner of, an  
10 instructor of, or otherwise affiliated with a board-approved course of in-  
11 struction or any other massage therapy school or course of instruction.

12           (3) Professional massage therapy associations and/or any resident of  
13 the state of Idaho may provide nominations to the governor.

14           (4) All members of the board shall be residents of the state of Idaho for  
15 the duration of their appointment and shall have been residents of the state  
16 of Idaho for a minimum of three (3) years immediately preceding appointment.

17           (5) The initial four (4) massage therapist members of the board shall be  
18 persons with at least three (3) years of experience in the practice of mas-  
19 sage therapy who become licensed pursuant to this chapter.

20           (6) The initial board shall be appointed for staggered terms, the  
21 longest of which shall not exceed three (3) years. After the initial ap-  
22 pointments, all terms shall be for three (3) years, and a member may be  
23 reappointed for a second term. No member shall serve more than two (2) terms.  
24 In the event of death, resignation or removal of any member before the expi-  
25 ration of the term to which appointed, the vacancy shall be filled for the  
26 unexpired portion of the term in the same manner as the original appointment.

27           (7) The board, within thirty (30) days after its initial appointment  
28 and at least annually thereafter, shall hold a meeting and elect a chairman.  
29 The board may hold additional meetings on the call of the chairman or at the  
30 written request of any three (3) members of the board. The board may appoint  
31 such committees as it considers necessary to carry out its duties. A major-  
32 ity of the members of the board shall constitute a quorum.

33           (8) Each member of the board shall be compensated as provided in section  
34 59-509(p), Idaho Code.

35           SECTION 33. That Section 54-4106, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37           54-4106. REAL ESTATE APPRAISERS -- REAL ESTATE APPRAISER BOARD --  
38 POWERS AND DUTIES -- COMPENSATION. (1) There is hereby created in the  
39 ~~department of self-governing agencies~~ division of occupational and pro-  
40 fessional licenses a real estate appraiser board, hereinafter referred to  
41 as the "board," which shall administer the provisions of this chapter. The  
42 board shall consist of five (5) members to be appointed by and to serve at the  
43 pleasure of the governor as follows:

44           (a) One (1) real estate appraiser from the northern district consisting  
45 of the counties of Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah,  
46 Boundary, Shoshone, Kootenai and Bonner; one (1) real estate appraiser  
47 from the southeastern district consisting of the counties of Lemhi,  
48 Butte, Clark, Fremont, Jefferson, Madison, Teton, Bonneville, Bingham,  
49 Caribou, Bear Lake, Franklin, Oneida, Power and Bannock; one (1) real

1 estate appraiser from the southwestern district consisting of the coun-  
2 ties of Owyhee, Elmore, Ada, Canyon, Boise, Gem, Payette, Washington,  
3 Adams and Valley; one (1) real estate appraiser from the south central  
4 district consisting of the counties of Blaine, Camas, Cassia, Custer,  
5 Gooding, Jerome, Lincoln, Minidoka and Twin Falls; and one (1) public  
6 member from the state at large;

7 (b) The governor shall appoint the members of the board, four (4) of  
8 whom shall be real estate appraisers with not less than five (5) years'  
9 experience in the real estate appraisal business in Idaho and one (1) of  
10 whom shall be a member of the public with an interest in the rights of  
11 consumers of real estate appraisal services. Each regular appointment,  
12 other than an appointment to fill an unexpired term, shall be for a term  
13 of four (4) years and each board member shall hold office until a succes-  
14 sor is appointed and qualified. Upon the death, resignation or removal  
15 of any member of the board, the governor shall appoint a qualified per-  
16 son to fill the unexpired term. Appointments to fill any vacancy other  
17 than that resulting from the expiration of a term shall be made for the  
18 unexpired term;

19 (c) The board shall call a meeting not less than one (1) time annually to  
20 organize and elect a chairman. Thereafter, the chairman may call meet-  
21 ings of the board whenever he deems it advisable but if he refuses to  
22 call a meeting upon written demand of the other four (4) members of the  
23 board, then such members may call such meeting. Reasonable notice shall  
24 be given in writing by mail of such meeting.

25 (2) The board shall have, in addition to the powers conferred elsewhere  
26 in this chapter, the following powers and duties:

27 (a) To authorize, by written agreement, the ~~bureau~~ division of occupa-  
28 tional and professional licenses to act as its agent in its interest;

29 (b) To adopt, pursuant to the administrative procedure act, such rules  
30 as the board, in its discretion, deems necessary for the administra-  
31 tion and enforcement of this chapter, and any such rules deemed neces-  
32 sary by the board to keep the Idaho real estate appraisers act in compli-  
33 ance with federal law, rule, regulation or policy;

34 (c) To conduct investigations into violations of the provisions of this  
35 chapter;

36 (d) To receive applications for and issue licenses or certificates to  
37 real estate appraisers pursuant to this chapter;

38 (e) To hold meetings, hearings and examinations at such places and at  
39 such times as it shall designate;

40 (f) To collect, deposit and disburse application and other fees, as re-  
41 quired by this chapter or federal law;

42 (g) To maintain a register of all state licensed or certified residen-  
43 tial and state certified general real estate appraisers;

44 (h) To censure a state licensed or certified appraiser or suspend or  
45 revoke appraisal licenses or certificates as provided in this chapter,  
46 subject to the provisions of the Idaho administrative procedure act,  
47 chapter 52, title 67, Idaho Code;

48 (i) To adopt rules governing the registration and limitations of real  
49 estate appraiser trainees; and

1 (j) To require new applicants to submit to a satisfactory finger-  
 2 print-based criminal history check of the Idaho central criminal data-  
 3 base and the federal bureau of investigation criminal history database  
 4 and to collect fees from applicants for the costs of such background  
 5 check.

6 (3) Each member of the board of real estate appraisers shall be compen-  
 7 sated as provided in section 59-509(m), Idaho Code.

8 SECTION 34. That Section 54-4204, Idaho Code, be, and the same is hereby  
 9 amended to read as follows:

10 54-4204. BOARD OF EXAMINERS OF RESIDENTIAL CARE FACILITY ADMINISTRA-  
 11 TORS. (1) There is hereby created in the ~~department of self-governing agen-~~  
 12 ~~cies division of occupational and professional licenses~~ a board of examiners  
 13 of residential care facility administrators that shall consist of five (5)  
 14 members and be composed of two (2) residential care facility administrators,  
 15 duly licensed and registered under this chapter, one (1) member shall be se-  
 16 lected from any other profession or agency or institution concerned with the  
 17 care of persons requiring assistance with the daily activities of living,  
 18 one (1) licensed nurse from the nursing profession and one (1) member repre-  
 19 sentative of the public at large; but no more than two (2) of the members of  
 20 the board shall be officials or full-time employees of state or local gov-  
 21 ernments. All members of the board shall be citizens of the United States or  
 22 shall have declared their intent to become citizens of the United States and  
 23 shall be residents of this state.

24 (2) The term of office for each member of the board shall be three (3)  
 25 years, and all board members shall serve at the pleasure of the governor.

26 (3) (a) Appointments to the board shall be made by the governor who may  
 27 consider recommendations for appointment to the board from any orga-  
 28 nized and generally recognized group concerned with residential care  
 29 facility administration and from any individual residing in this state.  
 30 Each member of the board shall hold office until his successor is duly  
 31 appointed and qualified. Dismissals shall be by the governor, for rea-  
 32 sonable cause.

33 (b) Members of the board shall be compensated as provided in section  
 34 59-509(1), Idaho Code.

35 (4) The board shall elect annually from its membership a chairman and  
 36 vice chairman. The board shall hold two (2) or more meetings each year. A  
 37 majority of the board membership shall constitute a quorum.

38 (5) The board shall exercise its powers and perform its duties and func-  
 39 tions specified by this chapter.

40 (6) The board may, by written agreement, authorize the ~~bureau~~ bureau ~~division~~  
 41 of occupational and professional licenses, or other appropriate body as pro-  
 42 vided by law, as agent to act in its interest.

43 SECTION 35. That Section 54-4704, Idaho Code, be, and the same is hereby  
 44 amended to read as follows:

45 54-4704. BOARD OF ACUPUNCTURE CREATED -- APPOINTMENT -- TERMS. (1)  
 46 There is hereby established in the ~~department of self-governing agencies~~  
 47 division of occupational and professional licenses a state board of acupunc-

1 ture and the members thereof shall be appointed by the governor within sixty  
2 (60) days following the effective date of this chapter.

3 (2) The board shall consist of five (5) members, three (3) of whom shall  
4 be licensed pursuant to this chapter, one (1) of whom shall be certified pur-  
5 suant to this chapter, and one (1) of whom shall be a member of the public with  
6 an interest in the rights of the consumers of acupuncture services.

7 (3) In making appointments to the board of acupuncture, consideration  
8 shall be given to recommendations made by the Idaho acupuncture association,  
9 other similar professional organizations and any individual residing in  
10 this state.

11 (4) All members of the board shall be current residents of the state of  
12 Idaho and have been residents of the state of Idaho for a minimum of three (3)  
13 years immediately preceding appointment.

14 (5) All terms shall be four (4) years, and a member may be reappointed.  
15 In the event of death, resignation, or removal of any member before the ex-  
16 piration of the term to which appointed, the vacancy shall be filled for the  
17 unexpired portion of the term in the same manner as the original appointment.

18 (6) Board members shall serve at the pleasure of the governor.

19 (7) The board shall, within thirty (30) days after its appointment, and  
20 at least annually thereafter, hold a meeting and elect a chairman. The board  
21 may hold additional meetings on the call of the chairman or at the written  
22 request of any two (2) members of the board. The board may appoint such com-  
23 mittees as it considers necessary to carry out its duties. A majority of the  
24 members of the board shall constitute a quorum.

25 (8) Each member of the board shall be compensated as provided in section  
26 59-509(p), Idaho Code.

27 SECTION 36. That Section 54-5004, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 54-5004. IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD. (1)  
30 The Idaho heating, ventilation and air conditioning board, referred to as  
31 the board, is hereby created and made part of the division of ~~building safety~~  
32 occupational and professional licenses. It shall be the responsibility and  
33 duty of the administrator of the division of ~~building safety occupational~~  
34 and professional licenses to administer and enforce the provisions of this  
35 chapter, and the board shall make, promulgate and publish such rules as may  
36 be necessary to carry out the provisions of this chapter. Except as may be  
37 limited or prohibited by law, such rules so made and promulgated shall have  
38 the force of statute.

39 (2) The board shall consist of seven (7) members, appointed by the gov-  
40 ernor, who shall serve at the pleasure of the governor. All board members  
41 shall be appointed for a term of three (3) years. Whenever a vacancy oc-  
42 curs, the governor shall forthwith appoint a qualified person to fill the va-  
43 cancy for the unexpired portion of the term. All members of the board shall  
44 be United States citizens, residents of this state for not less than two (2)  
45 years, and qualified by knowledge, integrity and experience to properly per-  
46 form the functions of the board. All members of the board shall take, sub-  
47 scribe and file with the secretary of state an oath of office in the form,  
48 manner and time as prescribed by chapter 4, title 59, Idaho Code.



1 (3) Of the seven (7) board members, two (2) members shall be active HVAC  
 2 contractors with not less than five (5) years' experience in the HVAC con-  
 3 tracting business; one (1) member shall be a city official; one (1) member  
 4 shall be a county official; one (1) member shall be a private sector mechan-  
 5 ical engineer with experience in mechanical system design; one (1) member  
 6 shall be a representative of the HVAC industry; and one (1) member shall be  
 7 a member of the general public with an interest in the rights of consumers of  
 8 HVAC services.

9 (4) The board shall meet within thirty (30) days after the appointment  
 10 of all its members and thereafter at such other times as may be expedient and  
 11 necessary for the proper performance of its duties. At the board's first  
 12 meeting, and every two (2) years thereafter, the members shall elect one (1)  
 13 of their number to be chairman and one (1) of their number to be vice chair-  
 14 man. A majority of the board shall constitute a quorum for the transaction of  
 15 business and not less than two (2) quorum meetings shall be held each year.  
 16 The board may delegate to any member, or its chairman or other employees,  
 17 the power to make investigations and hold hearings at any place it may deem  
 18 proper, and to report findings to it; and it may delegate to its chairman and  
 19 employees the performance of ministerial functions.

20 (5) Each member of the board shall be compensated as provided in section  
 21 59-509(n), Idaho Code.

22 SECTION 37. That Section 54-5206, Idaho Code, be, and the same is hereby  
 23 amended to read as follows:

24 54-5206. IDAHO CONTRACTORS BOARD. (1) The Idaho contractors board  
 25 is hereby created and made a part of the ~~bureau of occupational licenses~~  
 26 division of occupational and professional licenses. It shall be the respon-  
 27 sibility and duty of the ~~bureau chief division administrator~~  
 28 division administrator to administer this chapter, and the ~~bureau chief division administrator~~  
 29 shall exercise such powers and duties as are reasonably necessary to enforce the provisions  
 30 of this chapter. The board may promulgate such rules as may be necessary to  
 31 carry out the provisions of this chapter in order to effectuate the purposes  
 32 herein and for the orderly and efficient administration thereof, except as  
 33 may be limited or prohibited by law and the provisions of this chapter.

34 (2) The board shall consist of four (4) members who are contractors,  
 35 and one (1) member of the public at large, all of whom shall be appointed  
 36 by the governor as follows: one (1) contractor from the northern district  
 37 consisting of Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Bound-  
 38 ary, Shoshone, Kootenai and Bonner counties; one (1) contractor from the  
 39 southeastern district consisting of Lemhi, Butte, Clark, Fremont, Jeffer-  
 40 son, Madison, Teton, Bonneville, Bingham, Caribou, Bear Lake, Franklin,  
 41 Oneida, Power and Bannock counties; one (1) contractor from the southwestern  
 42 district consisting of Owyhee, Elmore, Ada, Canyon, Boise, Gem, Payette,  
 43 Washington, Adams and Valley counties; one (1) contractor from the south  
 44 central district consisting of Blaine, Camas, Cassia, Custer, Gooding,  
 45 Jerome, Lincoln, Minidoka and Twin Falls counties. The one (1) member of  
 46 the public at large shall reside in the state of Idaho and be a person of  
 47 integrity and good reputation who has lived in this state for at least five  
 48 (5) years immediately preceding appointment, who has never been registered

49 as a contractor in this or another state, and who has never had a substantial

1 personal, business, professional or pecuniary connection with a contractor  
2 except as a purchaser or owner of real property.

3 (3) Each member of the board who is a contractor shall serve a term of  
4 four (4) years. No member of the board may be appointed to more than two (2)  
5 consecutive terms, and all board members shall serve at the pleasure of the  
6 governor.

7 (4) The board shall meet within thirty (30) days after the appointment  
8 of all its members and thereafter at such other times as may be expedient  
9 and necessary for the proper performance of its duties, but not less than  
10 once during each calendar quarter. At the board's first meeting, the members  
11 shall elect one (1) of their number to be chairman. The chairman may serve in  
12 such capacity for a one (1) year term and may not serve in such capacity for  
13 more than two (2) consecutive terms. A majority of the board shall consti-  
14 tute a quorum for the transaction of business.

15 (5) The board may delegate to the ~~bureau chief~~ division administrator:

16 (a) The power to perform ministerial functions, investigate and disci-  
17 pline, hold hearings, appoint hearing officers, summon witnesses to ap-  
18 pear, administer oaths and take affirmations of witnesses at any formal  
19 proceeding or before a duly appointed hearing officer;

20 (b) The power to appoint competent persons to issue subpoenas, adminis-  
21 ter oaths and take testimony; and

22 (c) The power to enforce orders of the board.

23 (6) Each member of the board shall be compensated as provided by section  
24 59-509(n), Idaho Code.

25 (7) On and after January 1, 2006, each member of the board who is a con-  
26 tractor shall be registered in accordance with this chapter and shall be in  
27 good standing.

28 SECTION 38. That Section 54-5309, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 54-5309. IDAHO LIQUEFIED PETROLEUM GAS SAFETY BOARD. (1) There is  
31 hereby established in the ~~department of self-governing agencies~~ division of  
32 occupational and professional licenses the Idaho liquefied petroleum gas  
33 safety board and the members thereof shall be appointed by the governor. In  
34 making appointments, the governor shall give consideration to recommen-  
35 dations submitted by the rocky mountain propane association and from any  
36 individual residing in this state.

37 (2) The board shall consist of five (5) members, two (2) of whom shall  
38 be licensed dealers pursuant to the provisions of this chapter; and one (1)  
39 of whom shall be a volunteer firefighter in a rural area of the state; and one  
40 (1) of whom shall be a firefighter employed by a city fire department in the  
41 state; and one (1) of whom shall be a representative of the general public not  
42 employed or otherwise connected with the practices or operations regulated  
43 pursuant to this chapter.

44 (3) The members of the first board shall serve for the following terms:  
45 one (1) dealer member shall serve for one (1) year; one (1) firefighter mem-  
46 ber shall serve for two (2) years; one (1) dealer member shall serve for three  
47 (3) years; and one (1) firefighter member and the public member shall each  
48 serve for four (4) years. Each member shall serve from the effective date of  
49 appointment or until a successor is duly appointed and qualified. Upon the

1 expiration of the term of any member of the board, the governor shall appoint  
 2 the subsequent member for a term of four (4) years. No member shall be ap-  
 3 pointed for more than two (2) successive terms.

4 (4) Board members shall serve at the pleasure of the governor.

5 (5) Three (3) members of the board shall constitute a quorum, and may  
 6 exercise all the power and authority conferred on the board.

7 (6) The members shall meet annually and elect from among the members by  
 8 majority vote of those present a chairman who shall serve for one (1) year.

9 (7) The board shall meet no less than annually at such times and at such  
 10 places as may be specified by the chairman or by the written request of at  
 11 least two (2) members.

12 (8) Each member of the board shall be compensated as provided in section  
 13 59-509(n), Idaho Code.

14 SECTION 39. That Section 54-5403, Idaho Code, be, and the same is hereby  
 15 amended to read as follows:

16 54-5403. BOARD -- TERMS OF MEMBERS -- QUALIFICATIONS -- POWERS AND DU-  
 17 TIES -- MEETINGS -- COMPENSATION. (1) A driving businesses licensure board  
 18 is hereby established in the ~~department of self-governing agencies~~ division  
 19 of occupational and professional licenses whose duty it shall be to adminis-  
 20 ter the provisions of this chapter.

21 (2) The board shall consist of five (5) members appointed by the gover-  
 22 nor. The governor may consider recommendations for appointment to the board  
 23 from the Idaho association of professional driving businesses, any associ-  
 24 ation of driving businesses or from any individual residing in this state.  
 25 The board shall consist of four (4) members who are licensed under this chap-  
 26 ter and one (1) member of the public. At least one (1) member shall be a driv-  
 27 ing business owner.

28 (3) Members shall serve at the pleasure of the governor. Board members  
 29 shall be appointed for a term of three (3) years. No member of the board may  
 30 be appointed to more than two (2) consecutive terms. Members of the board  
 31 shall hold office until the expiration of the term for which they were ap-  
 32 pointed and until their successors have been appointed and qualified. In the  
 33 event of a vacancy other than expiration of a term, the governor shall ap-  
 34 point a replacement to fill the vacancy for the remainder of the unexpired  
 35 term.

36 (4) Members of the board shall be citizens of the United States and res-  
 37 idents of this state and shall never have been the subject of a disciplinary  
 38 action under the provisions of section 54-5409, Idaho Code.

39 (5) The board shall:

40 (a) Enforce the minimum standards and requirements as provided in this  
 41 chapter and by rule adopted by the board. The board may promulgate such  
 42 rules, in compliance with chapter 52, title 67, Idaho Code, as may be  
 43 necessary to carry out the provisions of this chapter in order to effec-  
 44 tuate the purposes herein and for the orderly and efficient administra-  
 45 tion thereof, except as may be limited or prohibited by law and the pro-  
 46 visions of this chapter;

47 (b) Accept or reject applications for licensing, business, and in-  
 48 struction and establish the fees to be charged for original application  
 49 and renewal, subject to the provisions of this chapter;

1 (c) Hold and attend public meetings and furnish copies of information  
2 to those engaged in the business and to the public upon request;

3 (d) Review and approve instructor training curriculum and programs;

4 (e) Contract with the bureau division of occupational and professional  
5 licenses to provide administrative services;

6 (f) Include a link on the bureau division of occupational and profes-  
7 sional licenses' website to current curriculum components offered by  
8 private driver education businesses; and

9 (g) Adopt rules providing for continuing education, if necessary.

10 (6) The board shall have the authority to conduct inspections and au-  
11 dits of any licensed driving business or any licensed instructor to ensure  
12 compliance with the laws and rules of the board. Failure to cooperate with an  
13 inspection or audit may constitute grounds for disciplinary action.

14 (7) The board shall meet at such times as may be expedient and necessary  
15 for the proper performance of its duties, but it shall not meet less than once  
16 per year.

17 (8) The members shall elect annually one (1) of their number to be  
18 chairman. The chairman may serve in such capacity for a one (1) year term and  
19 may not serve in such capacity for more than two (2) consecutive terms.

20 (9) A majority of the board shall constitute a quorum for the transac-  
21 tion of business.

22 (10) Each member of the board shall be compensated as provided by sec-  
23 tion 59-509(k), Idaho Code.

24 SECTION 40. That Section 54-5503, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 54-5503. BOARD OF MIDWIFERY CREATED. (1) There is hereby established  
27 in the ~~department of self-governing agencies, bureau of occupational li-~~  
28 ~~enses, division of occupational and professional licenses~~ a board of  
29 midwifery.

30 (2) The board shall consist of five (5) members appointed by the gover-  
31 nor, three (3) of whom shall be licensed pursuant to this chapter, one (1) of  
32 whom shall be a licensed physician who is board-certified in either obstet-  
33 rics/gynecology or family medicine, maintains current hospital privileges  
34 and has provided primary maternity care for at least twenty (20) births in  
35 the twelve (12) months prior to the appointment, and one (1) of whom shall  
36 be a member of the public with an interest in the rights of consumers of mid-  
37 wifery services.

38 (3) The term of office for each board member shall be five (5) years.

39 (4) In making appointments to the board, the governor's selection shall  
40 not be limited to nominations he receives; however, consideration shall be  
41 given to recommendations made by the Idaho midwifery council and Idahoans  
42 for midwives.

43 (5) The three (3) board members who are licensed midwives shall be li-  
44 censed pursuant to this chapter, shall actively practice midwifery in the  
45 state of Idaho for the duration of their appointment and shall have been a  
46 practicing midwife in the state of Idaho for at least three (3) years immedi-  
47 ately preceding their appointment.

48 (6) In the event of the death, resignation or removal of any board mem-  
49 ber before the expiration of the term to which he is appointed, the vacancy

1 shall be filled for the unexpired portion of the term in the same manner as  
2 the original appointment.

3 (7) Board members shall serve at the pleasure of the governor.

4 (8) The board shall meet at least annually and elect a chairperson, and  
5 may hold additional meetings at the call of the chairperson or at the written  
6 request of any two (2) members of the board. A majority of the board shall  
7 constitute a quorum. The vote of a majority of members present at a meeting  
8 wherein a quorum is present shall determine the action of the board.

9 SECTION 41. That Section 54-5606, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 54-5606. BOARD -- ORGANIZATION AND MEETINGS. (1) There is hereby es-  
12 tablished in the ~~department of self-governing agencies, bureau of occupa-~~  
13 ~~tional licenses,~~ division of occupational and professional licenses the ge-  
14 netic counselors licensing board.

15 (2) The board shall consist of four (4) members, two (2) of whom shall be  
16 fully licensed genetic counselors, one (1) of whom shall be a licensed physi-  
17 cian and one (1) of whom shall be a member of the public with an interest in  
18 the rights of consumers of genetic counseling services. All board members  
19 shall be residents of this state.

20 (3) Initial appointments to the board shall be for the following terms:  
21 one (1) genetic counselor member shall serve a term of one (1) year; one (1)  
22 genetic counselor member shall serve a term of two (2) years; and the physi-  
23 cian member shall serve a term of three (3) years. Thereafter, the term of  
24 office for each member of the board shall be three (3) years.

25 (4) Board members shall be appointed by the governor and shall serve at  
26 the pleasure of the governor.

27 (5) Each genetic counselor member of the board shall:

28 (a) Except for the initial appointments, be currently licensed and in  
29 good standing to engage in the practice of genetic counseling in this  
30 state. The initial genetic counselor members of the board must meet the  
31 qualifications for licensure under this act;

32 (b) At the time of appointment have been actively engaged in the prac-  
33 tice of genetic counseling for at least one (1) year of the last five (5)  
34 years; and

35 (c) Be certified by the ABGC, ABMG or NSGC.

36 (6) In the event of the death, resignation or removal of any board mem-  
37 ber before the expiration of the term to which the member is appointed, the  
38 vacancy shall be filled for the unexpired portion of the term in the same man-  
39 ner as the original appointment.

40 (7) The board shall meet annually and at such times as deemed neces-  
41 sary and advisable by the chairman, or by a majority of its members, or by  
42 the governor. Notice of all meetings shall be given in the manner prescribed  
43 by rule. A majority of the board shall constitute a quorum at any meeting or  
44 hearing.

45 (8) Members of the board shall be reimbursed for expenses as provided in  
46 section 59-509(b), Idaho Code.

47 SECTION 42. That Section 54-5806, Idaho Code, be, and the same is hereby  
48 amended to read as follows:

1           54-5806. BOARD -- ORGANIZATION AND MEETINGS. (1) There is hereby  
2 established in the ~~department of self-governing agencies, bureau of occu-~~  
3 ~~pational licenses, division of occupational and professional licenses~~ the  
4 barber and cosmetology services licensing board.

5           (2) The board shall consist of seven (7) members, two (2) of whom shall  
6 be licensed cosmetologists, two (2) of whom shall be licensed barbers or bar-  
7 ber-stylists, one (1) of whom shall be a licensed electrologist or estheti-  
8 cian, one (1) of whom shall be a currently active school representative and  
9 one (1) of whom shall be a member of the public who does not hold a license is-  
10 sued under this chapter. All board members shall be residents of this state.

11           (3) Initial appointments to the board by the governor shall begin on  
12 July 1, 2018, and be for the following terms: two (2) members whose terms  
13 shall expire on July 1, 2019; two (2) members whose terms shall expire on July  
14 1, 2020; and three (3) members whose terms shall expire on July 1, 2021.

15           (4) After their initial appointment, board members shall be appointed  
16 for a term of three (3) years by the governor. All board members shall serve  
17 at the pleasure of the governor.

18           (5) In the event of the death, resignation or removal of any board mem-  
19 ber before the expiration of the term to which the member is appointed, the  
20 vacancy shall be filled for the unexpired portion of the term in the same man-  
21 ner as the original appointment.

22           (6) The board shall meet annually and at such times as deemed necessary  
23 and advisable by the chair of the board, by a majority of the board's members  
24 or by the governor. Four (4) members of the board shall constitute a quorum,  
25 provided at least one (1) board member of the relevant profession is present  
26 when any board action is taken that affects the profession, its licensees or  
27 its applicants. The board may act by virtue of a majority vote of members  
28 present in which a quorum is present.

29           (7) Members of the board shall be reimbursed for expenses as provided in  
30 section 59-509(n), Idaho Code.

31           SECTION 43. That Section 55-2203, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33           55-2203. DAMAGE PREVENTION BOARD. (1) The Idaho damage prevention  
34 board is hereby created and made a part of the division of ~~building safety~~  
35 occupational and professional licenses. The principal purpose of the  
36 board is to reduce damages to underground facilities and to promote safe  
37 excavation practices through education directed toward excavators, under-  
38 ground facility owners and the public at large. The board also shall review  
39 complaints of alleged violations of this chapter. It shall be the respon-  
40 sibility and duty of the administrator to administer this chapter, and the  
41 administrator shall exercise such powers and duties as are reasonably neces-  
42 sary to enforce the provisions of this chapter.

43           (2) The board shall consist of eleven (11) members, each of whom shall  
44 be appointed by and serve at the pleasure of the governor. All members of the  
45 board shall be qualified by experience, knowledge and integrity in formu-  
46 lating rules, reviewing complaints referred to it and assessing penalties,  
47 and properly performing the functions of the board. Of the eleven (11) mem-  
48 bers, one (1) each shall represent the interests of the following designated  
49 groups and be:

- 1 (a) A city official or a county official;  
2 (b) An employee or elected official of a highway district;  
3 (c) An employee of the Idaho public utilities commission;  
4 (d) An employee or officer of a one-number notification service entity  
5 or a member of the Idaho utility coordinating council or similar cooper-  
6 ative statewide nonprofit organization created to coordinate the pro-  
7 tection of underground facilities in specific geographic portions of  
8 the state;  
9 (e) An employee or officer of an underground facility owner;  
10 (f) An employee or officer of an underground pipeline facility owner;  
11 (g) An employee or officer of a rural underground facility owner;  
12 (h) An employee or officer of a contractor;  
13 (i) An employee or officer of a building contractor;  
14 (j) An employee or officer of an excavator; and  
15 (k) An employee or owner of an agricultural enterprise, a representa-  
16 tive of the agriculture industry, or an employee or an official of a pub-  
17 lic entity that delivers water for irrigation.
- 18 (3) Each member of the board shall serve a term of four (4) years, and  
19 such terms shall be staggered. The initial board shall have three (3) mem-  
20 bers whose terms expire July 1, 2018; four (4) members whose terms expire  
21 July 1, 2019; and four (4) members whose terms expire July 1, 2020. There-  
22 after, each board member shall be appointed for a term of four (4) years. No  
23 member of the board may be appointed to more than two (2) consecutive terms.  
24 A member may continue to serve until a successor is appointed. A successor  
25 must represent the same designated group that his predecessor was appointed  
26 to represent.
- 27 (4) The board shall meet within thirty (30) days after the appointment  
28 of all its members and thereafter at such other times as may be expedient and  
29 necessary for the proper performance of its duties, but the board shall hold  
30 at least two (2) regular meetings per year. At the board's first meeting,  
31 the members shall elect one (1) of their number to be chairman and one (1)  
32 to serve as the vice chairman. The chairman may serve in such capacity for a one  
33 (1) year term and may not serve in such capacity for more than two (2) consec-  
34 utive terms. A majority of the board shall constitute a quorum for the trans-  
35 action of business. The administrator shall serve as the secretary to the  
36 damage prevention board.
- 37 (5) Each member of the board shall be compensated as provided by section  
38 59-509(n), Idaho Code.
- 39 (6) Each member of the board who is a contractor shall be registered in  
40 accordance with chapter 52, title 54, Idaho Code, and shall be in good stand-  
41 ing.
- 42 (7) The activities of the board shall be funded by a fee established by  
43 the board and promulgated in rule. Such fee shall be adopted by the board by  
44 no less than eight (8) affirmative votes at a meeting duly called for such  
45 purpose at which a quorum is present and shall be imposed uniformly upon  
46 all of the underground facility owners required by the provisions of this  
47 chapter to participate in and cooperate with the one-number notification  
48 service. The fee shall be assessed upon an underground facility owner each  
49 time such owner receives notice from a one-number notification service as  
50 required by section 55-2205, Idaho Code. The fee is established to defray

1 the expenses of the board and the division in supervising, regulating and  
2 administering the provisions of this chapter, and the provision of services  
3 hereunder. The fee assessed upon an underground facility owner shall be  
4 collected by a one-number notification service and payable to the board in  
5 accordance with a schedule and in a manner established by the board in rule.  
6 All fees collected by the board shall be deposited with the state treasurer  
7 to be credited to the damage prevention board fund established pursuant to  
8 section 55-2204, Idaho Code.

9 (8) The board shall cause educational materials regarding safe digging  
10 practices and the dangers of failing to provide notice prior to excavating  
11 to be prepared and distributed statewide on an ongoing basis. The board may  
12 enter into agreements with other entities for this purpose.

13 (9) The board, by rule, may adopt or create training programs on all  
14 pertinent underground damage prevention topics, which may include, but  
15 are not limited to, safe excavation, locating and marking of facilities,  
16 determining facility damage, emergency procedures, excavator downtime,  
17 pre-marking of intended excavation areas, and procedures used when encoun-  
18 tering unmarked facilities, for general use or for remedial training that  
19 may be ordered by the board pursuant to section 55-2211, Idaho Code.

20 (10) The board shall periodically review the effectiveness of the meth-  
21 ods used for maintaining effective communications among stakeholders from  
22 receipt of an excavation notification until successful completion of the ex-  
23 cavation and may adopt, by rule, methods to maintain or improve these commu-  
24 nications among stakeholders.

25 (11) The board shall review complaints alleging violations of this  
26 chapter by any party against any other party subject to the jurisdiction  
27 of the board involving practices related to public safety and underground  
28 facilities damage prevention including, but not limited to, notification  
29 procedures, pre-marking of areas to be excavated, marking of facilities, ex-  
30 cavation practices, excavator downtime, inaccurate location of facilities,  
31 untimely location of facilities, untimely commencement of excavation, fail-  
32 ure of a permitting entity to reinstate a permit in a timely manner, failure  
33 of an underground facility owner to participate in a one-number notifica-  
34 tion service as required, or failure by a party to report damage data when  
35 required, and may impose appropriate training requirements or enforcement  
36 discipline as authorized by this chapter. The proceedings shall be governed  
37 by the provisions of section 55-2211 and chapter 52, title 67, Idaho Code.  
38 Any party aggrieved by the action of the board shall be entitled to judicial  
39 review thereof in accordance with the provisions of chapter 52, title 67,  
40 Idaho Code.

41 (12) To continually evaluate and improve program effectiveness, the  
42 board shall analyze the data collected pursuant to section 55-2208, Idaho  
43 Code, including the number of reported damage and downtime events and  
44 trends, the causes of such damage and any recommendations to further reduce  
45 the number of damage or downtime events annually. The board shall make its  
46 analysis publicly available.

47 (13) The board shall adopt, by rule, a process for reviewing the ade-  
48 quacy of underground facility owners' use of internal performance measures  
49 for those locating underground facilities and recommending changes to im-  
50 prove such performance.



1 (14) The board shall adopt, by rule, a process for reviewing and pro-  
2 moting the use, by all appropriate stakeholders, of improving technologies  
3 that may enhance communications, underground facility locating capability  
4 and the gathering and analysis of appropriate data.

5 (15) The board is authorized and directed to promulgate rules consis-  
6 tent with this act for the administration of this chapter and to effectuate  
7 the purpose thereof, except as may be limited or prohibited by law and the  
8 provisions of this chapter.

9 (16) The board may exercise such powers and duties as are reasonably  
10 necessary to carry out the provisions of this chapter. The board is autho-  
11 rized to, and may among other activities:

12 (a) Hold meetings and attend or be represented at such meetings, pre-  
13 pare and publish rules pertaining to this section, make investigation  
14 or inquiry, conduct hearings, report findings and enter orders in mat-  
15 ters over which the board has authority;

16 (b) Summon witnesses to appear and testify before it on any matter  
17 within the provisions of this chapter. No person shall be required to  
18 testify outside the county wherein he resides or where his principal  
19 place of business is located. A summons to testify shall be issued and  
20 served in like manner as a subpoena of a witness issued from the district  
21 court, or in any other manner consistent with the procedures of the di-  
22 vision of ~~building safety~~ occupational and professional licenses;

23 (c) Administer oaths and take affirmations of witnesses appearing be-  
24 fore the board and appoint competent persons to issue subpoenas, admin-  
25 ister oaths and take testimony, and appoint hearing officers;

26 (d) Impose civil penalties and conduct hearings related thereto for vi-  
27 olations of this chapter or the rules of the board;

28 (e) Enter into agreements with any vendor or contractor to provide ser-  
29 vices or administer any obligation imposed on the board or the adminis-  
30 trator by law, as well as the authority to make expenditures, and to make  
31 purchases in accordance with chapter 57, title 67, Idaho Code, to effec-  
32 tuate such agreements; and

33 (f) Delegate to the administrator the power to perform ministerial  
34 functions, conduct investigations, recommend and collect civil penal-  
35 ties on its behalf and appoint hearing officers.

36 (17) The board may establish by administrative rule the fines to be paid  
37 for penalties issued for violations of this chapter. In no case shall the  
38 penalty exceed the limits prescribed in section 55-2211, Idaho Code.

39 (18) The board may receive contributions, gifts and grants on behalf of  
40 and in aid of the program. Such contributions, gifts and grants shall be de-  
41 posited in the damage prevention board fund established pursuant to section  
42 55-2204, Idaho Code.