

IN THE SENATE

SENATE BILL NO. 1299

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CODIFIER'S CORRECTIONS IN STATUTES; AMENDING SECTION 6-1904,  
2 IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION  
3 18-8308, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING THE  
4 HEADING FOR CHAPTER 2, TITLE 20, IDAHO CODE, TO MAKE A TECHNICAL  
5 CORRECTION; AMENDING SECTION 22-103, IDAHO CODE, TO MAKE TECHNICAL  
6 CORRECTIONS; AMENDING SECTION 23-207, IDAHO CODE, TO MAKE A TECHNICAL  
7 CORRECTION; AMENDING SECTION 23-311, IDAHO CODE, TO MAKE TECHNICAL  
8 CORRECTIONS; AMENDING SECTION 23-610, IDAHO CODE, TO MAKE TECHNICAL  
9 CORRECTIONS; AMENDING SECTION 33-109, IDAHO CODE, TO PROVIDE A CORRECT  
10 CODE REFERENCE; AMENDING SECTION 33-2406, IDAHO CODE, TO MAKE A  
11 TECHNICAL CORRECTION; AMENDING SECTION 33-5205, IDAHO CODE, TO MAKE A  
12 TECHNICAL CORRECTION; REPEALING SECTION 34-1902, IDAHO CODE, RELATING  
13 TO THE FIRST CONGRESSIONAL DISTRICT; REPEALING SECTION 34-1903, IDAHO  
14 CODE, RELATING TO THE SECOND CONGRESSIONAL DISTRICT; AMENDING SECTION  
15 37-2744B, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
16 39-4109, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
17 39-4116, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE  
18 TECHNICAL CORRECTIONS; AMENDING SECTION 45-1302, IDAHO CODE, TO DELETE  
19 REFERENCE TO AN ARCHAIC CODE SECTION; AMENDING SECTION 49-420H, IDAHO  
20 CODE, AS ADDED BY SECTION 2, CHAPTER 196, LAWS OF 2009, TO REDESIGNATE  
21 THE SECTION RELATING TO EARTH SCIENCES AND LAPIDARY PLATES; AMENDING  
22 SECTION 50-334, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND  
23 TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1761, IDAHO CODE,  
24 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING THE HEADING FOR CHAPTER  
25 54, TITLE 54, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 65, LAWS OF  
26 2009, TO REDESIGNATE THE CHAPTER; AMENDING SECTIONS 54-5401 THROUGH  
27 54-5413, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 65, LAWS OF 2009,  
28 TO REDESIGNATE THE SECTIONS RELATING TO MIDWIFERY, TO PROVIDE CORRECT  
29 CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
30 56-1011, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING  
31 SECTION 57-202, IDAHO CODE, TO DELETE REFERENCE TO ARCHAIC CODE  
32 CHAPTERS, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL  
33 CORRECTIONS; AMENDING SECTION 67-2601, IDAHO CODE, TO PROVIDE A CORRECT  
34 CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING SUNSET  
35 DATES.  
36

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

38 SECTION 1. That Section 6-1904, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40 6-1904. IMMUNITY FROM LIABILITY. (1) No professional disciplinary  
41 procedure, no monetary liability and no cause of action may arise against any  
42 mental health care professional for failure to predict or take precautions

1 to provide protection from a patient's violent behavior, other than the duty  
 2 to warn provided in section 6-1902, Idaho Code, unless the mental health care  
 3 professional failed to exercise that reasonable degree of skill, knowledge,  
 4 and care ordinarily possessed and exercised by members of his professional  
 5 specialty under similar circumstances.

6 (2) No professional disciplinary procedure, no monetary liability and  
 7 no cause of action may arise against any mental health professional, who  
 8 has a reasonable basis for believing that he has a duty to warn pursuant  
 9 to section ~~6-1602~~ 6-1902, Idaho Code, for disclosing confidential or  
 10 privileged information in an effort to discharge such duty.

11 (3) The provisions of this section do not modify any duty to take  
 12 precautions to prevent harm by a patient that may arise if the patient is  
 13 within the custodial responsibility of a hospital or other facility or is  
 14 being discharged therefrom.

15 (4) Except as provided in section 6-1902, Idaho Code, the provisions of  
 16 this section do not modify the provisions of sections 6-1001 through 6-1013,  
 17 Idaho Code.

18 SECTION 2. That Section 18-8308, Idaho Code, be, and the same is hereby  
 19 amended to read as follows:

20 18-8308. VERIFICATION OF ADDRESS AND ELECTRONIC MONITORING OF VIOLENT  
 21 SEXUAL PREDATORS. (1) The address or physical residence of an offender  
 22 designated as a violent sexual predator shall be verified by the department  
 23 between registrations.

24 (a) The procedure for verification shall be as follows:

25 (i) The department shall mail a nonforwardable notice of address  
 26 verification every thirty (30) days between registrations, to  
 27 each offender designated as a violent sexual predator.

28 (ii) Each offender designated as a violent sexual predator shall  
 29 complete, sign and return the notice of address verification form  
 30 to the department within seven (7) days of the mailing date of the  
 31 notice. If the notice of address verification is returned to the  
 32 department as not delivered, the department shall, within five (5)  
 33 days, notify the sheriff with whom the offender designated as a  
 34 violent sexual predator last registered.

35 (iii) The sheriff shall verify the address of the offender by  
 36 visiting the offender's residence once every six (6) months or,  
 37 if the offender fails to comply with the provisions of paragraph  
 38 (a) (ii) of this subsection, at any reasonable time to verify the  
 39 address provided at registration.

40 (2) The address or physical residence of any sex offender not  
 41 designated as a violent sexual predator shall be verified by the department  
 42 between registrations.

43 (a) The procedure for verification shall be as follows:

44 (i) The department shall mail a nonforwardable notice of address  
 45 verification every four (4) months between annual registrations.

46 (ii) Each offender shall complete, sign and return the notice  
 47 of address verification form to the department within seven (7)  
 48 days of the mailing date of the notice. If the notice of address  
 49 verification is returned as not delivered, the department shall

1 notify the sheriff within five (5) days and the sheriff shall visit  
 2 the residence of the registered offender at any reasonable time to  
 3 verify the address provided at registration.

4 (3) Any individual designated as a violent sexual predator shall be  
 5 monitored with electronic monitoring technology for the duration of the  
 6 individual's probation or parole period as set forth in section 20-219(2),  
 7 Idaho Code. Any person who, without authority, intentionally alters,  
 8 tampers with, damages or destroys any electronic monitoring equipment  
 9 required to be worn or used by a violent sexual predator shall be guilty of a  
 10 felony.

11 (34) A sexual offender who does not provide a physical residence  
 12 address at the time of registration shall report, in person, once every seven  
 13 (7) days to the sheriff of the county in which he resides. Each time the  
 14 offender reports to the sheriff, he shall complete a form provided by the  
 15 department that includes the offender's name, date of birth, social security  
 16 number and a detailed description of the location where he is residing. The  
 17 sheriff shall visit the described location at least once each month to verify  
 18 the location of the offender.

19 SECTION 3. That the Heading for Chapter 2, Title 20, Idaho Code, be, and  
 20 the same is hereby amended to read as follows:

21 CHAPTER 2  
 22 STATE BOARD OF CORRECTIONS

23 SECTION 4. That Section 22-103, Idaho Code, be, and the same is hereby  
 24 amended to read as follows:

25 22-103. DUTIES OF DIRECTOR. The director of the department of  
 26 agriculture shall execute the powers and discharge the duties vested by law  
 27 in him or in the department, including, but not limited to, the following:

28 (1) Pursuant to chapter 53, title 67, Idaho Code, hire, assign duties  
 29 and evaluate the performance of all employees of the department.

30 (2) Designate employees for special assignment, office or function as  
 31 the needs of the department may require.

32 (3) Acquire, generate, develop and disseminate information and data  
 33 concerning agricultural pursuits, productivity and product quality.

34 (4) Encourage and promote in every practical manner, the interests  
 35 of agriculture, horticulture, apiculture, aquaculture, the livestock  
 36 industries, poultry and fowl raising, wool and fur-bearing animals and their  
 37 allied industries.

38 (5) Assist, encourage and promote the organization of farmers'  
 39 institutes, agricultural, horticultural, management or cooperative  
 40 societies and organizations for the benefit of agricultural pursuits in this  
 41 state.

42 (6) Promote improved methods of production, storage, sales and  
 43 marketing of agricultural industries.

44 (7) Establish and promulgate standards of construction, use and  
 45 sanitation of open and closed receptacles for farm products, and standards  
 46 for grade or other classification of farm products.

1 (8) Prescribe and promulgate rules governing marks, brands and labels,  
2 and the registration thereof, for use upon receptacles for farm products.

3 (9) Promote, in the interest of the public, economical and efficient  
4 use of products and commodities used in the production of agricultural,  
5 horticultural, meats and other products and farm commodities and their  
6 distribution.

7 (10) Cooperate with producers, processors and consumers in devising  
8 and maintaining economical and efficient systems of distribution, and to  
9 assist in the reduction of waste and expense incidental to the marketing of  
10 agricultural products.

11 (11) Support a market news service to gather and diffuse timely  
12 information and statistics concerning supply, demand, prevailing prices and  
13 commercial movement of agricultural products.

14 (12) Cooperate with the secretary, colleges and universities,  
15 experiment stations, and other agencies which cooperate in devising,  
16 research and development and utilization of improved agricultural  
17 production and other activities.

18 (13) Investigate the practices, methods of factors, management  
19 techniques of commission merchants, track buyers and others who receive,  
20 solicit, buy, sell, handle on commission or otherwise, or deal in grains,  
21 eggs, livestock, vegetables or other products used as human foods, to the  
22 end that distribution of such commodities through such factors, commission  
23 merchants, track buyers and others be efficiently and economically  
24 accomplished without hardship, waste or fraud.

25 (14) Enter and inspect any right-of-way of any irrigation canal,  
26 railway, public highway, field, orchard, nursery, fruit or vegetable  
27 packing house, store room, sales room, storage facility, depot or other  
28 place where fruits and vegetables are grown or stored and to inspect fruits,  
29 trees, plants, vines, shrubs or other articles within the state, and if such  
30 places or articles are infested with pests, insects or their eggs or larvae,  
31 or with any contagious or transmittable diseases injurious to plant life, to  
32 abate or eradicate the same as a nuisance.

33 (15) Provide treatment for and prevent the spread of infectious or  
34 communicable diseases among bees, livestock, fur-bearing animals or  
35 domestic animals through the systematic and periodic inspection, testing or  
36 treatment of such bees and animals at the expense of the owner thereof.

37 (16) Protect the livestock interests of the state from losses due to  
38 disease or hazards to animal health and communicable to humans through  
39 agricultural products. The director is authorized to regulate, as deemed  
40 necessary, commercial livestock truck washing facilities. This includes  
41 permitting for the treatment or disposal, at any location, of any wash water  
42 generated by the facility. This subsection preempts Idaho department of  
43 environmental quality's authority to issue land application permits and  
44 to do plan and specification reviews under section 39-118, Idaho Code, for  
45 livestock truck wash facilities, but does not affect any other authority of  
46 the Idaho department of environmental quality.

47 (17) Maintain recording of earmarks, eartags or other identifying marks  
48 not covered under any other provisions of law.

1 (18) Purchase, lease, hold, sell, and dispose of real and personal  
2 property of the department when, in the judgment of the director, such  
3 transactions promote the purposes for which the department is established.

4 (19) Contract with any state agency, federal agency or agency of another  
5 state concerning any matter, program or cooperative effort within the scope  
6 and jurisdiction of its authority pursuant to law.

7 (20) Assist in the improvement of country life, farm occupations and  
8 to cooperate in effectuating equality of opportunity of those employed in  
9 agricultural pursuits in the state of Idaho.

10 (21) Investigate diseases, contamination of livestock and poultry,  
11 agricultural, horticultural, and farm products, suspected to be infected  
12 or contaminated by bacterial, viral, protozoal, parasitic, chemical,  
13 nuclear, botanical or other disease-producing agents, or carrying a residue  
14 of any such disease-producing agent or chemical in excess of any tolerance  
15 established by federal or state law or regulation and to examine, conduct  
16 tests, and issue "hold orders" on any livestock, poultry, agricultural,  
17 horticultural or farm products as deemed necessary to effectuate a diagnosis  
18 of disease, contamination or chemical level to safeguard and protect animal  
19 and man. And additionally, authorize and implement a predator control  
20 program on state and private lands using any kind of toxic material or  
21 substance suitable for such purpose. Any toxic material or substance shall  
22 be approved for use by the director. In order to carry out the provisions  
23 of this subsection (21), the director shall prescribe and promulgate rules  
24 pursuant to chapter 52, title 67, Idaho Code.

25 (22) Prescribe by rule an interest charge which may be assessed on all  
26 accounts which are thirty (30) days past due from the initial billing date or  
27 the assessment due date. The interest rate charged shall not exceed twelve  
28 percent (12%) per annum.

29 (23) To take all steps that are deemed necessary to prevent and control  
30 damage or conflicts on federal, state, or other public or private lands  
31 caused by predatory animals, rodents, or birds, including threatened or  
32 endangered wildlife within the state of Idaho as are established by federal  
33 or state law, federal or state regulation, or county ordinance, that  
34 are injurious to animal husbandry, agriculture, horticulture, forestry,  
35 wildlife and human health and safety.

36 (254) Administer a range program to provide support, coordination and  
37 expertise to Idaho rangeland livestock producers and land and wildlife  
38 management agencies for the planning and management of vegetation, grazing  
39 permits and other rangeland resources that are of importance to the  
40 livestock industry. The program shall also provide technical expertise  
41 and support to state and industry entities in reviewing various federal  
42 environmental impact statements, federal environmental assessments  
43 and other state and federal proposals that impact grazing, vegetation  
44 management or other rangeland resources or uses important to the livestock  
45 industry.

46 (245) To administer oaths, certify to all official acts and subpoena any  
47 person in this state as a witness; to compel through subpoena the production  
48 of books, papers, and records; and to take the testimony of any person on  
49 deposition in the same manner as prescribed by law in the procedure before  
50 the courts of this state. A subpoena issued by the director shall extend to

1 all parts of the state and may be served by any person authorized to do so.  
 2 All powers of the director enumerated in this subsection (~~245~~) with respect  
 3 to administering oaths, power of subpoena, and other powers in hearings on  
 4 complaints shall likewise be applicable to hearings held on applications for  
 5 the issuance or renewal of licenses.

6 (~~256~~) To appoint, as necessary, committees for the purpose of advising  
 7 the director on any and all matters relating to agricultural programs within  
 8 the Idaho department of agriculture.

9 (~~267~~) Cooperate with producers, industry and technology groups, and  
 10 other agencies to encourage the growth of technology within the state's  
 11 agricultural industries while protecting, as necessary, the integrity of  
 12 existing agriculture and agricultural marketing channels.

13 SECTION 5. That Section 23-207, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 23-207. SPECIFIC RULES AND REGULATIONS. Without attempting or  
 16 intending to limit the general powers of the director of the division  
 17 contained in section 23-206, Idaho Code, such powers shall extend to and  
 18 include the following:

19 (a) To prescribe the duties of the secretary, and to supervise his  
 20 conduct while in the discharge of his duties.

21 (b) Subject to the provisions of chapter 53, title 67, Idaho Code,  
 22 to prescribe the qualifications of and to select clerks, accountants,  
 23 agents, vendors, inspectors, servants, legal counsel, and other personnel  
 24 to conduct its business and perform its functions; to require that those  
 25 holding positions of trust be bonded to the state of Idaho in the time,  
 26 form and manner prescribed by chapter 8, title 59, Idaho Code; to fix the  
 27 compensation of all appointees and employees, assign their duties, and to  
 28 discharge them.

29 (c) To regulate the management, operation, bookkeeping, reporting,  
 30 equipment, records, and merchandise of state liquor stores and distribution  
 31 stations and warehouses.

32 (d) To regulate the importation, purchase, transportation, and storage  
 33 of alcoholic liquor and the furnishing of alcoholic liquor to state liquor  
 34 stores, distribution stations, and warehouses established under this act.

35 (e) To determine the classes, varieties, and brands of alcoholic  
 36 liquors to be kept in state warehouses and for sale at state liquor stores and  
 37 distribution stations.

38 (f) To determine the nature, form, and capacity of packages containing  
 39 liquor kept or sold.

40 (g) To prescribe the kinds and character of official seals or labels to  
 41 be attached to packages of liquor sold to a licensed premises. No official  
 42 seals or labels shall be required to be attached to packages of liquor sold to  
 43 the general public, at a liquor store or a distributing station, which is not  
 44 a licensed premises through liquor stores or distributing stations.

45 (h) From time to time to fix the sale prices, which shall be uniform  
 46 throughout the state, of the different classes, varieties, or brands of  
 47 alcoholic liquor, and to issue and distribute price lists thereof.

48 (i) To prescribe, prepare, and furnish printed forms and information  
 49 blanks necessary or convenient for administering this act, and printed

1 copies of the regulations made thereunder. To contract for the printing  
2 thereof and of all necessary records and reports.

3 (j) To regulate the issuance, suspension and revocation of permits and  
4 licenses to purchase, manufacture and handle or traffic in alcoholic liquor.

5 (k) To prescribe the conditions and qualifications necessary for  
6 obtaining permits and licenses, and the conditions of use of privileges  
7 under them; and to provide for the inspection of the records and the conduct  
8 of use of permittees and licensees.

9 (l) To prescribe the kind, quality, and character of alcoholic liquors  
10 which may be purchased or sold under any and all licenses and permits,  
11 including the quantity which may be purchased or sold at any one (1) time or  
12 within any specified period of time.

13 SECTION 6. That Section 23-311, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 23-311. CONTAINERS. No alcoholic liquor shall be sold to any  
16 purchaser, which is not a licensed premises, except in a sealed container  
17 ~~division~~ and no such container shall be opened upon the premises of any state  
18 warehouse, store, or distributing station. No alcoholic liquor shall be  
19 sold to a licensed premises except in a sealed container with the official  
20 seal or label prescribed by the ~~dispensary~~ division.

21 SECTION 7. That Section 23-610, Idaho Code, be, and the same is hereby  
22 amended to read as follows:

23 23-610. POSSESSION OF LIQUOR NOT SUBJECT TO REGULATION BY ~~DISPENSARY~~  
24 DIVISION -- ILLEGAL -- EXCEPTIONS. It shall be unlawful for any person,  
25 which is not a licensed premises, to possess more than two (2) quarts of  
26 alcoholic liquor that has not been subjected to regulation by the division,  
27 except public carriers transporting alcoholic liquor for the division. All  
28 licensed premises shall have liquor to which is affixed the official seal or  
29 label prescribed by the liquor ~~dispensary~~ division.

30 SECTION 8. That Section 33-109, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32 33-109. ANNUAL REPORT. The state board shall cause to be prepared a  
33 report of its actions and expenditures for each year ending on the thirtieth  
34 day of June with such recommendations as it shall deem proper for the good  
35 of the state educational institutions and public schools of the state. Such  
36 report shall be prepared in the form and number, and filed at the time,  
37 provided by sections ~~59-608 and 59-609~~ 67-3502, Idaho Code.

38 SECTION 9. That Section 33-2406, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40 33-2406. SURETY BOND. As a condition of registration, a proprietary  
41 school shall obtain a surety bond issued by an insurer duly authorized to do  
42 business in this state in favor of the state of Idaho for the indemnification  
43 of any student for any loss suffered as a result of a failure by such

1 proprietary school to satisfy its obligations pursuant to the terms and  
2 conditions of any contract for tuition or other instructional fees entered  
3 into between the ~~propriety~~ proprietary school and a student, or as a result  
4 of any violation of this chapter or the rules promulgated pursuant to this  
5 chapter. The term of the bond shall extend over the period of registration,  
6 and shall be in such amount as is established in rule by the board.

7 The board or its designee may submit a demand upon the surety on the  
8 bond on behalf of a student or students when it is reasonably believed that a  
9 loss has occurred due to a failure by such proprietary school to satisfy its  
10 obligations pursuant to the terms and conditions of any contract for tuition  
11 or other instructional fees entered into between the proprietary school and  
12 a student, or as a result of any violation of the provisions of this chapter  
13 or the rules promulgated pursuant to this chapter.

14 Neither the principal nor surety on the bond may terminate the coverage  
15 of the bond, except upon giving one hundred twenty (120) days' prior written  
16 notice to the board.

17 SECTION 10. That Section 33-5205, Idaho Code, be, and the same is hereby  
18 amended to read as follows:

19 33-5205. PETITION TO ESTABLISH PUBLIC CHARTER SCHOOL. (1) Any group of  
20 persons may petition to establish a new public charter school, or to convert  
21 an existing traditional public school to a public charter school.

22 (a) A petition to establish a new public charter school, including  
23 a public virtual charter school, shall be signed by not fewer than  
24 thirty (30) qualified electors of the attendance area designated in the  
25 petition. Proof of elector qualifications shall be provided with the  
26 petition.

27 (b) A petition to establish a new public virtual school must be  
28 submitted directly to the public charter school commission. A petition  
29 to establish a new public charter school, other than a new public  
30 virtual school, shall first be submitted to the local board of trustees  
31 in which the public charter school will be located. A petition shall  
32 be considered to be received by an authorized chartering entity as of  
33 the next scheduled meeting of the authorized chartering entity after  
34 submission of the petition.

35 (c) The board of trustees may either: (i) consider the petition and  
36 approve the charter; or (ii) consider the petition and deny the charter;  
37 or (iii) refer the petition to the public charter school commission, but  
38 such referral shall not be made until the local board has documented its  
39 due diligence in considering the petition. Such documentation shall be  
40 submitted with the petition to the public charter school commission.  
41 If the petitioners and the local board of trustees have not reached  
42 mutual agreement on the provisions of the charter, after a reasonable  
43 and good faith effort, within sixty (60) days from the date the charter  
44 petition is received, the petitioners may withdraw their petition from  
45 the local board of trustees and may submit their charter petition to the  
46 public charter school commission, provided it is signed by thirty (30)  
47 qualified electors as required by subsection (1)(a) of this section.  
48 Documentation of the reasonable and good faith effort between the



1 petitioners and the local board of trustees must be submitted with the  
2 petition to the public charter school commission.

3 (d) The public charter school commission may either: (i) consider the  
4 petition and approve the charter; or (ii) consider the petition and deny  
5 the charter.

6 (e) A petition to convert an existing traditional public school shall  
7 be submitted to the board of trustees of the district in which the school  
8 is located for review and approval. The petition shall be signed by  
9 not fewer than sixty percent (60%) of the teachers currently employed  
10 by the school district at the school to be converted, and by one (1) or  
11 more parents or guardians of not fewer than sixty percent (60%) of the  
12 students currently attending the school to be converted. Each petition  
13 submitted to convert an existing school or to establish a new charter  
14 school shall contain a copy of the articles of incorporation and the  
15 bylaws of the nonprofit corporation, which shall be deemed incorporated  
16 into the petition.

17 (2) Not later than sixty (60) days after receiving a petition signed  
18 by thirty (30) qualified electors as required by subsection (1) (a) of this  
19 section, the authorized chartering entity shall hold a public hearing for  
20 the purpose of discussing the provisions of the charter, at which time the  
21 authorized chartering entity shall consider the merits of the petition  
22 and the level of employee and parental support for the petition. In the  
23 case of a petition submitted to the public charter school commission, such  
24 public hearing must be not later than sixty (60) days after receipt of the  
25 petition, which may be extended to ninety (90) days if both parties agree  
26 to an extension. ~~In the case of a petition for a non-virtual public charter  
27 school submitted to the public charter school commission, the board of the  
28 district in which the proposed public charter school will be physically  
29 located, shall be notified of the hearing in writing, by the public charter  
30 school commission, no less than thirty (30) days prior to the public hearing.~~

31 In the case of a petition for a public virtual charter school, if the  
32 primary attendance area described in the petition of a proposed public  
33 virtual charter school extends within the boundaries of five (5) or fewer  
34 local school districts, the public charter school commission shall provide  
35 notice in writing of the public hearing no less than thirty (30) days prior  
36 to such public hearing to those local school districts. Such public hearing  
37 shall include any oral or written comments that an authorized representative  
38 of the local school districts may provide regarding the merits of the  
39 petition and any potential impacts on the school districts.

40 In the case of a petition for a non-virtual public charter school  
41 submitted to the public charter school commission, the board of the district  
42 in which the proposed public charter school will be physically located,  
43 shall be notified of the hearing in writing, by the public charter school  
44 commission, no less than thirty (30) days prior to the public hearing. Such  
45 public hearing shall include any oral or written comments that an authorized  
46 representative of the school district in which the proposed public charter  
47 school would be physically located may provide regarding the merits of the  
48 petition and any potential impacts on the school district. The hearing  
49 shall include any oral or written comments that petitioners may provide  
50 regarding any potential impacts on such school district. If the school

1 district chooses not to provide any oral or written comments as provided for  
2 in this subsection (2), such school district shall notify the public charter  
3 school commission of such decision. Following review of any petition and  
4 any public hearing provided for in this section, the authorized chartering  
5 entity shall either approve or deny the charter within sixty (60) days  
6 after the date of the public hearing, provided however, that the date may be  
7 extended by an additional sixty (60) days if the petition fails to contain  
8 all of the information required in this section, or if both parties agree  
9 to the extension. This public hearing shall be an opportunity for public  
10 participation and oral presentation by the public. This hearing is not a  
11 contested case hearing as described in chapter 52, title 67, Idaho Code.

12 (3) An authorized chartering entity may approve a charter under the  
13 provisions of this chapter only if it determines that the petition contains  
14 the requisite signatures, the information required by subsections (4)  
15 and (5) of this section, and additional statements describing all of the  
16 following:

17 (a) The proposed educational program of the public charter school,  
18 designed among other things, to identify what it means to be an  
19 "educated person" in the twenty-first century, and how learning best  
20 occurs. The goals identified in the program shall include how all  
21 educational thoroughness standards as defined in section 33-1612,  
22 Idaho Code, shall be fulfilled.

23 (b) The measurable student educational standards identified for use  
24 by the public charter school. "Student educational standards" for the  
25 purpose of this chapter means the extent to which all students of the  
26 public charter school demonstrate they have attained the skills and  
27 knowledge specified as goals in the school's educational program.

28 (c) The method by which student progress in meeting those student  
29 educational standards is to be measured.

30 (d) A provision by which students of the public charter school will be  
31 tested with the same standardized tests as other Idaho public school  
32 students.

33 (e) A provision which ensures that the public charter school shall be  
34 state accredited as provided by rule of the state board of education.

35 (f) The governance structure of the public charter school including,  
36 but not limited to, the person or entity who shall be legally  
37 accountable for the operation of the public charter school, and  
38 the process to be followed by the public charter school to ensure  
39 parental involvement.

40 (g) The qualifications to be met by individuals employed by the public  
41 charter school. Instructional staff shall be certified teachers as  
42 provided by rule of the state board of education.

43 (h) The procedures that the public charter school will follow to ensure  
44 the health and safety of students and staff.

45 (i) A plan for the requirements of section 33-205, Idaho Code, for the  
46 denial of school attendance to any student who is an habitual truant, as  
47 defined in section 33-206, Idaho Code, or who is incorrigible, or whose  
48 conduct, in the judgment of the board of directors of the public charter  
49 school, is such as to be continuously disruptive of school discipline,  
50 or of the instructional effectiveness of the school, or whose presence

1 in a public charter school is detrimental to the health and safety of  
2 other pupils, or who has been expelled from another school district in  
3 this state or any other state.

4 (j) Admission procedures, including provision for overenrollment.  
5 Such admission procedures shall provide that the initial admission  
6 procedures for a new public charter school, including provision  
7 for overenrollment, will be determined by lottery or other random  
8 method, except as otherwise provided herein. If initial capacity is  
9 insufficient to enroll all pupils who submit a timely application,  
10 then the admission procedures may provide that preference shall be  
11 given in the following order: first, to children of founders, provided  
12 that this admission preference shall be limited to not more than ten  
13 percent (10%) of the capacity of the public charter school; second,  
14 to siblings of pupils already selected by the lottery or other random  
15 method; and third, an equitable selection process such as by lottery  
16 or other random method. If so stated in its petition, a new public  
17 charter school may include the children of full-time employees of the  
18 public charter school within the first priority group subject to the  
19 limitations therein. Otherwise, such children shall be included in the  
20 third priority group. If capacity is insufficient to enroll all pupils  
21 for subsequent school terms, who submit a timely application, then  
22 the admission procedures may provide that preference shall be given in  
23 the following order: first, to pupils returning to the public charter  
24 school in the second or any subsequent year of its operation; second, to  
25 children of founders, provided that this admission preference shall be  
26 limited to not more than ten percent (10%) of the capacity of the public  
27 charter school; third, to siblings of pupils already enrolled in the  
28 public charter school; and fourth, an equitable selection process such  
29 as by lottery or other random method. There shall be no carryover from  
30 year to year of the list maintained to fill vacancies. A new lottery  
31 shall be conducted each year to fill vacancies which become available.  
32 If so stated in its petition, a public charter school may include the  
33 following children within the second priority group subject to the  
34 limitations therein:

35 (i) The children of full-time employees of the public charter  
36 school;

37 (ii) Children who previously attended the public charter school  
38 within the previous three (3) school years, but who withdrew as a  
39 result of the relocation of a parent or guardian due to an academic  
40 sabbatical, employer or military transfer or reassignment.

41 Otherwise, such children shall be included in the fourth priority  
42 group.

43 (k) The manner in which an annual audit of the financial and  
44 programmatic operations of the public charter school is to be  
45 conducted.

46 (l) The disciplinary procedures that the public charter school will  
47 utilize, including the procedure by which students may be suspended,  
48 expelled and reenrolled, and the procedures required by section 33-210,  
49 Idaho Code.

1 (m) A provision which ensures that all staff members of the public  
2 charter school will be covered by the public employee retirement  
3 system, federal social security, unemployment insurance, worker's  
4 compensation insurance, and health insurance.

5 (n) The public school attendance alternative for students residing  
6 within the school district who choose not to attend the public charter  
7 school.

8 (o) A description of the transfer rights of any employee choosing to  
9 work in a public charter school that is approved by the board of trustees  
10 of a school district, and the rights of such employees to return to any  
11 noncharter school in the same school district after employment at such  
12 charter school.

13 (p) A provision which ensures that the staff of the public charter  
14 school shall be considered a separate unit for purposes of collective  
15 bargaining.

16 (q) The manner by which special education services will be provided  
17 to students with disabilities who are eligible pursuant to the federal  
18 individuals with disabilities education act, including disciplinary  
19 procedures for these students.

20 (r) A plan for working with parents who have students who are dually  
21 enrolled pursuant to section 33-203, Idaho Code.

22 (s) The process by which the citizens in the area of attendance shall  
23 be made aware of the enrollment opportunities of the public charter  
24 school.

25 (t) A proposal for transportation services as required by section  
26 33-5208(4), Idaho Code.

27 (u) A plan for termination of the charter by the board of directors, to  
28 include:

29 (i) Identification of who is responsible for dissolution of the  
30 charter school;

31 (ii) A description of how payment to creditors will be handled;

32 (iii) A procedure for transferring all records of students with  
33 notice to parents of how to request a transfer of student records  
34 to a specific school; and

35 (iv) A plan for the disposal of the public charter school's  
36 assets.

37 (4) The petitioner shall provide information regarding the proposed  
38 operation and potential effects of the public charter school including, but  
39 not limited to, the facilities to be utilized by the public charter school,  
40 the manner in which administrative services of the public charter school  
41 are to be provided and the potential civil liability effects upon the public  
42 charter school and upon the authorized chartering entity.

43 (5) At least one (1) person among a group of petitioners of a  
44 prospective public charter school shall attend a public charter school  
45 workshop offered by the state department of education. The state department  
46 of education shall provide notice of dates and locations when workshops will  
47 be held, and shall provide proof of attendance to workshop attendees. Such  
48 proof shall be submitted by the petitioners to an authorized chartering  
49 entity along with the charter petition.

1 (6) The public charter school commission may approve a charter for  
2 a public virtual school under the provisions of this chapter only if it  
3 determines that the petition contains the requirements of subsections  
4 (3) and (4) of this section and the additional statements describing the  
5 following:

6 (a) The learning management system by which courses will be delivered;

7 (b) The role of the online teacher, including the consistent  
8 availability of the teacher to provide guidance around course material,  
9 methods of individualized learning in the online course and the means by  
10 which student work will be assessed;

11 (c) A plan for the provision of professional development specific to  
12 the public virtual school environment;

13 (d) The means by which public virtual school students will receive  
14 appropriate teacher-to-student interaction, including timely,  
15 frequent feedback about student progress;

16 (e) The means by which the public virtual school will verify student  
17 attendance and award course credit. Attendance at public virtual  
18 schools shall focus primarily on coursework and activities that are  
19 correlated to the Idaho state thoroughness standards;

20 (f) A plan for the provision of technical support relevant to the  
21 delivery of online courses;

22 (g) The means by which the public virtual school will provide  
23 opportunity for student-to-student interaction; and

24 (h) A plan for ensuring equal access to all students, including the  
25 provision of necessary hardware, software and internet connectivity  
26 required for participation in online coursework.

27 SECTION 11. That Section [34-1902](#), Idaho Code, be, and the same is hereby  
28 repealed.

29 SECTION 12. That Section [34-1903](#), Idaho Code, be, and the same is hereby  
30 repealed.

31 SECTION 13. That Section 37-2744B, Idaho Code, be, and the same is  
32 hereby amended to read as follows:

33 37-2744B. AUTHORIZATION TO RECEIVE AND ADMINISTER FEDERAL  
34 FORFEITURES AND PRIVATE DONATIONS. The director of the Idaho state police  
35 is authorized to receive and dispose of any real or personal property which  
36 has been seized by a federal drug enforcement agency, or any donations  
37 from private citizens, the proceeds of which shall be placed in the drug  
38 and driving while under the influence enforcement donation fund created in  
39 section 57-816, Idaho Code.

40 SECTION 14. That Section 39-4109, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 39-4109. APPLICATION OF CODES. (1) The following codes are hereby  
43 adopted for the state of Idaho division of building safety and shall only be  
44 applied by local governments as prescribed by section 39-4116, Idaho Code:

1 (a) The 2006 International Building Code shall be in effect, until  
2 such time as a subsequent version is adopted by the Idaho building  
3 code board, at which time the subsequent versions of the International  
4 Building Code as adopted and amended by the Idaho building code board  
5 through the negotiated rulemaking process as established in section  
6 67-5221, Idaho Code, and as further provided in subsection (5) of this  
7 section and in accordance with subsections (2) and (3) herein shall be  
8 in effect:

9 (i) Including appendices thereto pertaining to building  
10 accessibility;

11 (ii) Excluding the incorporated electrical codes, mechanical  
12 code, fuel gas code, plumbing codes, fire codes or property  
13 maintenance codes other than specifically referenced subjects or  
14 sections of the International Fire Code; and

15 (iii) Including the incorporated International Residential Code,  
16 parts I, II, III, IV and IX; International Energy Conservation  
17 Code; and rules promulgated by the board to provide equivalency  
18 with the provisions of the Americans with disabilities act  
19 accessibility guidelines and the fair housing act accessibility  
20 guidelines shall be included. ~~(iv)6~~

21 (b) The 2006 International Residential Code as published by the  
22 International Code Council, except for parts V, VI, VII and VIII as they  
23 pertain to mechanical, fuel gas, plumbing and electrical requirements  
24 shall be in effect, until such time as a subsequent version is adopted by  
25 the Idaho building code board, at which time the subsequent versions of  
26 the International Residential Code as adopted and amended by the Idaho  
27 building code board through the negotiated rulemaking process provided  
28 in this section shall be in effect;

29 (c) The 2006 International Energy Conservation Code as published by  
30 the International Code Council shall be in effect, until such time as a  
31 subsequent version is adopted by the Idaho building code board, at which  
32 time the subsequent versions of the International Energy Conservation  
33 Code as adopted and amended by the Idaho building code board through  
34 the negotiated rulemaking process provided in this section shall be in  
35 effect; and

36 (d) The 2006 International Existing Building Code as published by the  
37 International Code Council shall be in effect, until such time as a  
38 subsequent version is adopted by the Idaho building code board, at which  
39 time the subsequent versions of the International Existing Building  
40 Code as adopted and amended by the Idaho building code board through  
41 the negotiated rulemaking process provided in this section shall be in  
42 effect.

43 (2) No amendments to the accessibility guidelines shall be made by the  
44 Idaho building code board that provide for lower standards of accessibility  
45 than those published by the International Code Council.

46 (3) No amendments to the International Residential Building Code shall  
47 be made by the Idaho building code board that provide for standards that are  
48 more restrictive than those published by the International Code Council.

49 (4) Any edition of the building codes adopted by the board will take  
50 effect on January 1 of the year following its adoption.

1 (5) In addition to the negotiated rulemaking process set forth in  
 2 section 67-5221, Idaho Code, the board shall conduct a minimum of two (2)  
 3 public hearings, not less than sixty (60) days apart. Express written notice  
 4 of such public hearings shall be given by the board to each of the following  
 5 entities not less than five (5) days prior to such hearing: associated  
 6 general contractors of America, associated builders and contractors,  
 7 association of Idaho cities, Idaho association of building officials, Idaho  
 8 association of counties, Idaho association of REALTORS®, Idaho building  
 9 contractors association, American institute of architects Idaho chapter,  
 10 Idaho fire chiefs association, Idaho society of professional engineers,  
 11 Idaho state independent living council, southwest Idaho building trades,  
 12 Idaho building trades, and any other entity that, through electronic or  
 13 written communication received by the administrator not less than twenty  
 14 (20) days prior to such scheduled meeting, requests written notification of  
 15 such public hearings.

16 SECTION 15. That Section 39-4116, Idaho Code, be, and the same is hereby  
 17 amended to read as follows:

18 39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING  
 19 CODES. (1) Local governments enforcing building codes shall do so only in  
 20 compliance with the provisions of this section. Local governments that have  
 21 not previously instituted and implemented a code enforcement program prior  
 22 to the effective date of this act may elect to implement a building code  
 23 enforcement program by passing an ordinance evidencing the intent to do so.  
 24 Local governments may contract with a public or private entity to administer  
 25 their building code enforcement program.

26 (2) Local governments that issue building permits and perform building  
 27 code enforcement activities shall, by ordinance effective January 1 of the  
 28 year following the adoption by the Idaho building code board, adopt the  
 29 following codes as published by the International Code Council together  
 30 with any amendments or revisions set forth in section 39-4109, Idaho  
 31 Code, including subsequent versions of the International Building Code as  
 32 adopted and amended by the Idaho building code board through the negotiated  
 33 rulemaking process provided in this chapter:

34 (a) International Building Code, including all rules promulgated by  
 35 the board to provide equivalency with the provisions of the Americans  
 36 with disabilities act accessibility guidelines and the federal fair  
 37 housing act accessibility guidelines;

38 (b) International Residential Code, parts I-IV and IX; and

39 (c) International Energy Conservation Code.

40 Local governments are not required by this chapter to adopt the other  
 41 referenced codes in the International Building Code.

42 (3) All single family homes and multiple family dwellings up to two  
 43 (2) units are hereby exempted from the provisions of the International Fire  
 44 Code, the International Building Code and the International Residential  
 45 Code that require such dwellings to have automatic fire sprinkler  
 46 systems installed. Nothing in this section shall prevent any person  
 47 from voluntarily installing an automatic fire sprinkler system in any  
 48 residential dwelling.

1 (4) Local governments may amend by ordinance the adopted codes or  
 2 provisions of referenced codes to reflect local concerns, provided such  
 3 amendments establish at least an equivalent level of protection to that of  
 4 the adopted building code. A local jurisdiction shall not have the authority  
 5 to amend any accessibility provision pursuant to section 39-4109, Idaho  
 6 Code, except as provided in ~~subsection (3)~~ paragraphs (a) and (b) of this  
 7 subsection.

8 (a) A local jurisdiction shall not have the authority to amend any  
 9 accessibility provision pursuant to section 39-4109, Idaho Code.

10 (b) A local jurisdiction shall not adopt any provision of the  
 11 International Building Code or International Residential Code or  
 12 appendices thereto, that has not been adopted or that has been expressly  
 13 rejected or exempted from the adopted version of those codes by the  
 14 Idaho building code board through the negotiated rulemaking process  
 15 as provided in section 39-4109, Idaho Code. Provided however, that,  
 16 after a finding by the local jurisdiction that good cause exists for  
 17 such an amendment to such codes and that such amendment is reasonably  
 18 necessary, a local jurisdiction may adopt such provision by ordinance  
 19 in accordance with the provisions of chapter 9, title 50, Idaho Code,  
 20 and provided further that such local jurisdiction shall conduct a  
 21 public hearing and, provided further, that notice of the time and place  
 22 of the public hearing shall be published in the official newspaper  
 23 or paper of general circulation within the jurisdiction and written  
 24 notice of each of such public hearing and the proposed language shall be  
 25 given by the local jurisdiction to the local chapters of the entities  
 26 identified in section 39-4109(5), Idaho Code, not less than thirty  
 27 (30) days prior to such hearing. In the event that there are no local  
 28 chapters of such entities identified in section 39-4109(5), Idaho Code,  
 29 within the local jurisdiction holding the hearings, the notice shall be  
 30 provided to the state associations of the respective entities.

31 (5) Local governments shall exempt agricultural buildings from  
 32 the requirements of the codes enumerated in this chapter and the rules  
 33 promulgated by the board. A county may issue permits for farm buildings to  
 34 assure compliance with road setbacks and utility easements, provided that  
 35 the cost for such permits shall not exceed the actual cost to the county of  
 36 issuing the permits.

37 (6) Permits shall be governed by the laws in effect at the time the  
 38 permit application is received.

39 (7) The division shall retain jurisdiction for in-plant inspections  
 40 and installation standards for manufactured or mobile homes and for in-plant  
 41 inspections and enforcement of construction standards for modular buildings  
 42 and commercial coaches.

43 SECTION 16. That Section 45-1302, Idaho Code, be, and the same is hereby  
 44 amended to read as follows:

45 45-1302. DETERMINATION OF ALL RIGHTS UPON FORECLOSURE PROCEEDINGS. In  
 46 any suit brought to foreclose a mortgage or lien upon real property or  
 47 a lien on or security interest in personal property, the plaintiff,  
 48 cross-complainant or plaintiff in intervention may make as party defendant  
 49 in the same cause of action, any person, ~~including parties mentioned in~~



1 ~~section 5-325,~~ having, claiming or appearing to have or to claim any title,  
2 estate, or interest in or to any part of the real or personal property  
3 involved therein, and the court shall, in addition to granting relief in the  
4 foreclosure action, determine the title, estate or interest of all parties  
5 thereto in the same manner and to the same extent and effect as in the action  
6 to quiet title.

7 SECTION 17. That Section 49-420H, Idaho Code, as added by Section 2,  
8 Chapter 196, Laws of 2009, be, and the same is hereby amended to read as  
9 follows:

10 49-420HI. EARTH SCIENCES AND LAPIDARY PLATES. (1) On and after  
11 January 1, 2010, any person who is the owner of a vehicle registered under  
12 the provisions of section 49-402, Idaho Code, or registered under any other  
13 section of law for which the purchase of special plates is allowed, may  
14 apply for and, upon department approval, receive earth sciences and lapidary  
15 license plates in lieu of regular license plates. The provisions of this  
16 section shall not apply to any vehicle with a registered maximum gross weight  
17 over twenty-six thousand (26,000) pounds. Availability of earth sciences  
18 and lapidary license plates for other vehicles shall be subject to the rules,  
19 policies and procedures of the department.

20 (2) In addition to the regular registration fee required in chapter 4,  
21 title 49, Idaho Code, the applicant shall be charged a fee of thirty-five  
22 dollars (\$35.00) for the initial issuance of plates, and twenty-five dollars  
23 (\$25.00) upon each succeeding annual registration. Thirteen dollars  
24 (\$13.00) of the initial fee and thirteen dollars (\$13.00) of the renewal fee  
25 shall be deposited in the state highway account and shall be used to fund the  
26 cost of administration of this special license plate program. Twenty-two  
27 dollars (\$22.00) of each initial fee and twelve dollars (\$12.00) of each  
28 renewal fee shall be transferred by the state treasurer for deposit to the  
29 Idaho gem club, an Idaho nonprofit organization, and shall be used to provide  
30 classes for kindergarten through grade 6 to promote understanding about  
31 earth sciences and lapidary.

32 (3) Whenever title or interest in a vehicle registered under the  
33 provisions of this section is transferred or assigned, the owner may  
34 transfer the special plates to another vehicle upon payment of the required  
35 transfer fees. The owner may only display the plates on another vehicle upon  
36 receipt of the new registration from the department.

37 (4) The earth sciences and lapidary license plate shall be of a color  
38 and design in accordance with the provisions of section 49-402C, Idaho Code.  
39 The design and any slogan on the plate shall be acceptable to the Idaho gem  
40 club and shall be approved by the transportation department utilizing a  
41 numbering system as determined by the department. Initial costs of the plate  
42 program, including costs of plate design, shall be paid by the Idaho gem  
43 club.

44 (5) Sample earth sciences and lapidary license plates may be purchased  
45 for a fee of thirty dollars (\$30.00), thirteen dollars (\$13.00) of which  
46 shall be deposited in the state highway account and seventeen dollars  
47 (\$17.00) of which shall be transferred for deposit to the Idaho gem club, and  
48 shall be used to provide classes for kindergarten through grade 6 to promote  
49 understanding about the earth sciences and lapidary.

1 SECTION 18. That Section 50-334, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 50-334. ABATEMENT OF NUISANCES. Cities are empowered to declare what  
4 shall be deemed nuisances, to prevent, remove and abate nuisances at the  
5 expense of the parties creating, causing, committing or maintaining the  
6 same, to levy a special assessment as provided in section 50-101~~208~~, Idaho  
7 Code, on the land or premises whereon the nuisance is situated to defray  
8 the cost or to reimburse the city for the cost of abating the same, and this  
9 power shall extend three (3) miles beyond the city limits, provided however,  
10 that the expense of declaring, preventing, removing and abating nuisances  
11 outside the city limits shall rest with the city when the nuisance comes  
12 within the three (3) mile area by reason of expansion of city boundaries.

13 SECTION 19. That Section 54-1761, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 54-1761. DEFINITIONS. As used in sections 54-1760 through 54-1765,  
16 Idaho Code:

17 (1) "Donating entity" means pharmacies, hospitals, nursing homes, drug  
18 manufacturers and wholesale distributors.

19 (2) "Legend drug" has the same meaning as provided in section  
20 54-1705 (~~2830~~), Idaho Code.

21 (3) "Medically indigent" means any person who is in need of a legend  
22 drug and who is not eligible for medicaid or medicare, who cannot afford  
23 private prescription drug insurance or who does not have income and other  
24 resources available sufficient to pay for the legend drug.

25 (4) "Qualifying charitable clinic or center" means a community health  
26 center as defined in section 39-3203, Idaho Code, and means a free medical  
27 clinic as defined in section 39-7702, Idaho Code.

28 SECTION 20. That the Heading for Chapter 54, Title 54, Idaho Code, as  
29 added by Section 1, Chapter 65, Laws of 2009, be, and the same is hereby  
30 amended to read as follows:

31 CHAPTER ~~54~~545  
32 MIDWIFERY

33 SECTION 21. That Section 54-5401, Idaho Code, as added by Section  
34 1, Chapter 65, Laws of 2009, be, and the same is hereby amended to read as  
35 follows:

36 ~~54-5401~~5501. LEGISLATIVE PURPOSE AND INTENT. The legislature finds  
37 and declares that the practice of midwifery has been a part of the culture  
38 and tradition of Idaho since before pioneer days and that for personal,  
39 religious and economic reasons some Idaho citizens choose midwifery care.  
40 The purpose of this chapter is to preserve the rights of families to deliver  
41 their children in a setting of their choice, to provide additional maternity  
42 care options for Idaho's families, to protect the public health, safety and  
43 welfare and to provide a mechanism to assure quality care.

1 SECTION 22. That Section 54-5402, Idaho Code, as added by Section  
 2 1, Chapter 65, Laws of 2009, be, and the same is hereby amended to read as  
 3 follows:

4 ~~54-5402~~5502. DEFINITIONS. As used in this chapter:

- 5 (1) "Board" means the Idaho state board of midwifery.  
 6 (2) "Bureau" means the Idaho state bureau of occupational licenses.  
 7 (3) "Certified professional midwife" or "CPM" means a person who  
 8 is certified by the North American registry of midwives or any successor  
 9 organization.  
 10 (4) "Client" means a woman under the care of a licensed midwife, as well  
 11 as her fetus and newborn child.  
 12 (5) "Idaho midwifery council" or "IMC" means the professional  
 13 organization representing midwives in Idaho.  
 14 (6) "Idahoans for midwives" or "IFM" means the Idaho consumer  
 15 organization that promotes and supports midwifery care in Idaho.  
 16 (7) "Licensed midwife" means a person who holds a current license  
 17 issued by the board pursuant to the provisions of this chapter to engage in  
 18 the practice of midwifery, who shall be designated "L.M."  
 19 (8) "Midwifery education accreditation council" or "MEAC" means the  
 20 organization established in 1991 and recognized by the U.S. department of  
 21 education as an accrediting agency for midwifery education programs and  
 22 institutions.  
 23 (9) "National association of certified professional midwives"  
 24 or "NACPM" means the national organization for certified professional  
 25 midwives.  
 26 (10) "NACPM essential documents" means the documents adopted by NACPM  
 27 that identify the nature of and standards of practice for responsible  
 28 midwifery practice.  
 29 (11) "North American registry of midwives" or "NARM" means the  
 30 international certification agency that establishes and administers  
 31 certification for the CPM credential.  
 32 (12) "Practice of midwifery" means providing maternity care for women  
 33 and their newborns during the antepartum, intrapartum and postpartum  
 34 periods. The postpartum period for both maternal and newborn care may not  
 35 exceed six (6) weeks from the date of delivery.

36 SECTION 23. That Section 54-5403, Idaho Code, as added by Section  
 37 1, Chapter 65, Laws of 2009, be, and the same is hereby amended to read as  
 38 follows:

39 ~~54-5403~~5503. BOARD OF MIDWIFERY CREATED. (1) There is hereby  
 40 established in the department of self-governing agencies, bureau of  
 41 occupational licenses, a board of midwifery.

- 42 (2) The board shall consist of five (5) members appointed by the  
 43 governor, three (3) of whom shall be licensed pursuant to this chapter, one  
 44 (1) of whom shall be a licensed physician who is board certified in either  
 45 obstetrics/gynecology or family medicine, maintains current hospital  
 46 privileges and has provided primary maternity care for at least twenty (20)  
 47 births in the twelve (12) months prior to the appointment and one (1) of whom

1 shall be a member of the public with an interest in the rights of consumers of  
2 midwifery services.

3 (3) One (1) member of the initial board shall be appointed for a one (1)  
4 year term of office, one (1) member of the initial board shall be appointed  
5 for a two (2) year term of office, one (1) member of the initial board shall  
6 be appointed for a three (3) year term of office, one (1) member shall be  
7 appointed for a four (4) year term of office and one (1) member of the initial  
8 board shall be appointed for a five (5) year term of office. Thereafter, the  
9 term of office for each board member shall be five (5) years.

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

14 (5) The initial three (3) licensed midwife board members shall have at  
15 least three (3) years of experience in the practice of midwifery, shall hold  
16 current CPM certification and shall be eligible to become licensed pursuant  
17 to this chapter.

18 (6) The three (3) board members who are licensed midwives shall be  
19 licensed pursuant to this chapter, shall actively practice midwifery in  
20 the state of Idaho for the duration of their appointment and shall have  
21 been a practicing midwife in the state of Idaho for at least three (3) years  
22 immediately preceding their appointment.

23 (7) In the event of the death, resignation or removal of any board  
24 member before the expiration of the term to which he is appointed, the  
25 vacancy shall be filled for the unexpired portion of the term in the same  
26 manner as the original appointment.

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

28 (9) Within thirty (30) days after its appointment, the initial board  
29 shall hold a meeting and elect a chairperson. The board shall meet at least  
30 annually thereafter, and may hold additional meetings at the call of the  
31 chairperson or at the written request of any two (2) members of the board. A  
32 majority of the board shall constitute a quorum. The vote of a majority of  
33 members present at a meeting wherein a quorum is present shall determine the  
34 action of the board.

35 SECTION 24. That Section 54-5404, Idaho Code, as added by Section  
36 1, Chapter 65, Laws of 2009, be, and the same is hereby amended to read as  
37 follows:

38 ~~54-5404~~5504. BOARD OF MIDWIFERY -- POWERS AND DUTIES. The board shall  
39 have the authority and the responsibility to:

40 (1) Receive applications for licensure, determine the qualifications  
41 of persons applying for licensure, provide licenses to applicants qualified  
42 under this chapter and renew, suspend, revoke and reinstate licenses;

43 (2) Establish and collect fees for examination of applicants, for  
44 licensure and for renewal of licenses;

45 (3) Establish the minimum amount and type of continuing education to be  
46 required for each licensed midwife seeking renewal of the midwife's license;

47 (4) Investigate complaints against persons who are licensed under this  
48 chapter;

1 (5) Undertake, when appropriate, disciplinary proceedings and  
2 disciplinary action against persons licensed under this chapter;

3 (6) Promulgate and adopt rules, pursuant to chapter 52, title 67,  
4 Idaho Code, necessary to administer this chapter. To the degree they are  
5 consistent with this chapter, rules shall be consistent with the current  
6 job description for the profession published by NARM and consistent with  
7 standards regarding the practice of midwifery established by the NACPM or a  
8 successor organization;

9 (7) Authorize, by written agreement, the bureau of occupational  
10 licenses to act as agent in its interest; and

11 (8) Provide such other services and perform such other functions as are  
12 consistent with this chapter and necessary to fulfill its responsibilities.

13 SECTION 25. That Section 54-5405, Idaho Code, as added by Section  
14 1, Chapter 65, Laws of 2009, be, and the same is hereby amended to read as  
15 follows:

16 ~~54-5405~~54055505. RULEMAKING. (1) The rules adopted by the board shall:

17 (a) Allow a midwife to obtain and administer, during the practice of  
18 midwifery, the following:

19 (i) Oxygen;

20 (ii) Oxytocin as a postpartum antihemorrhagic agent;

21 (iii) Injectable local anesthetic for the repair of lacerations  
22 that are no more extensive than second degree;

23 (iv) Antibiotics for group b streptococcus prophylaxis  
24 consistent with guidelines of the United States centers for  
25 disease control and prevention;

26 (v) Epinephrine administered via a metered dose auto-injector;

27 (vi) Intravenous fluids for stabilization of the woman;

28 (vii) Rho(d) immune globulin;

29 (viii) Vitamin K; and

30 (ix) Eye prophylactics to the baby.

31 (b) Prohibit the use of other legend drugs, except those of a similar  
32 nature and character as determined by the board to be consistent with  
33 the practice of midwifery; provided that, at least one hundred twenty  
34 (120) days' advance notice of the proposal to allow the use of such drugs  
35 is given to the board of pharmacy and the board of medicine and neither  
36 board objects to the addition of such drugs to the midwifery formulary;

37 (c) Define a protocol for use by licensed midwives of drugs approved  
38 in paragraphs (a) and (b) of this subsection that shall include methods  
39 of obtaining, storing and disposing of such drugs and an indication for  
40 use, dosage, route of administration and duration of treatment;

41 (d) Define a protocol for medical waste disposal; and

42 (e) Establish scope and practice standards for antepartum,  
43 intrapartum, postpartum and newborn care that shall, at a minimum:

44 (i) Prohibit a licensed midwife from providing care for a client  
45 with a history of disorders, diagnoses, conditions or symptoms  
46 that include:

47 1. Placental abnormality;

48 2. Multiple gestation;

- 1 3. Noncephalic presentation at the onset of labor or rupture
- 2 of membranes, whichever occurs first;
- 3 4. Birth under thirty-seven (37) weeks and after forty-two
- 4 (42) completed weeks' gestational age;
- 5 5. A history of more than one (1) prior cesarean section, a
- 6 cesarean section within eighteen (18) months of the current
- 7 delivery or any cesarean section that was surgically closed
- 8 with a classical or vertical uterine incision;
- 9 6. Rh or other blood group or platelet sensitization,
- 10 hematological or coagulation disorders;
- 11 7. A body mass index of forty (40.0) or higher at the time of
- 12 conception;
- 13 8. Prior chemotherapy and/or radiation treatment for a
- 14 malignancy;
- 15 9. Previous pre-eclampsia resulting in premature delivery;
- 16 10. Cervical insufficiency; or
- 17 11. HIV positive status.
- 18 (ii) Prohibit a licensed midwife from providing care for a client
- 19 with a history of the following disorders, diagnoses, conditions
- 20 or symptoms unless such disorders, diagnoses, conditions or
- 21 symptoms are being treated, monitored or managed by a physician
- 22 licensed pursuant to chapter 18, title 54, Idaho Code:
- 23 1. Diabetes;
- 24 2. Thyroid disease;
- 25 3. Epilepsy;
- 26 4. Hypertension;
- 27 5. Cardiac disease;
- 28 6. Pulmonary disease;
- 29 7. Renal disease;
- 30 8. Gastrointestinal disorders;
- 31 9. Previous major surgery of the pulmonary system,
- 32 cardiovascular system, urinary tract or gastrointestinal
- 33 tract;
- 34 10. Abnormal cervical cytology;
- 35 11. Sleep apnea;
- 36 12. Previous bariatric surgery;
- 37 13. Hepatitis; or
- 38 14. History of illegal drug use or excessive prescription
- 39 drug use.
- 40 (iii) Require a licensed midwife to recommend that a client see a
- 41 physician licensed under chapter 18, title 54, Idaho Code, and to
- 42 document and maintain a record as required by section 54-~~5411~~5511,
- 43 Idaho Code, if such client has a history of disorders, diagnoses,
- 44 conditions or symptoms that include:
- 45 1. Previous complicated pregnancy;
- 46 2. Previous cesarean section;
- 47 3. Previous pregnancy loss in second or third trimester;
- 48 4. Previous spontaneous premature labor;
- 49 5. Previous pre-term rupture of membranes;
- 50 6. Previous pre-eclampsia;

- 1 7. Previous hypertensive disease of pregnancy;
- 2 8. Parvo;
- 3 9. Toxo;
- 4 10. CMV;
- 5 11. HSV;
- 6 12. Previous maternal/newborn group b streptococcus
- 7 infection;
- 8 13. A body mass index of at least thirty-five (35.0) but less
- 9 than forty (40.0) at the time of conception;
- 10 14. Underlying family genetic disorders with potential for
- 11 transmission; or
- 12 15. Psychosocial situations that may complicate pregnancy.

13 (iv) Require that a licensed midwife shall facilitate the  
 14 immediate transfer to a hospital for emergency care for disorders,  
 15 diagnoses, conditions or symptoms that include:

- 16 1. Maternal fever in labor;
- 17 2. Suggestion of fetal jeopardy such as bleeding or meconium
- 18 or abnormal fetal heart tones;
- 19 3. Noncephalic presentation at the onset of labor or rupture
- 20 of membranes, whichever occurs first;
- 21 4. Second stage labor after two (2) hours of initiation of
- 22 pushing when the mother has had a previous cesarean section;
- 23 5. Current spontaneous premature labor;
- 24 6. Current pre-term premature rupture of membranes;
- 25 7. Current pre-eclampsia;
- 26 8. Current hypertensive disease of pregnancy;
- 27 9. Continuous uncontrolled bleeding;
- 28 10. Bleeding which necessitates the administration of more
- 29 than two (2) doses of oxytocin or other antihemorrhagic
- 30 agent;
- 31 11. Delivery injuries to the bladder or bowel;
- 32 12. Grand mal seizure;
- 33 13. Uncontrolled vomiting;
- 34 14. Coughing or vomiting of blood;
- 35 15. Severe chest pain; or
- 36 16. Sudden onset of shortness of breath and associated
- 37 labored breathing.

38 A transfer of care shall be accompanied by the client's medical  
 39 record, the licensed midwife's assessment of the client's current  
 40 condition and a description of the care provided by the licensed  
 41 midwife prior to transfer;

42 (v) Establish a written plan for the emergency transfer and  
 43 transport required in subparagraph (iv) of this paragraph and  
 44 for notifying the hospital to which a client will be transferred  
 45 in the case of an emergency. If a client is transferred in an  
 46 emergency, the licensed midwife shall notify the hospital when the  
 47 transfer is initiated and accompany the client to the hospital if  
 48 feasible, or communicate by telephone with the hospital if unable  
 49 to be present personally, and shall provide the client's medical  
 50 record. The record shall include the client's name, address,

1 list of diagnosed medical conditions, list of prescription or  
 2 over the counter medications regularly taken, history of previous  
 3 allergic reactions to medications, if feasible the client's  
 4 current medical condition and description of the care provided by  
 5 the midwife and next of kin contact information.

6 (f) Establish and operate a system of peer review for licensed midwives  
 7 that shall include, but not be limited to, the appropriateness,  
 8 quality, utilization and the ethical performance of midwifery care.

9 (2) The rules adopted by the board may not:

10 (a) Require a licensed midwife to have a nursing degree or diploma;

11 (b) Except as a condition imposed by disciplinary proceedings by the  
 12 board, require a licensed midwife to practice midwifery under the  
 13 supervision of another health care provider;

14 (c) Except as a condition imposed in disciplinary proceedings by the  
 15 board, require a licensed midwife to enter into an agreement, written or  
 16 otherwise, with another health care provider;

17 (d) Limit the location where a licensed midwife may practice midwifery;

18 (e) Allow a licensed midwife to use vacuum extraction or forceps as an  
 19 aid in the delivery of a newborn;

20 (f) Grant a licensed midwife prescriptive privilege;

21 (g) Allow a licensed midwife to perform abortions.

22 SECTION 26. That Section 54-5406, Idaho Code, as added by Section  
 23 1, Chapter 65, Laws of 2009, be, and the same is hereby amended to read as  
 24 follows:

25 ~~54-5406~~5506. LICENSURE -- PENALTY. (1) The board shall grant a license  
 26 to any person who submits a completed application, pays the required license  
 27 fee as established by the board and meets the qualifications set forth in  
 28 section ~~54-5407~~5507, Idaho Code.

29 (2) All licenses issued under this chapter shall be for a term of one  
 30 (1) year and shall expire on the birthday of the licensee unless renewed in  
 31 the manner prescribed by rule. Except as set forth in this chapter, rules  
 32 governing procedures and conditions for license renewal and reinstatement  
 33 shall be in accordance with section 67-2614, Idaho Code.

34 (3) It is a misdemeanor for any person to assume or use the title or  
 35 designation "licensed midwife," "L.M." or any other title, designation,  
 36 words, letters, abbreviations, sign, card or device to indicate to the  
 37 public that such person is licensed to practice midwifery pursuant to this  
 38 chapter unless such person is so licensed. Any person who pleads guilty to or  
 39 is found guilty of a second or subsequent offense under this subsection (3)  
 40 shall be guilty of a felony.

41 (4) Except as provided in section ~~54-5408~~5508, Idaho Code, on and  
 42 after July 1, 2010, it shall be a misdemeanor for any person to engage in the  
 43 practice of midwifery without a license. Any person who pleads guilty to or  
 44 is found guilty of a second or subsequent offense under this subsection (4)  
 45 shall be guilty of a felony.

46 SECTION 27. That Section 54-5407, Idaho Code, as added by Section  
 47 1, Chapter 65, Laws of 2009, be, and the same is hereby amended to read as  
 48 follows:



1           54-~~5407~~5507. QUALIFICATIONS FOR LICENSURE. (1) A person shall be  
2 eligible to be licensed as a midwife if the person:

3           (a) Provides proof of current certification as a CPM by NARM or a  
4 successor organization;

5           (b) Files a board approved application for licensure and pays the  
6 required fees; and

7           (c) Provides documentation of successful completion of board approved  
8 MEAC accredited courses in pharmacology, the treatment of shock/IV  
9 therapy and suturing specific to midwives.

10          (2) For any midwife who has been continuously practicing midwifery in  
11 Idaho for at least five (5) years prior to July 1, 2009, the qualifications  
12 for licensure in subsection (1) (a) of this section may be waived by the board  
13 if such midwife provides the following documentation to the board:

14           (a) Primary attendance at seventy-five (75) births within the past ten  
15 (10) years, ten (10) of which occurred in the two (2) years immediately  
16 preceding the application for licensure; and

17           (b) In addition to the completion of the courses listed in subsection  
18 (1) (c) of this section, successful completion of board approved courses  
19 in CPR and neonatal resuscitation; and

20           (c) Complete practice data for the two (2) years preceding the  
21 application for licensure, on a form provided by the board.

22          (3) Any midwife who wishes to qualify for the waiver provided in  
23 subsection (2) of this section shall apply for licensure and provide the  
24 required documentation before July 1, 2010.

25          SECTION 28. That Section 54-5408, Idaho Code, as added by Section  
26 1, Chapter 65, Laws of 2009, be, and the same is hereby amended to read as  
27 follows:

28          54-~~5408~~5508. EXEMPTIONS. This chapter shall not apply to any of the  
29 following:

30           (1) Certified nurse midwives authorized under the board of nursing  
31 to practice in Idaho, unless a certified nurse midwife chooses to become a  
32 licensed midwife. Certified nurse midwives who are licensed midwives shall  
33 be subject to the provisions of chapter 14, title 54, Idaho Code, as well as  
34 to the provisions of this chapter;

35           (2) Student midwives in training under the direct supervision of  
36 licensed midwives as required by NARM;

37           (3) A person, in good faith, engaged in the practice of the religious  
38 tenets of any church or religious act where no fee is contemplated, charged  
39 or received, whose license to practice midwifery has not been revoked and who  
40 has not plead guilty to or been found guilty of a felony for a violation of the  
41 provisions of section 54-~~5406~~5506, Idaho Code;

42           (4) A person administering a remedy, diagnostic procedure or advice as  
43 specifically directed by a physician;

44           (5) A person rendering aid in an emergency where no fee for the service  
45 is contemplated, charged or received;

46           (6) A person administering care to a member of such person's family;

47           (7) The practice of a profession by individuals who are licensed,  
48 certified or registered under other laws of this state and are performing  
49 services within the authorized scope of practice.

1 SECTION 29. That Section 54-5409, Idaho Code, as added by Section  
2 1, Chapter 65, Laws of 2009, be, and the same is hereby amended to read as  
3 follows:

4 ~~54-5409~~5509. FEES. (1) All fees received under the provisions of this  
5 chapter shall be paid to the department of self-governing agencies, bureau  
6 of occupational licenses and deposited in the state treasury to the credit  
7 of the occupational licenses fund. All costs and expenses incurred under the  
8 provisions of this chapter shall be a charge against and paid from said fund.  
9 In no case may any salary, expense or other obligation of the board be charged  
10 against the general fund.

11 (2) The fee for licensure may not exceed one thousand dollars (\$1,000).

12 SECTION 30. That Section 54-5410, Idaho Code, as added by Section  
13 1, Chapter 65, Laws of 2009, be, and the same is hereby amended to read as  
14 follows:

15 ~~54-5410~~5510. CLIENT PROTECTION -- UNPROFESSIONAL CONDUCT. A licensed  
16 midwife or applicant for licensure, renewal or reinstatement may not:

17 (1) Disregard a client's dignity or right to privacy as to her person,  
18 condition, possessions or medical record;

19 (2) Breach any legal requirement of confidentiality with respect to a  
20 client, unless ordered by a court of law;

21 (3) Submit a birth certificate known by the person to be false or  
22 fraudulent, or willfully make or file false or incomplete reports or records  
23 in the practice of midwifery;

24 (4) Fail to provide information sufficient to allow a client to give  
25 fully informed consent;

26 (5) Engage in the practice of midwifery while impaired because of the  
27 use of alcoholic beverages or drugs; and

28 (6) Violate any other standards of conduct as determined by the board in  
29 rules adopted for the regulation of the practice of midwifery.

30 SECTION 31. That Section 54-5411, Idaho Code, as added by Section  
31 1, Chapter 65, Laws of 2009, be, and the same is hereby amended to read as  
32 follows:

33 ~~54-5411~~5511. DISCLOSURE AND ~~RECORD KEEPING~~ RECORDKEEPING -- LICENSE  
34 RENEWAL. (1) Before initiating care, a licensed midwife shall obtain a  
35 signed informed consent agreement from each client, acknowledging receipt,  
36 at minimum, of the following:

37 (a) The licensed midwife's training and experience;

38 (b) Instructions for obtaining a copy of the rules adopted by the board  
39 pursuant to this chapter;

40 (c) Instructions for obtaining a copy of the NACPM essential documents  
41 and NARM job description;

42 (d) Instructions for filing complaints with the board;

43 (e) Notice of whether or not the licensed midwife has professional  
44 liability insurance coverage;

45 (f) A written protocol for emergencies, including hospital transport  
46 that is specific to each individual client;

1 (g) A description of the procedures, benefits and risks of home birth,  
2 primarily those conditions that may arise during delivery; and

3 (h) Any other information required by board rule.

4 (2) All licensed midwives shall maintain a record of all signed  
5 informed consent agreements for each client for a minimum of nine (9) years  
6 after the last day of care for such client.

7 (3) Before providing care for a client who has a history of  
8 disorders, diagnoses, conditions or symptoms identified in section  
9 ~~54-5405~~5505(1)(e)(ii), Idaho Code, the licensed midwife shall provide  
10 written notice to the client that the client shall obtain care from  
11 a physician licensed pursuant to chapter 18, title 54, Idaho Code,  
12 as a condition to her eligibility to obtain maternity care from the  
13 licensed midwife. Before providing care for a client who has a history  
14 of disorders, diagnoses, conditions or symptoms identified in section  
15 ~~54-5405~~5505(1)(e)(iii), Idaho Code, or who has had a previous cesarean  
16 section, the licensed midwife shall provide written notice to the client  
17 that the client is advised to consult with a physician licensed pursuant to  
18 chapter 18, title 54, Idaho Code, during her pregnancy. The midwife shall  
19 obtain the client's signed acknowledgment of receipt of said notice.

20 (4) Any licensed midwife submitting an application to renew a license  
21 shall compile and submit to the board complete practice data for the twelve  
22 (12) months immediately preceding the date of the application. Such  
23 information shall be provided in form and content as prescribed by rule of  
24 the board and shall include, but not be limited to:

25 (a) The number of clients to whom care has been provided by the licensed  
26 midwife;

27 (b) The number of deliveries performed by the licensed midwife;

28 (c) The apgar scores of the infants delivered by the licensed midwife;

29 (d) The number of prenatal transfers;

30 (e) The number of transfers during labor, delivery and immediately  
31 following birth;

32 (f) Any perinatal deaths; and

33 (g) Other morbidity statistics as required by the board.

34 SECTION 32. That Section 54-5412, Idaho Code, as added by Section  
35 1, Chapter 65, Laws of 2009, be, and the same is hereby amended to read as  
36 follows:

37 ~~54-5412~~5512. IMMUNE FROM VICARIOUS LIABILITY. No physician,  
38 hospital, emergency room personnel, emergency medical technician or  
39 ambulance personnel shall be liable in any civil action arising out of any  
40 injury resulting from an act or omission of a licensed midwife, even if the  
41 health care provider has consulted with or accepted a referral from the  
42 licensed midwife. A physician who consults with a licensed midwife but who  
43 does not examine or treat a client of the midwife shall not be deemed to have  
44 created a physician-patient relationship with such client.

45 SECTION 33. That Section 54-5413, Idaho Code, as added by Section  
46 1, Chapter 65, Laws of 2009, be, and the same is hereby amended to read as  
47 follows:

1           54-~~5413~~5513. SEVERABILITY. The provisions of this chapter are hereby  
 2 declared to be severable and if any provision of this chapter or the  
 3 application of such provision to any person or circumstance is declared  
 4 invalid for any reason, such declaration shall not affect the validity of the  
 5 remaining portions of this chapter.

6           SECTION 34. That Section 56-1011, Idaho Code, be, and the same is hereby  
 7 amended to read as follows:

8           56-1011. EMERGENCY MEDICAL SERVICES -- STATEMENT OF INTENT. It is the  
 9 purpose of the legislature of the state of Idaho in the adoption of sections  
 10 56-1011 through 56-1023, Idaho Code, to recognize the importance of the  
 11 delivery of emergency medical services and to provide reasonable regulation  
 12 of the same. For this purpose, the provisions of section 54-180~~34~~, Idaho  
 13 Code, shall not be so construed as to prohibit or penalize emergency medical  
 14 services rendered by a person authorized to render emergency medical  
 15 services by sections 56-1011 through 56-1023, Idaho Code, if such emergency  
 16 medical service is rendered under the responsible supervision and control of  
 17 a licensed physician.

18           SECTION 35. That Section 57-202, Idaho Code, be, and the same is hereby  
 19 amended to read as follows:

20           57-202. APPLICATION OF ACT -- DEFINITIONS. All bonds, including  
 21 funding and refunding bonds, hereafter issued, under lawful authority,  
 22 by any county, city, village or highway district of the state of Idaho,  
 23 excepting local street and sewer improvement bonds issued under the  
 24 provisions of chapter 41, title 42 and chapters 31, 32, and 35 of title 50,  
 25 shall be issued in the form and manner, and be registered, disposed of and  
 26 redeemed, in accordance with the provisions of this act.

27           The following expressions are used in this act with the following  
 28 designated meanings:

29           ~~(a-)~~ "Governing board" or "governing body," as meaning the board of  
 30 county commissioners ~~(of a county)~~, and/or the board of highway district  
 31 commissioners ~~(of a highway district)~~ and/or the council and mayor ~~(of a~~  
 32 ~~city) and/or the board of trustees and chairman of such board of trustees (of~~  
 33 ~~a village).~~

34           ~~(b-)~~ "Issuer," "issuing corporation" and "corporation," as meaning  
 35 each or all of said municipal corporations and bodies corporate named  
 36 hereinbefore.

37           ~~(c-)~~ Any provision that any action or thing shall be authorized, taken,  
 38 or done by "ordinance or resolution," shall be taken to mean that any such  
 39 governing body shall proceed by ordinance or by resolution as required  
 40 or permitted by law or by the customary mode of proceeding by each such  
 41 governing body, respectively, not forbidden by law.

42           SECTION 36. That Section 67-2601, Idaho Code, be, and the same is hereby  
 43 amended to read as follows:

44           67-2601. DEPARTMENT CREATED -- ORGANIZATION -- DIRECTOR -- BUREAU OF  
 45 OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the department of

1 self-governing agencies. The department shall, for the purposes of section  
2 20, article IV of the constitution of the state of Idaho, be an executive  
3 department of the state government.

4 (2) The department shall consist of the following:

5 (a) Agricultural commodity commissions: Idaho apple commission, as  
6 provided by chapter 36, title 22, Idaho Code; Idaho bean commission,  
7 as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as  
8 provided by chapter 29, title 25, Idaho Code; Idaho cherry commission,  
9 as provided by chapter 37, title 22, Idaho Code; Idaho dairy products  
10 commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea  
11 and lentil commission, as provided by chapter 35, title 22, Idaho Code;  
12 Idaho potato commission, as provided by chapter 12, title 22, Idaho  
13 Code; the Idaho wheat commission, as provided by chapter 33, title  
14 22, Idaho Code; and the Idaho aquaculture commission, as provided by  
15 chapter 44, title 22, Idaho Code.

16 (b) Professional and occupational licensing boards: Idaho state board  
17 of certified public accountancy, as provided by chapter 2, title 54,  
18 Idaho Code; board of acupuncture, as provided by chapter 47, title 54,  
19 Idaho Code; board of architectural examiners, as provided by chapter  
20 3, title 54, Idaho Code; office of the state athletic director, as  
21 provided by chapter 4, title 54, Idaho Code; board of barber examiners,  
22 as provided by chapter 5, title 54, Idaho Code; board of commissioners  
23 of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code;  
24 board of chiropractic physicians, as provided by chapter 7, title  
25 54, Idaho Code; Idaho board of cosmetology, as provided by chapter 8,  
26 title 54, Idaho Code; Idaho counselor licensing board, as provided by  
27 chapter 34, title 54, Idaho Code; state board of dentistry, as provided  
28 by chapter 9, title 54, Idaho Code; state board of dentistry, as  
29 provided by chapter 33, title 54, Idaho Code; state board of engineering  
30 examiners, as provided by chapter 12, title 54, Idaho Code; state board  
31 for registration of professional geologists, as provided by chapter 28,  
32 title 54, Idaho Code; speech and hearing services licensure board, as  
33 provided by chapter 29, title 54, Idaho Code; Idaho physical therapy  
34 licensure board, as provided by chapter 22, title 54, Idaho Code; Idaho  
35 state board of landscape architects, as provided by chapter 30, title  
36 54, Idaho Code; liquefied petroleum gas safety board, as provided by  
37 chapter 53, title 54, Idaho Code; state board of medicine, as provided  
38 by chapter 18, title 54, Idaho Code; state board of morticians, as  
39 provided by chapter 11, title 54, Idaho Code; board of naturopathic  
40 medical examiners, as provided by chapter 51, title 54, Idaho Code;  
41 board of nurses, as provided by chapter 14, title 54, Idaho Code; board  
42 of examiners of nursing home administrators, as provided by chapter 16,  
43 title 54, Idaho Code; state board of optometry, as provided by chapter  
44 15, title 54, Idaho Code; Idaho outfitters and guides board, as provided  
45 by chapter 21, title 36, Idaho Code; board of pharmacy, as provided by  
46 chapter 17, title 54, Idaho Code; state board of podiatry, as provided  
47 by chapter 6, title 54, Idaho Code; Idaho state board of psychologist  
48 examiners, as provided by chapter 23, title 54, Idaho Code; Idaho real  
49 estate commission, as provided by chapter 20, title 54, Idaho Code;  
50 real estate appraiser board, as provided by chapter 41, title 54, Idaho

1 Code; board of social work examiners, as provided by chapter 32, title  
2 54, Idaho Code; the board of veterinary medicine, as provided by chapter  
3 21, title 54, Idaho Code; the board of examiners of residential care  
4 facility administrators, as provided by chapter 42, title 54, Idaho  
5 Code; the certified shorthand reporters board, as provided by chapter  
6 31, title 54, Idaho Code; the driving businesses licensure board, as  
7 provided by chapter 54, title 54, Idaho Code; the board of drinking  
8 water and wastewater professionals, as provided by chapter 24, title  
9 54, Idaho Code; and the board of midwifery, as provided by chapter ~~54~~5,  
10 title 54, Idaho Code.

11 (c) The board of examiners, pursuant to section 67-2001, Idaho Code.

12 (d) The division of building safety: building code board, chapter 41,  
13 title 39, Idaho Code; manufactured housing board, chapter 21, title  
14 44, Idaho Code; electrical board, chapter 10, title 54, Idaho Code;  
15 public works contractors license board, chapter 19, title 54, Idaho  
16 Code; plumbing board, chapter 26, title 54, Idaho Code; public works  
17 construction management, chapter 45, title 54, Idaho Code; the heating,  
18 ventilation and air conditioning board, chapter 50, title 54, Idaho  
19 Code; and modular building advisory board, chapter 43, title 39, Idaho  
20 Code.

21 (e) The division of veterans services to be headed by a division  
22 administrator who shall be a nonclassified employee exempt from the  
23 provisions of chapter 53, title 67, Idaho Code. The administrator of  
24 the division shall administer the provisions of chapter 2, title 65,  
25 Idaho Code, and chapter 9, title 66, Idaho Code, with the advice of the  
26 veterans affairs commission established under chapter 2, title 65,  
27 Idaho Code, and shall perform such additional duties as are imposed upon  
28 him by law.

29 (f) The board of library commissioners, pursuant to section 33-2502,  
30 Idaho Code.

31 (~~g~~) The Idaho state historical society, pursuant to section 67-4123,  
32 Idaho Code.

33 (3) The bureau of occupational licenses is hereby created within the  
34 department of self-governing agencies.

35 SECTION 37. The provisions of Sections 20 and 21 of this act shall be  
36 null, void and of no force and effect on and after July 1, 2014.