

IN THE SENATE

SENATE BILL NO. 1210

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO CAREER TECHNICAL EDUCATION; AMENDING SECTION 5-343, IDAHO
2 CODE, TO REPLACE A REFERENCE TO PROFESSIONAL-TECHNICAL EDUCATION
3 WITH CAREER TECHNICAL EDUCATION AND TO MAKE A TECHNICAL CORREC-
4 TION; AMENDING SECTION 15-12-213, IDAHO CODE, TO REPLACE A REFERENCE
5 TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCA-
6 TION; AMENDING SECTION 18-3309, IDAHO CODE, TO REPLACE REFERENCES
7 TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCA-
8 TION; AMENDING SECTION 33-107B, IDAHO CODE, TO REPLACE REFERENCES
9 TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCA-
10 TION; AMENDING SECTION 33-107D, IDAHO CODE, TO REPLACE A REFERENCE
11 TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCA-
12 TION; AMENDING SECTION 33-123, IDAHO CODE, TO REPLACE REFERENCES TO
13 PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCATION;
14 AMENDING SECTION 33-1002G, IDAHO CODE, TO REPLACE REFERENCES TO PRO-
15 FESSONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCATION AND TO
16 REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 33-1252, IDAHO CODE, TO RE-
17 PLACE REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECH-
18 NICAL EDUCATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
19 33-1629, IDAHO CODE, TO REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL
20 EDUCATION WITH CAREER TECHNICAL EDUCATION; AMENDING SECTION 33-2110,
21 IDAHO CODE, TO REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION
22 WITH CAREER TECHNICAL EDUCATION AND TO MAKE TECHNICAL CORRECTIONS;
23 AMENDING SECTION 33-2202, IDAHO CODE, TO REPLACE REFERENCES TO PROFES-
24 SIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCATION AND TO MAKE
25 TECHNICAL CORRECTIONS; AMENDING SECTION 33-2203, IDAHO CODE, TO RE-
26 PLACE REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECH-
27 NICAL EDUCATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
28 33-2204, IDAHO CODE, TO REPLACE A REFERENCE TO PROFESSIONAL-TECHNICAL
29 EDUCATION WITH CAREER TECHNICAL EDUCATION; AMENDING SECTION 33-2205,
30 IDAHO CODE, TO REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION
31 WITH CAREER TECHNICAL EDUCATION; AMENDING SECTION 33-2206, IDAHO CODE,
32 TO REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER
33 TECHNICAL EDUCATION; AMENDING SECTION 33-2207, IDAHO CODE, TO REPLACE
34 REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL
35 EDUCATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION
36 33-2208, IDAHO CODE, TO REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL
37 EDUCATION WITH CAREER TECHNICAL EDUCATION AND TO MAKE TECHNICAL
38 CORRECTIONS; AMENDING SECTION 33-2209, IDAHO CODE, TO REPLACE A REF-
39 ERENCE TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL
40 EDUCATION; AMENDING SECTION 33-2210, IDAHO CODE, TO REPLACE REFERENCES
41 TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCATION;
42 AMENDING SECTION 33-2211, IDAHO CODE, TO REPLACE REFERENCES TO PRO-
43 FESSONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCATION AND TO
44 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2212, IDAHO CODE, TO
45

1 REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER
2 TECHNICAL EDUCATION; AMENDING SECTION 33-2303, IDAHO CODE, TO REPLACE
3 REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL
4 EDUCATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2306,
5 IDAHO CODE, TO REPLACE A REFERENCE TO PROFESSIONAL-TECHNICAL EDUCA-
6 TION WITH CAREER TECHNICAL EDUCATION; AMENDING SECTION 33-3726, IDAHO
7 CODE, TO REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH
8 CAREER TECHNICAL EDUCATION; AMENDING SECTION 33-3727, IDAHO CODE, TO
9 REPLACE A REFERENCE TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER
10 TECHNICAL EDUCATION; AMENDING SECTION 33-4303, IDAHO CODE, TO REPLACE
11 A REFERENCE TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECH-
12 NICAL EDUCATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
13 33-4603, IDAHO CODE, TO REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL
14 EDUCATION WITH CAREER TECHNICAL EDUCATION; AMENDING SECTION 33-4803,
15 IDAHO CODE, TO REPLACE A REFERENCE TO PROFESSIONAL-TECHNICAL EDU-
16 CATION WITH CAREER TECHNICAL EDUCATION; AMENDING SECTION 33-4901,
17 IDAHO CODE, TO REPLACE A REFERENCE TO PROFESSIONAL-TECHNICAL EDUCA-
18 TION WITH CAREER TECHNICAL EDUCATION; AMENDING SECTION 33-4902, IDAHO
19 CODE, TO REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH
20 CAREER TECHNICAL EDUCATION; AMENDING SECTION 33-4903, IDAHO CODE,
21 TO REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH CA-
22 REER TECHNICAL EDUCATION; AMENDING SECTION 33-4904, IDAHO CODE, TO
23 REPLACE A REFERENCE TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER
24 TECHNICAL EDUCATION; AMENDING SECTION 33-4905, IDAHO CODE, TO REPLACE
25 A REFERENCE TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECH-
26 NICAL EDUCATION; AMENDING SECTION 33-4906, IDAHO CODE, TO REPLACE A
27 REFERENCE TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL
28 EDUCATION; AMENDING SECTION 33-5202A, IDAHO CODE, TO REPLACE REF-
29 ERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL
30 EDUCATION; AMENDING SECTION 33-5215, IDAHO CODE, TO REPLACE REFERENCES
31 TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCA-
32 TION; AMENDING SECTION 39-5002, IDAHO CODE, TO REPLACE A REFERENCE TO
33 PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCATION;
34 AMENDING SECTION 39-5009, IDAHO CODE, TO REPLACE A REFERENCE TO PROFES-
35 SIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCATION; AMENDING
36 SECTION 46-314, IDAHO CODE, TO REPLACE A REFERENCE TO VOCATIONAL EDU-
37 CATION WITH CAREER TECHNICAL EDUCATION; AMENDING SECTION 49-304, IDAHO
38 CODE, TO REPLACE A REFERENCE TO PROFESSIONAL-TECHNICAL EDUCATION WITH
39 CAREER TECHNICAL EDUCATION; AMENDING SECTION 49-313, IDAHO CODE, TO
40 REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER
41 TECHNICAL EDUCATION; AMENDING SECTION 49-314, IDAHO CODE, TO REPLACE
42 A REFERENCE TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL
43 EDUCATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1007,
44 IDAHO CODE, TO REPLACE A REFERENCE TO PROFESSIONAL-TECHNICAL EDUCATION
45 WITH CAREER TECHNICAL EDUCATION AND TO MAKE A TECHNICAL CORRECTION;
46 AMENDING SECTION 54-5003, IDAHO CODE, TO REPLACE REFERENCES TO PRO-
47 FESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCATION AND TO
48 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-5303, IDAHO CODE, TO
49 REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER
50 TECHNICAL EDUCATION; AMENDING SECTION 72-501A, IDAHO CODE, TO REPLACE

1 A REFERENCE TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL
2 EDUCATION; AND AMENDING SECTION 72-1347B, IDAHO CODE, TO REPLACE
3 A REFERENCE TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL
4 EDUCATION AND TO MAKE TECHNICAL CORRECTIONS.

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

6 SECTION 1. That Section 5-343, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 5-343. IMMUNITY OF COLLEGES AND UNIVERSITIES ALLOWING FIREARMS. No
9 action shall lie or be maintained for civil damages in any court of this
10 state against the board of regents of the university of Idaho, the boards of
11 trustees of the state colleges and universities, a dormitory housing com-
12 mission, the board of ~~professional-~~ for career technical education or the
13 boards of trustees of each of the community colleges established under chap-
14 ter 21, title 33, Idaho Code, where the claim arises out of the policy of the
15 board or commission to either specifically allow or not prohibit the lawful
16 possession and storage of firearms on its property.

17 SECTION 2. That Section 15-12-213, Idaho Code, be, and the same is
18 hereby amended to read as follows:

19 15-12-213. PERSONAL AND FAMILY MAINTENANCE. (1) Unless a power of at-
20 torney otherwise provides, language in a power of attorney granting general
21 authority with respect to personal and family maintenance authorizes the
22 agent to:

23 (a) Perform the acts necessary to maintain the customary standard of
24 living of the principal, the principal's spouse, and the following
25 individuals, whether living when the power of attorney is executed or
26 later born:

27 (i) The principal's children;

28 (ii) Other individuals legally entitled to be supported by the
29 principal; and

30 (iii) Those individuals whom the principal has customarily sup-
31 ported or indicated the intent to support;

32 (b) Make periodic payments of child support and other family main-
33 tenance required by a court or governmental agency or an agreement to
34 which the principal is a party;

35 (c) Provide living quarters for those individuals described in para-
36 graph (a) of this subsection by purchase, lease or other contract or
37 pay the operating costs, including interest, amortization payments,
38 repairs, improvements and taxes, on premises owned by the principal or
39 occupied by those individuals;

40 (d) Provide normal domestic help, usual vacations and travel expenses,
41 and funds for shelter, clothing, food, appropriate education, includ-
42 ing postsecondary and ~~professional-~~ career technical education and
43 other current living costs for those individuals described in paragraph
44 (a) of this subsection;

45 (e) Pay expenses for necessary health care and custodial care on behalf
46 of the individuals described in paragraph (a) of this subsection;

1 (f) Act as the principal's personal representative pursuant to the
 2 health insurance portability and accountability act, sections 1171
 3 through 1179 of the social security act, 42 U.S.C. section 1320d through
 4 1320d-8, as amended, and applicable regulations, in making decisions
 5 related to the past, present or future payment for the provision of
 6 health care consented to by the principal or anyone authorized under the
 7 law of this state to consent to health care on behalf of the principal;

8 (g) Continue any provision made by the principal for automobiles or
 9 other means of transportation, including registering, licensing, in-
 10 suring and replacing them for the individuals described in paragraph
 11 (a) of this subsection;

12 (h) Maintain credit and debit accounts for the convenience of the indi-
 13 viduals described in paragraph (a) of this subsection and open new ac-
 14 counts to accomplish a lawful purpose; and

15 (i) Continue payments incidental to the membership or affiliation of
 16 the principal in a religious institution, club, society, order or other
 17 organization or to continue contributions to those organizations.

18 (2) Authority with respect to personal and family maintenance is nei-
 19 ther dependent upon, nor limited by, authority that an agent may or may not
 20 have with respect to gifts under this chapter.

21 SECTION 3. That Section 18-3309, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 18-3309. AUTHORITY OF GOVERNING BOARDS OF PUBLIC COLLEGES AND UNI-
 24 VERSITIES REGARDING FIREARMS. (1) The board of regents of the university
 25 of Idaho, the boards of trustees of the state colleges and universities,
 26 the board for ~~professional-~~ career technical education and the boards of
 27 trustees of each of the community colleges established under chapter 21,
 28 title 33, Idaho Code, hereby have the authority to prescribe rules and regu-
 29 lations relating to firearms.

30 (2) Notwithstanding any other provision of state law, this authority
 31 shall not extend to regulating or prohibiting the otherwise lawful posses-
 32 sion, carrying or transporting of firearms or ammunition by persons licensed
 33 under section 18-3302H or 18-3302K, Idaho Code.

34 (a) However, a person issued a license under the provisions of section
 35 18-3302H or 18-3302K, Idaho Code, shall not carry a concealed weapon:

36 (i) Within a student dormitory or residence hall; or

37 (ii) Within any building of a public entertainment facility, pro-
 38 vided that proper signage is conspicuously posted at each point of
 39 public ingress to the facility notifying attendees of any restric-
 40 tion on the possession of firearms in the facility during the game
 41 or event.

42 (b) As used in this section:

43 (i) "Public entertainment facility" means an arena, stadium,
 44 amphitheater, auditorium, theater or similar facility with a
 45 seating capacity of at least one thousand (1,000) persons that
 46 is owned or operated by the board of regents of the university of
 47 Idaho, a board of trustees of a state college or university, the
 48 state board for ~~professional-~~ career technical education or a
 49 board of trustees of a community college established under chapter

1 21, title 33, Idaho Code, that is primarily designed and used for
 2 artistic, theatrical, cultural, charitable, musical, sporting or
 3 entertainment events, but does not include publicly accessible
 4 outdoor grounds or rights-of-way appurtenant to the facility, in-
 5 cluding parking lots within the facility used for the parking of
 6 motor vehicles.

7 (ii) "Student dormitory or residence hall" means a building owned
 8 or operated by the board of regents of the university of Idaho,
 9 a board of trustees of a state college or university, the state
 10 board for ~~professional-~~ career technical education or a board
 11 of trustees of a community college established under chapter 21,
 12 title 33, Idaho Code, located on or within the campus area owned
 13 by the university or college to house persons residing on campus
 14 as students, but does not include off-campus housing or publicly
 15 accessible outdoor grounds or rights-of-way appurtenant to the
 16 building, including parking lots within the building used for the
 17 parking of motor vehicles.

18 (c) The provisions of subsection (2) (a) of this section shall not apply
 19 to the following persons:

20 (i) A person or persons complying with the provisions of section
 21 19-202A, Idaho Code.

22 (ii) A person or an employee who is authorized to carry a firearm
 23 by the university or college board of trustees, board of regents,
 24 governing board or a person or entity with authority over the
 25 building or facility.

26 (iii) A person who possesses a firearm for authorized use in an
 27 approved program, event, activity or other circumstance approved
 28 by a person or entity with authority over the building or facility.

29 (iv) A person who possesses a firearm in a private vehicle while
 30 delivering students, employees or other persons to and from a uni-
 31 versity, college or public entertainment facility.

32 (v) An on-duty or off-duty certified peace officer.

33 (3) Any rule, regulation or policy that is contrary to this section is
 34 null and void.

35 SECTION 4. That Section 33-107B, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 33-107B. BOARD MAY ESTABLISH AN OPTIONAL RETIREMENT PROGRAM FOR COM-
 38 MUNITY COLLEGES AND POSTSECONDARY ~~PROFESSIONAL-~~ CAREER TECHNICAL EDUCATION
 39 INSTITUTIONS. (1) The state board of education may establish an optional re-
 40 tirement program under which contracts providing retirement and death bene-
 41 fits may be purchased for members of the teaching staff and officers of com-
 42 munity colleges and postsecondary ~~professional-~~ career technical education
 43 institutions, including north Idaho college, college of southern Idaho and
 44 eastern Idaho technical college, hired on or after July 1, 1997; provided
 45 however, that no such employee shall be eligible to participate in an op-
 46 tional retirement program unless he would otherwise be eligible for member-
 47 ship in the public employee retirement system of Idaho. The benefits to be
 48 provided for or on behalf of participants in an optional retirement program
 49 shall be provided through annuity contracts or certificates, fixed or vari-

1 able in nature, or a combination thereof, whose benefits are owned by the
2 participants in the program.

3 (2) The state board of education is hereby authorized to provide for the
4 administration of the optional retirement program and to perform or autho-
5 rize the performance of such functions as may be necessary for such purposes.
6 The board shall designate the company or companies from which contracts are
7 to be purchased under the optional retirement program and shall approve the
8 form and contents of such contracts. In making the designation and giving
9 approval, the board shall consider:

10 (a) The nature and extent of the rights and benefits to be provided by
11 such contracts for participants and their beneficiaries;

12 (b) The relation of such rights and benefits to the amount of contribu-
13 tions to be made;

14 (c) The suitability of such rights and benefits to the needs of the par-
15 ticipants and the interests of the institutions in the recruitment and
16 retention of staff members; and

17 (d) The ability of the designated company to provide such suitable
18 rights and benefits under such contracts.

19 (3) Elections to participate in an optional retirement program shall be
20 as follows:

21 (a) Eligible employees are the teaching staff and officers initially
22 appointed or hired on or after the effective date of this chapter. All
23 eligible employees, except those who are vested members of the public
24 employee retirement system of Idaho, shall participate in the optional
25 retirement program.

26 (b) Eligible employees who are vested members of the public employee
27 retirement system of Idaho may make a one (1) time irrevocable election
28 to transfer to the optional retirement program. The election shall be
29 made in writing and within sixty (60) days of the date of initial hire or
30 appointment, or one hundred fifty (150) days after the effective date of
31 this chapter, whichever occurs later. The election shall be filed with
32 the administrative officer of the employing institution. The election
33 shall be effective not later than the first day of the second pay period
34 following the date of the election.

35 (c) Teaching staff and officers employed by the institution the day
36 before the effective date of this chapter may make a one (1) time ir-
37 revocable election to participate in the optional retirement program.
38 The election shall be made in writing and within one hundred fifty (150)
39 days after the effective date of this chapter. The election shall be
40 filed with the administrative officer of the employing institution.
41 The election shall be effective not later than the first day of the sec-
42 ond pay period following the date of the election.

43 (d) The accumulated contributions of employees who make the one (1)
44 time irrevocable election or are required to participate in the op-
45 tional retirement program may be transferred by the public employee
46 retirement system of Idaho to such qualified plan, maintained under the
47 optional retirement program, as designated in writing by the employee.

48 (e) An election by an eligible employee of the optional retirement pro-
49 gram shall be irrevocable and shall be accompanied by an appropriate ap-

1 plication, where required, for issuance of a contract or contracts un-
2 der the program.

3 (4) (a) Each institution shall contribute on behalf of each participant
4 in its optional retirement program the following:

5 (i) To the designated company or companies, an amount equal to
6 seven and eighty-one hundredths percent (7.81%) of each partici-
7 pant's salary, reduced by any amount necessary, if any, to provide
8 contributions to a total disability program provided either by the
9 state or by a private insurance carrier licensed and authorized to
10 provide such benefits, or any combination thereof, but in no event
11 less than five percent (5%) of each participant's salary;

12 (ii) To the public employee retirement system, an amount equal to
13 three and eighty-three hundredths percent (3.83%) of salaries of
14 members who are participants in the optional retirement program.
15 This amount shall be paid until July 1, 2011, and is in lieu of
16 amortization payments and withdrawal contributions required pur-
17 suant to chapter 13, title 59, Idaho Code; and

18 (iii) Effective on and after July 1, 2011, the institutional con-
19 tribution optional retirement program rate shall be equal to the
20 PERSI contribution rates.

21 (b) For the purposes of section 59-1322, Idaho Code, the term "pro-
22 jected salaries" shall include the sum of the annual salaries of all
23 participants in the optional retirement program established pursuant
24 to this section.

25 (c) Each participant shall contribute an amount equal to six and
26 ninety-seven hundredths percent (6.97%). Employee contributions may
27 be made by employer pick-up pursuant to section 59-1332, Idaho Code.

28 (5) Any person participating in the optional retirement program shall
29 be ineligible for membership in the public employee retirement system of
30 Idaho so long as he remains continuously employed in any teaching staff posi-
31 tion or as an officer with any of the institutions under the jurisdiction of
32 the state board of education.

33 (6) A retirement, death or other benefit shall not be paid by the state
34 of Idaho or the state board of education for services credited under the
35 optional retirement program. Such benefits are payable to participants or
36 their beneficiaries only by the designated company or companies in accor-
37 dance with the terms of the contracts.

38 SECTION 5. That Section 33-107D, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 33-107D. CAMPUS ACCESS FOR RELIGIOUS STUDENTS. (1) No state postsec-
41 ondary educational institution shall take any action or enforce any policy
42 that would deny a religious student group any benefit available to any other
43 student group based on the religious student group's requirement that its
44 leaders adhere to its sincerely held religious beliefs or standards of con-
45 duct.

46 (2) As used in this section:

47 (a) "Benefits" include without limitation:

48 (i) Recognition;

49 (ii) Registration;

1 (iii) The use of facilities at the state postsecondary educational
2 institution for meetings or speaking purposes;

3 (iv) The use of channels of communication of the state postsec-
4 ondary educational institution; and

5 (v) Funding sources that are otherwise available to any other
6 student group through the state postsecondary educational insti-
7 tution.

8 (b) "State postsecondary educational institution" means a public post-
9 secondary organization governed or supervised by the state board, the
10 board of regents of the university of Idaho, a board of trustees of a
11 community college established pursuant to the provisions of chapter 21,
12 title 33, Idaho Code, or the state board for ~~professional-~~ career tech-
13 nical education.

14 SECTION 6. That Section 33-123, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 33-123. EDUCATION FOR INMATES UNDER JURISDICTION OF DEPARTMENT OF
17 CORRECTION. The state board for ~~professional-~~ career technical education,
18 in cooperation with the state board of correction, shall have prepared suit-
19 able courses of study, including ~~professional-~~ career technical training,
20 for prisoners held under the jurisdiction of the department of correction,
21 and the state board of correction shall make arrangements carrying into
22 effect all provisions for the education of prisoners who are under the ju-
23 risdiction of the department of correction to the extent possible within the
24 limits of moneys appropriated by the state legislature. Such educational
25 opportunities shall be limited to those inmates who have a need, such need
26 to be determined by the staff of the department of correction, and can bene-
27 fit from training, and those inmates whose degree of custody classification
28 allows participation in the classroom environment provided.

29 SECTION 7. That Section 33-1002G, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 33-1002G. ~~PROFESSIONAL-~~ CAREER TECHNICAL SCHOOL ADDED COST
32 UNITS. School districts may establish ~~professional-~~ career technical
33 schools that qualify for funding appropriated for the specific purpose
34 of supporting the added cost of ~~professional-~~ career technical schools.
35 These funds will be appropriated to the state board for ~~professional-~~ career
36 technical education, to be expended by the division of ~~professional-~~ career
37 technical education. The amount of the ~~professional-~~ career technical
38 school added cost unit would be calculated as an additional .33 secondary
39 units based on full-time equivalent average daily attendance at an approved
40 ~~professional-~~ career technical school. In order for a school to qualify for
41 funding as a ~~professional-~~ career technical school, it must make application
42 to the division of ~~professional-~~ career technical education on or before
43 the first Friday in July for the following fiscal year. ~~For fiscal year~~
44 ~~1999, applications must be made by May 1.~~ All school programs must have a
45 ~~professional-~~ career technical component and meet at least four (4) of the
46 five (5) following criteria:

1 (1) The school serves students from two (2) or more high school atten-
2 dance zones with a minimum of fifteen percent (15%) of the total student body
3 residing in attendance zones apart from the attendance zone of the majority
4 of students.

5 (2) The school offers a majority of its class offerings as dual credit
6 opportunities in conjunction with an accredited institution of higher edu-
7 cation.

8 (3) All school programs involve at least one (1) supervised field expe-
9 rience.

10 (4) The school is administered and funded as a distinct school sepa-
11 rate from schools that qualify for computation as regular secondary support
12 units.

13 (5) The school is to be located at a separate site from regular high
14 school facilities.

15 Hardship exemptions for the separate site requirement may be granted by the
16 state board of education.

17 For funding purposes, students in attendance at a qualifying
18 ~~professional-~~ career technical school will be reported in full or half days.
19 The state board of education will develop rules that will determine funding
20 in instances where students attend a ~~professional-~~ career technical school
21 on a regular basis, but in increments of time that total less than 2.5 hours
22 per day.

23 SECTION 8. That Section 33-1252, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 33-1252. PROFESSIONAL STANDARDS COMMISSION -- MEMBERS -- APPOINT-
26 MENT -- TERMS. (1) A professional standards commission is hereby created
27 in the department of education, consisting of eighteen (18) members, one
28 (1) of whom shall be a member of the staff of the state department of edu-
29 cation, and one (1) of whom shall be a member of the staff of the division
30 of ~~professional-~~ career technical education, to be appointed by the state
31 board of education. The members shall be representative of the teaching
32 profession of the state of Idaho, and not less than seven (7) members shall be
33 certificated classroom teachers in the public school system of the state and
34 shall include at least one (1) teacher of exceptional children and at least
35 one (1) teacher in pupil personnel services. Such expansion of membership
36 on the professional standards commission shall not require reaffirmation of
37 the codes and standards of ethics and rules of procedure used by the profes-
38 sional standards commission.

39 (2) Except for the member from the staff of the state department of edu-
40 cation, and the member from the staff of the division of ~~professional-~~ career
41 technical education, three (3) nominees for each position on the commission
42 shall be submitted to the state superintendent of public instruction, for
43 the consideration of the state board of education. Any state organization of
44 teachers whose membership is open to all certificated teachers in the state
45 may submit nominees for positions to be held by classroom teachers; the Idaho
46 association of school superintendents may submit nominees for one (1) posi-
47 tion, the Idaho association of secondary school principals may submit nomi-
48 nees for one (1) position; the Idaho association of elementary school prin-
49 cipals may submit nominees for one (1) position; the Idaho school boards as-

1 society may submit nominees for one (1) position; the Idaho association of
 2 special education administrators may submit nominees for one (1) position;
 3 the education departments of the private colleges of the state may submit
 4 nominees for one (1) position, the community colleges and the education de-
 5 partments of the public institutions of higher education may submit nominees
 6 for two (2) positions, and the colleges of letters and sciences of the insti-
 7 tutions of higher education may submit nominees for one (1) position.

8 (3) The state board of education shall appoint or reappoint members of
 9 the commission for terms of three (3) years.

10 SECTION 9. That Section 33-1629, Idaho Code, be, and the same is hereby
 11 amended to read as follows:

12 33-1629. AGRICULTURAL AND NATURAL RESOURCE EDUCATION PROGRAMS. (1)
 13 Idaho Quality Program Standards Incentive Grants.

14 (a) The board for ~~professional-~~ career technical education shall adopt
 15 and implement Idaho quality program standards for agricultural and
 16 natural resource education programs offered in any grade 9 through
 17 12. Such standards shall apply to the areas of instruction, curriculum
 18 development, advisory committees, student development and community
 19 development. Such standards shall be used to assess the quality of lo-
 20 cal programs and to set goals for continued program improvement.

21 (b) The board for ~~professional-~~ career technical education shall es-
 22 tablish and administer an incentive grant program for instructors of
 23 agricultural and natural resource education programs offered in any
 24 grade 9 through 12 where such programs meet or exceed the applicable
 25 Idaho quality program standards as determined by the board. A district
 26 may apply to the board, on behalf of an instructor, for a grant provided
 27 for in this subsection. The board shall develop an application form and
 28 criteria to judge each application for the grant program. Grant awards
 29 shall be made by the board to instructors of programs that meet or exceed
 30 the criteria established by the board. The maximum amount of an incen-
 31 tive grant as provided for in this section shall be ten thousand dollars
 32 (\$10,000).

33 (c) There is hereby created in the state treasury the quality program
 34 standards incentive grant fund, to which shall be credited all moneys
 35 both public and private that may be appropriated, allocated, donated,
 36 distributed to or otherwise provided for by law. Moneys in the fund
 37 shall be used exclusively for incentive grants as provided for in this
 38 subsection. Moneys in the fund shall be continuously appropriated for
 39 the purposes of this incentive grant program. All idle moneys in the
 40 fund shall be invested by the state treasurer in a like manner as pro-
 41 vided for in section 67-1210, Idaho Code, with respect to other surplus
 42 or idle moneys in the state treasury. Interest earned on the invest-
 43 ments shall be returned to the fund.

44 (d) The board for ~~professional-~~ career technical education shall in its
 45 annual budget request to the legislature request funding for the grant
 46 program provided for in this section.

47 (e) The board for ~~professional-~~ career technical education shall adopt
 48 rules to implement the grant program established by this subsection.

49 (2) Agricultural Education Program Start-Up Grants.

1 (a) The board for ~~professional-~~ career technical education shall es-
2 tablish and administer a start-up grant program for school districts
3 and public charter schools to begin or to re-establish an agricultural
4 and natural resource education program in any grade 9 through 12.

5 (b) The board shall develop an application form and criteria to judge
6 each application for a start-up grant. Any school district or public
7 charter school may apply for a start-up grant.

8 (c) There shall be no more than four (4) start-up grants awarded per
9 school year. The maximum award for any one (1) start-up grant shall be
10 twenty-five thousand dollars (\$25,000).

11 (d) There is hereby created in the state treasury the agricultural and
12 natural resource education program start-up grant fund, to which shall
13 be credited all moneys both public and private that may be appropriated,
14 allocated, donated, distributed to or otherwise provided for by law.
15 Moneys in the fund shall be used exclusively for start-up grants as pro-
16 vided for in this subsection. Moneys in the fund shall be continuously
17 appropriated for the purposes of this start-up grant program. All idle
18 moneys in the fund shall be invested by the state treasurer in a like
19 manner as provided for in section 67-1210, Idaho Code, with respect to
20 other surplus or idle moneys in the state treasury. Interest earned on
21 the investments shall be returned to the fund.

22 (e) The board for ~~professional-~~ career technical education shall in its
23 annual budget request to the legislature request funding for the grant
24 program provided for in this subsection.

25 (f) The board for ~~professional-~~ career technical education shall adopt
26 rules to implement the grant program established by this subsection.

27 (3) The provisions of this section shall apply to agricultural and nat-
28 ural resource education programs provided for in grades 9 through 12.

29 SECTION 10. That Section 33-2110, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 33-2110. TUITION. (1) All students of a community college shall pay
32 tuition that shall be fixed annually by the board of trustees not later than
33 the 1st day of August of each year. The tuition for full-time students taking
34 normal academic courses provided by the college, who are residents of the
35 district, shall be fixed at not less than three hundred fifty dollars (\$350)
36 per annum, and may be increased by increments of not more than ten percent
37 (10%) per annum to a maximum tuition of two thousand five hundred dollars
38 (\$2,500) per annum. The tuition shall be, as nearly as is practicable, the
39 annual costs of all elements of providing the courses of instruction, in-
40 cluding interest on general obligation bonds, teaching, administration,
41 maintenance, operation and depreciation of equipment and buildings, sup-
42 plies and fuel, and other ordinary and necessary expenses of operation
43 incurred in providing courses by the community college, provided that the
44 tuition of students residing outside the district but within the county or
45 counties wherein the district is located shall be fixed after taking into
46 account moneys received by the community college district from any funds
47 allocated to the community college from the educational funds of the state of
48 Idaho, other than allocations for ~~professional-~~ career technical education;
49 and provided that the tuition of students residing outside the district and

1 the county but within the state of Idaho shall be fixed after taking into
2 account moneys received from educational funds other than ~~professional-~~
3 ~~career~~ technical moneys, as referred to in this chapter, from the state of
4 Idaho. Receipt of moneys, as hereinbefore provided in this section, shall
5 be based upon the receipts from the sources referred to during the fiscal
6 year preceding the fixing of the tuition. A student in a community college
7 shall not be deemed a resident of the district or of the county or of the state
8 of Idaho, unless that student is deemed a resident as defined by section
9 33-2110B, Idaho Code, for the district, county or state prior to the date of
10 his first enrollment in the community college, and no student who was not a
11 resident of the district, county or state shall gain residence while attend-
12 ing and enrolled in the community college. The residence of a minor shall
13 be deemed to be the residence of his parents or parent or guardian. Tuition
14 shall be payable in advance, but the board may, in its discretion, permit
15 tuition to be paid in installments.

16 (2) The board of trustees shall also fix fees for laboratory and other
17 special services provided by the community college and for special courses,
18 including, but not limited to, night school, off-campus courses, summer
19 school, ~~professional-~~ ~~career~~ technical courses, as otherwise provided in
20 this chapter, and other special instruction provided by the community col-
21 lege and nothing in this chapter shall be deemed to control the amount of
22 tuition for special courses or fees for special services, as herein pro-
23 vided, but the same shall be, as nearly as reasonable, sufficient to cover
24 the cost of all elements of providing courses as above defined.

25 (3) In this chapter, unless the context requires otherwise, the follow-
26 ing definitions shall be uniformly applied. The application of these defi-
27 nitions shall be retroactive and prospective.

28 (a) "Fees" shall include all charges imposed by the governing body, to
29 students, as a whole or individually, in excess of tuition. Student
30 fees may be imposed for special courses, instruction, and service:

31 (i) "Special course or instruction fee" means those fees charged
32 for any class or educational endeavor ~~which shall have that has~~
33 unique costs beyond a traditional college lecture class; for ex-
34 ample, foreign language audio or visual instruction, specialized
35 musical instruction, computer class, art class involving sup-
36 plies or audiovisual equipment, ~~professional-~~ ~~career~~ technical
37 instruction, laboratory class, remedial instruction, team teach-
38 ing, satellite transmissions, outside instructor, professionally
39 assisted instruction, etc.

40 (ii) "Special service fee" means those fees charged for activ-
41 ity, benefit, or assistance offered to students which is beyond
42 traditional classroom instruction; for example, student govern-
43 ment support, providing of student health staff or facilities,
44 student union support, intramural and intercollegiate athletics,
45 recreational opportunities, financial aid services, graduation
46 expense, automobile parking, student yearbook/publication, in-
47 surance, registration, noncapital library user fee, etc.

48 Fees shall not be imposed for any capital improvements except as specif-
49 ically authorized in chapter 21, title 33, Idaho Code.

1 (b) "Tuition" ~~shall~~ means a sum charged students for cost of college in-
2 struction and shall include costs associated with maintenance and oper-
3 ation of physical plant, student services and institutional support.

4 SECTION 11. That Section 33-2202, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 33-2202. STATE BOARD FOR ~~PROFESSIONAL- CAREER~~ TECHNICAL EDUCATION --
7 POWERS AND DUTIES. (1) The state board of education is hereby designated as
8 the state board for ~~professional- career~~ technical education for the pur-
9 pose of carrying into effect the provisions of the federal act, known as the
10 Smith-Hughes Act, amendments thereto, and any subsequent acts now or in
11 the future enacted by the Congress affecting vocational education, and is
12 hereby authorized to cooperate with the United States office of education,
13 vocational division, or any other agency of the United States designated
14 to administer such legislation, in the administration and enforcement of
15 the provisions of said act, or acts, and to exercise such powers and per-
16 form such acts as are necessary to entitle the state of Idaho to receive the
17 benefits of the same, and to execute the laws of the state of Idaho relative
18 to ~~professional- career~~ technical education; to administer the funds pro-
19 vided by the federal government and the state of Idaho under the provisions
20 of this chapter for promotion of education in agricultural subjects, trade
21 and industrial subjects, home economics subjects and other subjects autho-
22 rized by the board. Incident to the other powers and duties of the board for
23 ~~professional- career~~ technical education, the board may hold title to real
24 property.

25 (2) As used in this title, unless otherwise specifically defined, the
26 term "~~professional-career~~ technical education" means secondary, postsec-
27 ondary and adult courses, programs, training and services administered by
28 the division of ~~professional- career~~ technical education for occupations
29 or careers that require other than a baccalaureate, master's or doctoral
30 degree. The courses, programs, training and services include, but are not
31 limited to, vocational, technical and applied technology education. They
32 are delivered through the ~~professional- career~~ technical delivery system of
33 public secondary and postsecondary schools and colleges.

34 SECTION 12. That Section 33-2203, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 33-2203. FURTHER POWERS OF BOARD. ~~It~~ The board shall have full power
37 to formulate plans for the promotion of ~~professional- career~~ technical edu-
38 cation in such subjects as are an essential and integral part of the public
39 school system of the state of Idaho, and to provide for the preparation of
40 teachers of such subjects. It shall have full power to fix the compensation
41 of such officials and assistants as may be necessary to administer the fed-
42 eral act herein referred to, and to pay such compensation and other necessary
43 expenses of administration from funds appropriated in this chapter and from
44 money received under the provisions of the federal act. It shall have au-
45 thority to make studies and investigations relating to ~~professional- career~~
46 technical education in such subjects, to promote and aid in the establish-
47 ment of local communities of schools, departments or classes, giving train-

1 ing in such subjects; to cooperate with the local communities in the mainte-
2 nance of such schools, departments or classes; to prescribe qualifications
3 for teachers, directors and supervisors for such subjects, and to have full
4 authority to provide for the certification of such teachers, directors and
5 supervisors, subject to the laws and rules governing the state board of edu-
6 cation; to cooperate in the maintenance of classes supported and controlled
7 by the public for the preparation of teachers, directors and supervisors of
8 such subjects, or to maintain such classes under its own direction and con-
9 trol; and to establish and determine by general rule the qualifications to be
10 possessed by persons engaged in the training of ~~professional-~~ career techni-
11 cal teachers.

12 SECTION 13. That Section 33-2204, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 33-2204. MEETINGS OF STATE BOARD. The state board of education, when
15 acting as the state board for ~~professional-~~ career technical education,
16 shall hold four (4) regular meetings annually at such time and place as may be
17 directed by said board, but special meetings may be called at any time and at
18 a place designated in said call by the president.

19 SECTION 14. That Section 33-2205, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 33-2205. STATE BOARD TO APPOINT ADMINISTRATOR -- DESIGNATION OF AS-
22 SISTANTS -- DIVISION OF ~~PROFESSIONAL-~~ CAREER TECHNICAL EDUCATION -- DUTIES
23 AND POWERS. (1) The state board of education shall appoint a person to serve
24 as an administrator to the state board for ~~professional-~~ career technical
25 education, who shall be known as the administrator of ~~professional-~~ career
26 technical education. The administrator shall designate, by and with the ad-
27 vice and consent of the state board for ~~professional-~~ career techni-
28 cal education, such assistants as may be necessary to properly carry out the provi-
29 sions of the federal acts and this chapter for the state of Idaho. The ad-
30 ministrator and such assistants shall together be known as the division of
31 ~~professional-~~ career technical education.

32 (2) The administrator of ~~professional-~~ career technical education
33 shall also carry into effect such rules as the state board for ~~professional-~~
34 career technical education may adopt, and shall coordinate all efforts in
35 ~~professional-~~ career technical education approved by the board with the ex-
36 ecutive secretary, and shall prepare such reports concerning the condition
37 of ~~professional-~~ career technical education in the state as the state board
38 for ~~professional-~~ career technical education may require.

39 (3) The division of ~~professional-~~ career technical education shall co-
40 ordinate with the Idaho digital learning academy to provide approved online
41 ~~professional-~~ career technical education courses to any Idaho school dis-
42 trict.

43 (4) The division of ~~professional-~~ career technical education may
44 provide incentives to Idaho public colleges and universities offering
45 ~~professional-~~ career technical programs that, in coordination with the
46 division, align their foundational courses that are required in the same
47 or substantially similar programs of study so as to achieve uniformity and

1 transferability in the core program requirements at all such public colleges
 2 and universities. The purpose of uniformity is to ensure that postsecondary
 3 credits earned by a student in a ~~professional-~~ career technical education
 4 program will transfer at the full credit value to any public Idaho college or
 5 university in a like program of study and to ensure that such postsecondary
 6 credits will be treated by any such public college or university as satisfy-
 7 ing specific course requirements in the student's program of study.

8 (5) The state board of education may promulgate rules to implement the
 9 provisions of subsections (3) and (4) of this section.

10 SECTION 15. That Section 33-2206, Idaho Code, be, and the same is hereby
 11 amended to read as follows:

12 33-2206. REPORTS. The state board for ~~professional-~~ career technical
 13 education shall make annually to the governor and legislature a report of
 14 all moneys expended for ~~professional-~~ career technical education both from
 15 state and federal funds, and shall include such annual report in the annual
 16 report of the state board of education.

17 SECTION 16. That Section 33-2207, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 33-2207. CUSTODY AND DISBURSEMENT OF MONEYS APPROPRIATED. The state
 20 treasurer is hereby designated and appointed custodian of all moneys re-
 21 ceived by the state from the appropriation made by said act of Congress,
 22 and he is authorized to receive and to provide for the proper custody of the
 23 same and to make disbursement thereof in the manner provided in the said
 24 act, and for the purposes therein specified. He shall also pay out any mon-
 25 eys appropriated by the state of Idaho for the promotion of ~~professional-~~
 26 career technical education in accordance with the provisions of sections
 27 33-2201 through 33-2207, Idaho Code, and upon the order of the state board
 28 for ~~professional-~~ career technical education.

29 SECTION 17. That Section 33-2208, Idaho Code, be, and the same is hereby
 30 amended to read as follows:

31 33-2208. EASTERN IDAHO TECHNICAL COLLEGE CREATED. There is hereby
 32 established in Bonneville County, Idaho, a postsecondary technical college
 33 to be designated and known as the Eastern Idaho Technical College, consist-
 34 ing of such ~~professional-~~ career technical training programs, including
 35 academic courses necessarily included in such programs as the state board
 36 for ~~professional-~~ career technical education may, from time to time, autho-
 37 rize.

38 SECTION 18. That Section 33-2209, Idaho Code, be, and the same is hereby
 39 amended to read as follows:

40 33-2209. COLLEGE IS BODY POLITIC AND CORPORATE -- SEAL -- POWER TO
 41 SUE AND BE SUED. The Eastern Idaho Technical College is hereby declared to
 42 be a body politic and corporate, with its own seal and having power to sue
 43 and be sued in its own name. The general supervision, government and con-

1 trol of the Eastern Idaho Technical College is vested in the state board for
2 ~~professional-~~ career technical education of the state of Idaho.

3 SECTION 19. That Section 33-2210, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-2210. PROGRAMS AND COURSES OFFERED -- CERTIFICATES AND DE-
6 GREES. The Eastern Idaho Technical College shall offer and give instruction
7 in ~~professional-~~ career technical programs or courses as approved by the
8 state board for ~~professional-~~ career technical education. Such courses
9 or programs may be given or conducted on or off campus, or in night school,
10 summer school, or by extension courses. The state board for ~~professional-~~
11 career technical education shall grant certificates or associate of applied
12 science degrees for successful completion of courses or programs prescribed
13 by the college.

14 SECTION 20. That Section 33-2211, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 33-2211. POWERS OF STATE BOARD FOR ~~PROFESSIONAL-~~ CAREER TECHNICAL ED-
17 UCATION. The state board for ~~professional-~~ career technical education shall
18 have the power:

19 (1-) To adopt rules for its own government, the government of the East-
20 ern Idaho Technical College and any ~~professional-~~ career technical or voca-
21 tional rehabilitation program, including programs under chapters 22 and 23,
22 title 33, Idaho Code;

23 (2-) To employ professional and nonprofessional persons and to pre-
24 scribe their qualifications;

25 (3-) To acquire and hold, and to dispose of, real and personal property,
26 and to construct, repair, remodel and remove buildings;

27 (4-) To contract for the acquisition, purchase or repair of buildings,
28 in the manner prescribed for trustees of school districts;

29 (5-) To dispose of real and personal property in the manner prescribed
30 for trustees of school districts;

31 (6-) To convey and transfer real property of the college upon which no
32 buildings used for instruction are situated, to nonprofit corporations,
33 school districts, community college housing commissions, counties or munic-
34 ipalities, with or without consideration; to rent real or personal property
35 for the use of the college, its students or faculty, for such terms as may be
36 determined by the state board for ~~professional-~~ career technical education;
37 and to lease real or personal property of the college not actually in use for
38 instructional purposes on such terms as may be determined by the state board
39 for ~~professional-~~ career technical education;

40 (7-) To acquire, hold, and dispose of, water rights;

41 (8-) To accept grants or gifts of money, materials, or property of any
42 kind from any governmental agency, or from any person, firm, or association,
43 on such terms as may be determined by the grantor;

44 (9-) To cooperate with any governmental agency, or any person, firm or
45 association in the conduct of any educational program; to accept grants from
46 any source for the conduct of such program, and to conduct such program on, or
47 off, campus;

1 (10-) To employ a president of the college and, with his advice, to ap-
 2 point such assistants, instructors, specialists and other employees as are
 3 required for the operation of the college; to fix salaries and prescribe du-
 4 ties; and to remove the president or other employees in accordance with the
 5 policies and rules of the state board of education;

6 (11-) With the advice of the president, to prescribe the courses and
 7 programs of study, the requirements for admission, the time and standards
 8 for completion of such courses and programs, and to grant certificates or
 9 associate of applied science degrees for those students entitled thereto;

10 (12-) To employ architects or engineers in planning the construction,
 11 remodeling or repair of any building or property and, whenever no other
 12 agency is designated by law so to do, to let contracts for such construction,
 13 remodeling or repair and to supervise the work thereof; and

14 (13-) To have at all times, ~~general supervision and control of all prop-~~
 15 erty, real and personal, appertaining to the college, and to insure the same.

16 SECTION 21. That Section 33-2212, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 33-2212. CREATION OF ADVISORY COUNCIL -- MEMBERS -- COMPENSATION. The
 19 state board for ~~professional- career~~ technical education may appoint an ad-
 20 visory council consisting of not less than twelve (12) nor more than fifteen
 21 (15) persons to offer counsel and advice in the organization, establishment
 22 and conduct of the Eastern Idaho Technical College. Members of the coun-
 23 cil will serve without salary but shall be compensated as provided by sec-
 24 tion 59-509(b), Idaho Code. Members of said council shall be appointed from
 25 as nearly as is practicable the vocational area to be served by the Eastern
 26 Idaho Technical College as determined by the state board for ~~professional-~~
 27 career technical education.

28 SECTION 22. That Section 33-2303, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 33-2303. POWERS OF BOARD IN CARRYING OUT PROVISIONS. (1) The board
 31 heretofore designated as the state board for ~~professional- career~~ technical
 32 education is hereby designated as the state board for the purpose of provid-
 33 ing for the vocational rehabilitation of persons with disabilities, other
 34 than those who are legally blind, and is empowered and directed to cooperate
 35 in the administration of said act of Congress; to prescribe and provide such
 36 courses of vocational services as may be necessary for the vocational reha-
 37 bilitation of persons with disabilities, other than those who are legally
 38 blind, and provide for the supervision of such services; to appoint such as-
 39 sistants as may be necessary to administer this act and said act of Congress
 40 in this state; to fix the compensation of such assistants and to direct the
 41 disbursement and administer the use of all funds provided by the federal
 42 government and the state of Idaho for the vocational rehabilitation of such
 43 persons.

44 (2) In order to provide vocational rehabilitation services, the board
 45 for ~~professional- career~~ technical education may enter into, or authorize a
 46 state vocational rehabilitation agency over which it has oversight to enter
 47 into, agreements with any person, corporation or association, approved by

1 the board for ~~professional-~~ career technical education to provide such ser-
2 vices.

3 (3) Any person, corporation or association may make application to the
4 board for ~~professional-~~ career technical education for approval and cer-
5 tification to provide vocational rehabilitation services. The board for
6 ~~professional-~~ career technical education may either grant or deny certi-
7 fication or revoke certification previously granted after investigation
8 of the applicant, in accordance with standards as set forth in rules pro-
9 mulgated by the board for ~~professional-~~ career technical education, and
10 consistent with national accreditation bodies. The board for ~~professional-~~
11 career technical education may authorize a state vocational rehabilitation
12 agency over which it has oversight to provide the approvals or certifica-
13 tions described in this subsection.

14 SECTION 23. That Section 33-2306, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 33-2306. REPORT OF STATE BOARD. The state board for ~~professional-~~
17 career technical education shall make annually to the governor and legis-
18 lature a report of all moneys expended for the vocational rehabilitation of
19 persons with disabilities, other than those who are legally blind, both from
20 state and federal funds, and shall include such annual report in the annual
21 report of the state board of education.

22 SECTION 24. That Section 33-3726, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 33-3726. HIGHER EDUCATION STABILIZATION FUND. There is hereby created
25 in the state treasury a fund to be known as the higher education stabiliza-
26 tion fund. The higher education stabilization fund shall consist of three
27 (3) separate accounts as follows:

28 (1) An account designated the strategic interest account shall consist
29 of interest earnings from the investment of moneys deposited with the state
30 treasurer into unrestricted current fund 0650-00, as designated by the state
31 controller in the statewide accounting and reporting system. Annually on
32 July 1, or as soon thereafter as is practicable, the state controller shall
33 transfer such interest earnings to the strategic interest account. All mon-
34 eys so transferred shall be expended for the maintenance, use and support
35 of institutions that have deposited moneys into unrestricted current fund
36 0650-00. All such expenditures shall be subject to legislative appropri-
37 ation. Institutions shall receive a pro rata share of a legislative appro-
38 priation based upon the amount of moneys any such institution has deposited
39 into unrestricted current fund 0650-00 in the current fiscal year compared
40 to the total amount deposited by all institutions in the current fiscal year.
41 Interest earned from the investment of moneys in the strategic interest ac-
42 count shall be retained in the strategic interest account.

43 (2) An account designated the surplus stabilization account shall
44 consist of any other moneys made available through legislative transfers,
45 appropriations or otherwise provided by law, or from any other governmen-
46 tal source. All such moneys shall be expended for the maintenance, use and
47 support of institutions named in section 33-3803, Idaho Code. Such expendi-

1 tures shall be made subject to legislative appropriation to the state board
2 of education for college and universities. Distribution of such moneys to
3 institutions shall be based upon the state board of education's established
4 practices for the allocation of moneys to such institutions. Interest
5 earned from the investment of moneys in this surplus stabilization account
6 shall be retained in this surplus stabilization account.

7 (3) An account designated the surplus stabilization account for East-
8 ern Idaho Technical College, North Idaho College, College of Southern Idaho
9 and College of Western Idaho shall consist of any other moneys made available
10 through legislative transfers, appropriations or otherwise provided by law,
11 or from any other governmental source. All such moneys shall be expended for
12 the maintenance, use and support of Eastern Idaho Technical College, North
13 Idaho College, College of Southern Idaho and College of Western Idaho. Such
14 expenditures shall be made subject to legislative appropriation to East-
15 ern Idaho Technical College, through the appropriation to the division of
16 ~~professional-~~ career technical education, and to the community colleges.
17 Distribution of such moneys shall be based upon established practices for
18 the allocation of moneys to Eastern Idaho Technical College through the
19 division of ~~professional-~~ career technical education, or the state board
20 of education's established practices for the allocation of moneys to the
21 community colleges. Interest earned from the investment of moneys in this
22 surplus stabilization account shall be retained in this surplus stabiliza-
23 tion account.

24 SECTION 25. That Section 33-3727, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 33-3727. MILITARY EDUCATION, TRAINING AND SERVICE -- AWARD OF ACA-
27 DEMIC CREDIT -- DEVELOPMENT OF POLICIES. Notwithstanding the provisions of
28 section 33-107(6) (b), Idaho Code, the state board of education, the board
29 of regents of the university of Idaho, a board of trustees of a community
30 college established pursuant to the provisions of section 33-2106, Idaho
31 Code, and the state board for ~~professional-~~ career technical education shall
32 develop policies relating to the award of academic credit for education,
33 training or service completed by an individual as a member of the armed
34 forces or reserves of the United States, the national guard of any state,
35 the military reserves of any state or the naval militia of any state, where
36 such education, training or service is determined to satisfy such estab-
37 lished policies. The boards shall work cooperatively with one another and
38 with other state agencies as needed in the development of such policies. The
39 boards are authorized to adopt rules as necessary for the administration of
40 the provisions of this section.

41 SECTION 26. That Section 33-4303, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 33-4303. IDAHO OPPORTUNITY SCHOLARSHIP. (1) The purposes of this sec-
44 tion are to:

45 (a) Recognize that all Idaho citizens benefit from an educated citi-
46 zenry;

1 (b) Increase individual economic vitality and improve the overall
2 quality of life for many of Idaho's citizens;

3 (c) Provide access to eligible Idaho postsecondary education through
4 funding to remove financial barriers;

5 (d) Increase the opportunity for economically disadvantaged Idaho stu-
6 dents; and

7 (e) Incentivize students to complete a postsecondary education degree
8 or certificate.

9 (2) For the purposes of this section, the following definitions shall
10 apply:

11 (a) "Educational costs" means the dollar amount determined annually
12 by the state board of education as necessary for student tuition, fees,
13 books and such other expenses reasonably related to attendance at an
14 eligible Idaho postsecondary educational institution.

15 (b) "Eligible Idaho postsecondary educational institution" means:
16 A a public postsecondary organization governed or supervised by the
17 state board, the board of regents of the university of Idaho, a board
18 of trustees of a community college established pursuant to the pro-
19 visions of chapter 21, title 33, Idaho Code, or the state board for
20 ~~professional- career~~ technical education or any educational organiza-
21 tion located in Idaho that is:

22 (i) Operated privately;

23 (ii) Classified as not-for-profit under state law;

24 (iii) Under the control of an independent board and not directly
25 controlled or administered by a public or political subdivision;
26 and

27 (iv) Accredited by an organization recognized by the state board
28 as provided in section 33-2402, Idaho Code.

29 (c) "Eligible student" means a student who:

30 (i) Is an Idaho resident as defined in section 33-3717B, Idaho
31 Code;

32 (ii) Has or will graduate from an accredited high school or its
33 equivalent in Idaho as determined by the state board;

34 (iii) Has enrolled or applied to an eligible Idaho postsecondary
35 educational institution;

36 (iv) Is a postsecondary undergraduate student who has not pre-
37 viously completed a baccalaureate (bachelor's) degree or higher;
38 and

39 (v) Meets need and merit criteria as set by the state board.

40 "Eligible student" also means a student who has met the eligibility
41 requirements and was awarded an opportunity scholarship prior to June
42 30, 2014. Continued eligibility shall be based upon the eligibility
43 requirements at the time of the original award.

44 (d) "Opportunity scholarship program" means the scholarship program
45 described in this section and in the rules established by the state
46 board.

47 (e) "Shared model of responsibility" means a model set by the board to
48 determine the required and expected contributions of the student, the
49 student's family and available federal financial aid.

50 (f) "State board" means the state board of education.

1 (3) The state board shall promulgate rules to determine student eligi-
2 bility, academic and financial eligibility, a process for eligible students
3 to apply, amount of awards, how eligible students will be selected and when
4 the awards shall be made, as well as other rules necessary for the adminis-
5 tration of this section.

6 (4) An eligible student must:

7 (a) Apply or have applied for federal student financial assistance
8 available to an eligible student who will attend or is enrolled in an
9 eligible Idaho postsecondary educational institution; and

10 (b) Meet need and merit criteria established by the state board in rule.

11 (5) Funds that are available for the opportunity scholarship program
12 shall be used to provide scholarships based upon a shared model of respon-
13 sibility between the scholarship recipient and the recipient's family,
14 the federal government and the participating eligible Idaho postsecondary
15 educational institution that the recipient attends for covering the educa-
16 tional costs.

17 (6) The opportunity scholarship award shall not exceed the actual edu-
18 cational costs at the eligible Idaho postsecondary educational institution
19 that the student attends. The amount of scholarship shall not exceed the ed-
20 ucational costs established by the state board.

21 (7) Award payments shall be made annually to an eligible Idaho postsec-
22 ondary educational institution. In no instance may the entire amount of an
23 award be paid to or on behalf of such student in advance.

24 (8) If an eligible student becomes ineligible for a scholarship under
25 the provisions of this chapter, or if a student discontinues attendance be-
26 fore the end of any semester, quarter, term or equivalent, covered by the
27 award after receiving payment under this chapter, the eligible Idaho post-
28 secondary educational institution shall remit, up to the amount of any pay-
29 ments made under this program, any prorated tuition or fee balances to the
30 state board.

31 (9) There is hereby created an account in the state treasury to be des-
32 ignated the opportunity scholarship program account.

33 (a) The account shall consist of moneys appropriated to the account by
34 the legislature, moneys contributed to the account from other sources
35 and the earnings on such moneys. The executive director of the state
36 board may receive on behalf of the state board any moneys or real or per-
37 sonal property donated, bequeathed, devised or conditionally granted
38 to the state board for purposes of providing funding for such account.
39 Moneys received directly or derived from the sale of such property shall
40 be deposited by the state treasurer in the account.

41 (b) Earnings from moneys in the account or specified gifts shall be
42 distributed annually to the state board to implement the opportunity
43 scholarship program as provided for under the provisions of this chap-
44 ter.

45 (c) All moneys placed in the account and earnings thereon are hereby
46 perpetually appropriated to the state board for the purpose described
47 in subsection (9) (b) of this section. All expenditures from the account
48 shall be paid out in warrants drawn by the state controller upon presen-
49 tation of the proper vouchers. Up to fifty thousand dollars (\$50,000)
50 of the annual earnings distribution to the state board may be used by the

1 state board annually for administrative costs related to the implemen-
2 tation of the provisions of this chapter.

3 (d) Allowable administrative costs include, but are not limited to, op-
4 erating expenses for the implementation and maintenance of a database,
5 operating expenses to administer the program, personnel costs neces-
6 sary to administer the program and costs related to promoting awareness
7 of the program.

8 (e) Any unused annual funds shall be deposited into the opportunity
9 scholarship program account.

10 (f) Pending use, surplus moneys in the account shall be invested by the
11 state treasurer in the same manner as provided under section 67-1210,
12 Idaho Code. Interest earned on the investments shall be returned to the
13 account.

14 (10) The effectiveness of the Idaho opportunity scholarship will be
15 evaluated by the state board on a regular basis. This evaluation will in-
16 clude annual data collection as well as longer-term evaluations.

17 SECTION 27. That Section 33-4603, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 33-4603. "8 IN 6 PROGRAM." (1) A program is hereby established in the
20 state department of education to be known as the "8 in 6 program."

21 (2) The "8 in 6 program" encourages completion of high school and the
22 first two (2) years of college or ~~professional- career~~ technical preparation
23 in six (6) years instead of eight (8) years, and is accomplished by taking
24 overload courses in addition to a full course load.

25 (3) Participation in the "8 in 6 program" requires parent and student
26 agreement to program requirements and completion of the state department of
27 education's participation form documenting the program requirements. Par-
28 ticipation requirements are as follows:

29 (a) The student take and successfully complete dual credit or
30 ~~professional- career~~ technical education courses for at least a por-
31 tion of the student's courses during the eleventh and/or twelfth grade
32 years, provided that funding for this requirement will not be provided
33 by the "8 in 6 program"; and

34 (b) The student take and successfully complete a full course load and at
35 least one (1) overload course each year.

36 (4) For all students meeting the participation requirements, the state
37 shall pay for:

38 (a) The lesser of the actual cost of each one (1) credit overload course
39 or two hundred twenty-five dollars (\$225);

40 (b) No more than two (2) credits of overload courses per student per
41 semester;

42 (c) No more than four (4) credits of overload courses per student per
43 school year; and

44 (d) No more than eight (8) credits of overload courses per student to-
45 tal.

46 (5) Public schools shall establish timelines and requirements for par-
47 ticipation in the program, including implementing procedures for the appro-
48 priate transcription of credits, reporting of program participation and fi-
49 nancial transaction requirements. Public schools shall make reasonable ef-

1 forts to ensure that any student who considers participating in the program
2 considers the challenges and time necessary to succeed in the program. Such
3 efforts by the district shall be performed prior to a student participating
4 in the program. Policies and procedures for participating in the program es-
5 tablished by the public schools must be such that students have an opportu-
6 nity to participate in the program and meet district established timelines
7 and requirements for financial transactions, transcribing credits and state
8 department of education reporting.

9 (6) Eligible courses. To qualify as an eligible course for the program,
10 the course must be one offered by a provider accredited by the organization
11 that accredits Idaho high schools and be taught by an individual certified to
12 teach the grade and subject area of the course in Idaho.

13 (7) Parents of participating students may enroll their child in any
14 eligible course, with or without the permission of the public school, with
15 the exception of tribal schools, in which the student is enrolled, up to the
16 course enrollment limits provided for in subsection (2) of this section.
17 Tribal school students must follow their schools' enrollment policies and
18 procedures. Public school personnel shall assist parents in the process
19 of enrolling students in such courses. Each participating student's tran-
20 script at the public school at which the student is enrolled shall include
21 the credits earned and grades received by the student for any overload
22 courses taken pursuant to this section. For an eligible course to be tran-
23 scribed as meeting the requirements of a core subject as identified in Idaho
24 administrative rule, the course must meet the approved content standards for
25 the applicable subject and grade level.

26 SECTION 28. That Section 33-4803, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 33-4803. DEFINITIONS. As used in this chapter:

29 (1) "Educational segments" are, individually, the public elementary
30 and secondary school system, the Idaho bureau of educational services for
31 the deaf and the blind, the ~~professional-~~ career technical education sys-
32 tem, the commission for libraries, the state historical society, Idaho pub-
33 lic television, the community colleges, the four-year colleges and univer-
34 sities, the state department of education and the office of the state board
35 of education.

36 (2) "Libraries" means district, city, school/community libraries, and
37 the commission for libraries as described in chapters 25, 26 and 27, title
38 33, Idaho Code.

39 (3) "Technology" means all present and future forms of computer hard-
40 ware, computer software and services used or required for automated data
41 processing, computer-related office automation or telecommunications.

42 (4) "Telecommunications" means all present and future forms of hard-
43 ware, software or services used or required for transmitting voice, data,
44 video or images over a distance.

45 SECTION 29. That Section 33-4901, Idaho Code, be, and the same is hereby
46 amended to read as follows:

1 33-4901. COOPERATION. In conjunction with its supervision of traffic
2 on public highways, the Idaho transportation department is directed to co-
3 operate with the division of ~~professional-~~ career technical education in its
4 establishment of a motorcycle rider safety program for the state of Idaho.

5 SECTION 30. That Section 33-4902, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 33-4902. MOTORCYCLE SAFETY PROGRAM. (1) The division of ~~professional-~~
8 career technical education shall develop standards for, establish and ad-
9 minister the Idaho motorcycle safety program.

10 (2) The division of ~~professional-~~ career technical education shall es-
11 tablish standards for the motorcycle rider training course, including stan-
12 dards for course curriculum and student evaluation and testing, and shall
13 meet or exceed established national standards for motorcycle rider training
14 courses in effect as of September 1, 1994.

15 (3) The program shall include activities to increase motorcyclists'
16 alcohol and drug effects awareness, motorcycle rider improvement efforts,
17 program promotion activities, and other efforts to enhance motorcycle
18 safety through education, including enhancement of public awareness of mo-
19 torcycles.

20 (4) The administrator of the division of ~~professional-~~ career techni-
21 cal education shall appoint a program coordinator to oversee and direct the
22 program.

23 (5) The division of ~~professional-~~ career technical education shall es-
24 tablish standards for the training and approval of motorcycle rider training
25 instructors and skills examiners which shall meet or exceed established na-
26 tional standards for such instructors and skills examiners in effect as of
27 September 1, 1994.

28 SECTION 31. That Section 33-4903, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 33-4903. IMPLEMENTING AUTHORITY. (1) The state board for
31 ~~professional-~~ career technical education shall adopt rules which are
32 necessary to carry out the motorcycle safety program.

33 (2) The division of ~~professional-~~ career technical education may enter
34 into contracts with public or private entities for course delivery and for
35 the provision of services or materials necessary for administration and im-
36 plementation of the program.

37 (3) The division of ~~professional-~~ career technical education may offer
38 motorcycle rider training courses directly and may approve courses offered
39 by public or private entities as authorized program courses if they are ad-
40 ministered and taught in full compliance with standards established for the
41 state program.

42 (4) The division of ~~professional-~~ career technical education may es-
43 tablish reasonable enrollment fees to be charged for persons who participate
44 in a motorcycle rider training course.

45 (5) The division of ~~professional-~~ career technical education may uti-
46 lize available program funds to defray expenses in offering motorcycle rider
47 training courses and may reimburse entities which offer approved courses for

1 the expenses incurred in offering the courses in order to minimize any course
2 enrollment fee charged to the students.

3 SECTION 32. That Section 33-4904, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-4904. MOTORCYCLE SAFETY PROGRAM FUND. (1) The motorcycle safety
6 program fund is established in the state treasury and appropriated on a con-
7 tinual basis to the division of ~~professional-~~ career technical education
8 which shall administer the moneys. Money in the fund shall only be used for
9 administration and implementation of the program, including reimbursement
10 of entities which offer approved motorcycle rider training courses.

11 (2) At the end of each fiscal year, moneys remaining in the motorcycle
12 safety program fund shall be retained in said fund and shall not revert to
13 any other general fund. The interest and income earned on money in the fund,
14 after deducting any applicable charges, shall be credited to and remain in
15 the motorcycle safety program fund.

16 (3) Revenue credited to the fund shall include one dollar (\$1.00) of
17 each fee for a class A, B, C or D driver's license as provided in section
18 49-306, Idaho Code.

19 (4) Revenue credited to the fund shall include amounts collected for
20 each motorcycle safety program fee imposed pursuant to section 49-453, Idaho
21 Code.

22 SECTION 33. That Section 33-4905, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 33-4905. ADVISORY COMMITTEE. The administrator of the division of
25 ~~professional-~~ career technical education shall establish a program advisory
26 committee consisting of five (5) persons representing various interests
27 in motorcycle safety including, but not limited to, motorcycle riding en-
28 thusiasts, dealers and law enforcement personnel. Committee members shall
29 advise the program coordinator in developing, establishing and maintaining
30 the program. The committee shall monitor program implementation and report
31 to the administrator as necessary with recommendations. Members of the
32 committee shall serve without compensation but may be reimbursed for their
33 reasonable expenses while engaged in committee business.

34 SECTION 34. That Section 33-4906, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 33-4906. ANNUAL REPORT ON THE PROGRAM. The division of ~~professional-~~
37 career technical education shall prepare a public report annually. The re-
38 port shall be completed with the assistance of the program coordinator and
39 the program advisory committee. The report shall include the number and
40 location of various courses offered, the number of instructors approved, the
41 number of students trained in various courses, other information about pro-
42 gram implementation as deemed appropriate, and an assessment of the overall
43 impact of the program on motorcycle safety in the state. The report shall
44 also provide a complete accounting of revenue receipts of the motorcycle
45 safety program fund and of all moneys expended under the program.

1 SECTION 35. That Section 33-5202A, Idaho Code, be, and the same is
2 hereby amended to read as follows:

3 33-5202A. DEFINITIONS. As used in this chapter, unless the context re-
4 quires otherwise:

5 (1) "Authorized chartering entity" means any of the following:

6 (a) A local board of trustees of a school district in this state;

7 (b) The public charter school commission created pursuant to the provi-
8 sions of this chapter;

9 (c) An Idaho public college, university or community college;

10 (d) A private, nonprofit Idaho-based, nonsectarian college or univer-
11 sity that is accredited by the same organization that accredits Idaho
12 public colleges and universities.

13 (2) "Charter" means the grant of authority approved by the authorized
14 chartering entity to the board of directors of the public charter school.

15 (3) "Founder" means a person, including employees or staff of a pub-
16 lic charter school, who makes a material contribution toward the establish-
17 ment of a public charter school in accordance with criteria determined by
18 the board of directors of the public charter school, and who is designated
19 as such at the time the board of directors acknowledges and accepts such con-
20 tribution. The criteria for determining when a person is a founder shall not
21 discriminate against any person on any basis prohibited by the federal or
22 state constitutions or any federal, state or local law. The designation of a
23 person as a founder, and the admission preferences available to the children
24 of a founder, shall not constitute pecuniary benefits.

25 (4) "Performance certificate" means a fixed-term, renewable certifi-
26 cate between a public charter school and an authorized chartering entity
27 that outlines the roles, powers, responsibilities and performance expecta-
28 tions for each party to the certificate.

29 (5) "Petition" means the document submitted by a person or persons to
30 the authorized chartering entity to request the creation of a public charter
31 school.

32 (6) "~~Professional-Career~~ technical regional public charter school"
33 means a public charter secondary school authorized under this chapter to
34 provide programs in ~~professional- career~~ technical education which meet the
35 standards and qualifications established by the division of ~~professional-~~
36 ~~career~~ technical education. A ~~professional- career~~ technical regional pub-
37 lic charter school may be approved by an authorized chartering entity and, by
38 the terms of its charter, shall operate in association with at least two (2)
39 school districts. Notwithstanding the provisions of section 33-5205(3)(j),
40 Idaho Code, participating school districts need not be contiguous.

41 (7) "Public charter school" means a school that is authorized under
42 this chapter to deliver public education in Idaho.

43 (8) "Traditional public school" means any school existing or to be
44 built that is operated and controlled by a school district in this state.

45 (9) "Virtual school" means a school that delivers a full-time, se-
46 quential program of synchronous and/or asynchronous instruction primarily
47 through the use of technology via the internet in a distributed environment.
48 Schools classified as virtual must have an online component to their school
49 with online lessons and tools for student and data management.

1 SECTION 36. That Section 33-5215, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 33-5215. ~~PROFESSIONAL-~~ CAREER TECHNICAL REGIONAL PUBLIC CHARTER
4 SCHOOL. (1) A ~~professional-~~ career technical regional public charter school
5 is hereby declared to be a public charter school and as such, the provisions
6 of chapter 52, title 33, Idaho Code, shall apply to each ~~professional-~~ career
7 technical regional public charter school in the same manner and to the same
8 extent as the provisions of charter school law apply to other public char-
9 ter schools, with the exception of certain conditions and applications as
10 specifically provided in this section.

11 (2) In addition to the approval provisions of this chapter, approval of
12 a ~~professional-~~ career technical regional public charter school by an autho-
13 rized chartering entity shall not be final until the petition has also been
14 reviewed by the division of ~~professional-~~ career technical education.

15 (3) Funding for a ~~professional-~~ career technical regional public char-
16 ter school shall be the same as provided in section 33-5208, Idaho Code, ex-
17 cept that:

18 (a) The salary-based apportionment for a ~~professional-~~ career techni-
19 cal regional public charter school shall be the statewide average in-
20 dex for public charter schools. Such salary-based apportionment may be
21 used for payment of contracted services or for direct hire of staff;

22 (b) The board of directors may contract for the services of certifi-
23 cated and noncertificated personnel, to procure the use of facilities
24 and equipment, and to purchase materials and equipment, which in the
25 judgment of the board of directors is necessary or desirable for the
26 conduct of the business of the ~~professional-~~ career technical regional
27 public charter school; and

28 (c) Transportation support shall be paid to the ~~professional-~~ career
29 technical regional public charter school in accordance with the provi-
30 sions of chapter 15, title 33, Idaho Code.

31 (4) A ~~professional-~~ career technical regional public charter school
32 shall provide assurances in state attendance reports that it has verified
33 attendance reports, which generate ADA with its participating school dis-
34 tricts, to make certain that the districts and the charter school do not
35 duplicate enrollment or ADA claims.

36 SECTION 37. That Section 39-5002, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 39-5002. DEFINITIONS. For purposes of this chapter:

39 (1) "Displaced homemaker" means a person who:

40 (a) Has worked in the home providing household services for family mem-
41 bers, but who has lost the primary source of economic support and who
42 must gain employment skills in order to earn a living; or

43 (b) Is a single parent with primary financial and custodial responsi-
44 bility for supporting dependent children and who must gain employment
45 skills in order to earn a living.

46 (2) "Administrator" means the administrator of the division of
47 ~~professional-~~ career technical education.

1 SECTION 38. That Section 39-5009, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 39-5009. DISPLACED HOMEMAKER ACCOUNT -- FEES ON FILING OF DIVORCE AC-
4 TION. (1) There is hereby created in the state operating fund the displaced
5 homemaker account. All fees collected pursuant to subsection (2) of this
6 section shall be deposited in the account. All moneys in the account shall
7 be available for appropriation to the state board for ~~professional-~~ career
8 technical education for the purposes of this chapter.

9 (2) In addition to any other fees imposed for filing an action for di-
10 vorce in the district court, there shall be collected a fee of twenty dollars
11 (\$20.00) for each divorce action. The clerk of the district court shall re-
12 mit such fees, separately identified, to the state treasurer for deposit in
13 the displaced homemaker account. Fees shall be remitted to the state trea-
14 surer at the same time as other court fees are remitted.

15 SECTION 39. That Section 46-314, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 46-314. EDUCATIONAL ENCOURAGEMENT. The adjutant general of the Idaho
18 national guard is authorized to encourage recruitment and retention of non-
19 technician national guardsmen by providing incentive payments as set forth
20 hereinafter. The adjutant general may authorize the payment of not more
21 than one hundred percent (100%) of student registration fees or tuition for
22 each semester for each member of the active Idaho national guard who attends
23 a public or private institution of higher education in Idaho, a ~~vocational~~
24 career technical education school, or a community college organized under
25 the provisions of chapter 21, title 33, Idaho Code. To be eligible to receive
26 benefits, an individual must be a member in good standing of the active Idaho
27 national guard at the beginning of and throughout the entire semester for
28 which benefits are received.

29 SECTION 40. That Section 49-304, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 49-304. MOTORCYCLE ENDORSEMENT. The department shall issue a motorcy-
32 cle "M" endorsement on a driver's license to applicants who complete the re-
33 quirements to operate a motorcycle.

34 (1) No person may operate a motorcycle upon a highway without a motor-
35 cycle "M" endorsement on a valid driver's license.

36 (2) Any person who applies for a driver's license or renewal of a li-
37 cense may also apply for a motorcycle "M" endorsement. The requirements for
38 obtaining a motorcycle "M" endorsement are:

39 (a) The applicant shall be tested by written examination for his knowl-
40 edge of safe motorcycle operating practices and traffic laws specific
41 to the operation of motorcycles upon payment of the fee specified in
42 section 49-306, Idaho Code.

43 (b) Upon successful completion of the knowledge test and upon payment
44 of the fee required for an "M" endorsement, the applicant shall obtain a
45 motorcycle "M" endorsement on his driver's license.

1 (3) No person under the age of twenty-one (21) years may apply for or ob-
2 tain a motorcycle "M" endorsement on his driver's license unless he has suc-
3 cessfully completed a motorcycle rider training course approved under the
4 provisions of chapter 49, title 33, Idaho Code, in addition to satisfying the
5 requirements specified in subsection (2) of this section. The provisions of
6 this subsection shall not be effective unless and until the motorcycle rider
7 training course is fully implemented by the division of ~~professional-~~ career
8 technical education.

9 (4) Any person who applies for a motorcycle endorsement on a driver's
10 license, in addition to the requirements specified in subsection (2) of this
11 section, may also be required to pass the motorcycle "M" skills test before
12 he can obtain the motorcycle "M" endorsement.

13 (5) The operation of a motorcycle upon a highway by any person who has
14 failed to obtain a motorcycle "M" endorsement as provided in this section
15 shall constitute an infraction.

16 (6) The provisions of this section shall not apply to persons operating
17 autocycles.

18 SECTION 41. That Section 49-313, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 49-313. EXAMINATION OF APPLICANTS. (1) The sheriff, his deputy or
21 authorized agents of the department shall examine every applicant for an
22 instruction permit, commercial learner's permit, restricted school at-
23 tendance driving permit, seasonal driver's license, driver's license or a
24 motorcycle endorsement, except as otherwise provided by law. The examina-
25 tion shall include a vision screening and a test of the applicant's ability
26 to read and understand highway signs regulating, warning, and directing
27 traffic. A skills test shall be required for an applicant who has not been
28 previously licensed for the class of license requested, or who holds a li-
29 cense issued by another country unless a reciprocal agreement is in force.
30 However, a skills test may be required for any and all other applicants at
31 the discretion of the examiner or department for a class A, B, C or D driver's
32 license or a motorcycle endorsement. In addition, the applicant's knowledge
33 of traffic laws of this state and when a motorcycle endorsement is applied
34 for, the applicant's knowledge of safe motorcycle operating practices and
35 traffic laws specifically relating to motorcycle operation shall be tested
36 by a written examination, except as provided in section 49-319, Idaho Code.
37 At the discretion of the examiner, the prescribed written examination may be
38 conducted orally.

39 (2) The knowledge and skills examinations for applicants for driver's
40 licenses in class A, B or C shall be conducted in compliance with 49 CFR part
41 383.

42 (3) The skills test for a class A, B, C or D driver's license or for any
43 endorsement shall be given by the department or its authorized agents. The
44 skills examiner for a motorcycle endorsement shall be certified by the divi-
45 sion of ~~professional-~~ career technical education.

46 (4) The department shall not issue the following endorsements except as
47 provided:

1 (a) A tank, double/triple trailer, or hazardous material endorsement
2 unless the applicant, in addition to all other applicable qualifica-
3 tions, has passed an appropriate knowledge test.

4 (b) A passenger endorsement unless the applicant, in addition to all
5 other applicable qualifications, has passed an appropriate knowledge
6 and skills test.

7 (c) A school bus endorsement unless the applicant, in addition to all
8 other applicable qualifications, has passed appropriate knowledge and
9 skills tests. Until September 30, 2005, the department may waive the
10 school bus endorsement skills test requirement if the applicant meets
11 the conditions set forth in accordance with 49 CFR part 383.123.

12 (5) Any person failing to pass a knowledge or skills test for a class
13 A, B, C or D driver's license, or a knowledge test for a seasonal driver's
14 license, or any endorsement may not retake the test within three (3) calendar
15 days of the failure.

16 (6) Any person retaking a knowledge or skills test for a driver's li-
17 cense shall pay the appropriate testing fee as specified in section 49-306,
18 Idaho Code.

19 (7) The motorcycle skills test for a motorcycle endorsement shall be
20 waived by the department:

21 (a) On and after September 1, 1998, if the applicant presents satisfac-
22 tory evidence of successful completion of a recognized motorcycle rider
23 training course approved by the division of ~~professional-~~ career tech-
24 nical education;

25 (b) On and after September 1, 1998, if the applicant presents evi-
26 dence of a motorcycle endorsement on his current license by a state or
27 province which requires a motorcycle skills test equivalent to that
28 required by Idaho law as determined by the division of ~~professional-~~
29 career technical education;

30 (c) Until September 1, 1998.

31 (8) At the discretion of the department, an alternate skills test for
32 the motorcycle endorsement may be administered when the endorsement is for
33 operation of a three-wheeled motorcycle only.

34 (9) The department or its authorized agents may refuse to give an appli-
35 cant a skills test if there are reasonable grounds to believe that the safety
36 of the applicant, public, or the examiner would be jeopardized by doing so.
37 Reasonable grounds would include, but not be limited to, the applicant's in-
38 ability to pass the vision screening, written tests, or a statement by a li-
39 censed physician stating the applicant is not physically able to drive a mo-
40 tor vehicle.

41 (10) The department or its authorized agents may deny issuance or re-
42 newal of a driver's license or endorsement to any applicant who does not meet
43 the licensing requirements for the class of driver's license or endorsement
44 being renewed or issued.

45 (11) Skills examinations for seasonal driver's licenses shall be
46 waived.

47 SECTION 42. That Section 49-314, Idaho Code, be, and the same is hereby
48 amended to read as follows:

1 49-314. LOCAL EXAMINERS APPOINTED BY DEPARTMENT. (1) The department
2 shall appoint the sheriff in each county and may appoint any deputy sheriff,
3 chief of police, or other officials or private citizens whom the department
4 deems qualified as examiners, who shall be agents of the department and shall
5 perform duties prescribed in this title.

6 (2) The department shall appoint at least one (1) employee in the de-
7 partment who shall be skilled and highly qualified in the method of giving
8 driver's license examinations, who shall have authority, and it shall be
9 this person's duty to instruct the examiners appointed by the department in
10 the method of giving driver's license examinations and acquaint them with
11 the use of equipment and forms needed in examining applicants for licensure.

12 (3) Agents of the department appointed to administer skills tests for
13 class A, B or C driver's licenses must be certified according to 49 CFR part
14 383.

15 (4) Agents of the department appointed to administer the skills
16 test for a motorcycle endorsement shall be certified by the division of
17 ~~professional-~~ career technical education.

18 (5) Agents of the department to administer skills tests for class D
19 driver's licenses shall be certified by the department.

20 SECTION 43. That Section 54-1007, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 54-1007. ISSUANCE OF LICENSES -- RECIPROCITY. (1) The administrator
23 shall issue licenses to such persons as have by examination shown themselves
24 to be fit, competent and qualified to engage in the trade of journeyman elec-
25 trician, specialty electrician or master electrician as defined in section
26 54-1003A, Idaho Code, and to such persons, firms, partnerships, associa-
27 tions or corporations as have shown themselves to be fit, competent and qual-
28 ified to engage in the business of electrical contracting or specialty elec-
29 trical contracting as defined in section 54-1003A, Idaho Code.

30 (2) An apprentice electrician, as defined in section 54-1003A, Idaho
31 Code, may take the journeyman's examination if he has completed the required
32 related instruction for electrical apprentices as approved by the Idaho
33 state board for ~~professional-~~ career technical education, completion of
34 which shall be evidenced by a certificate from an approved provider, and
35 has worked the number of hours as prescribed by the Idaho electrical board,
36 provided that for all the time he is claiming to have worked as an apprentice
37 electrician, the apprentice shall have been registered with the division of
38 building safety as an apprentice. The electrical board may, by rule, fix
39 the apprentice registration fee, in an amount not to exceed the costs of
40 issuing apprentice registration certificates and enforcing the apprentice
41 registration provisions of this chapter, and may also by rule establish
42 requirements relative to the manner of registration renewal, verification
43 of employment, the number of instructional hours completed, continuation
44 training and the number of hours worked.

45 (a) All verification of employment forms submitted by an apprentice
46 shall be entered into and maintained in the apprentice's file by the
47 division of building safety. The division of building safety shall pro-
48 vide the apprentice online access to this information.

1 (b) An apprentice who has completed the number of instructional hours
2 and has not taken or passed the journeyman's examination within two (2)
3 years of completion of the instructional training hours, shall provide
4 proof of continuation training as set by rule of the electrical board.

5 (c) An apprentice who has not advanced in apprenticeship training for
6 a period of two (2) years shall complete continuation training as set by
7 rule of the electrical board.

8 (3) Any person who has worked as a licensed journeyman for a period of
9 not less than four (4) years and who has worked the number of hours as pre-
10 scribed by rule of the board as a licensed journeyman electrician shall be
11 considered as qualified to apply for a master electrician's license in this
12 state. The Idaho electrical board, in establishing by rule the requirements
13 for a master electrician's license, shall also take into account the appli-
14 cant's performance as a journeyman electrician.

15 (4) Any person with out-of-state experience who has worked as a jour-
16 neyman electrician or as an apprentice electrician for a period of four (4)
17 years, and who has met such other requirements as established by rule of the
18 board, shall be considered as qualified to apply for a journeyman electri-
19 cian's license in this state.

20 (5) To the extent that other states ~~which~~ that provide for the licensing
21 of electricians provide for similar action, the administrator, on the recom-
22 mendation of the Idaho electrical board, may grant licenses to electricians
23 licensed by such other states, upon payment by the applicant of the required
24 fee and upon furnishing proof to the board that the applicant has qualifica-
25 tions at least equal to those provided herein for applicants for written ex-
26 aminations. Applicants who qualify for a license under this subsection are
27 not required to take a written examination.

28 SECTION 44. That Section 54-5003, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 54-5003. DEFINITIONS. As used in this chapter:

31 (1) "Heating, ventilation and air conditioning (HVAC)" means and in-
32 cludes the business, trade, practice or work, materials and fixtures used in
33 the design, construction, installation, improvement, extension and alter-
34 ation of all piping, venting, ductwork, appliances and appurtenances in con-
35 nection with any heating, ventilation or air conditioning system or subsys-
36 tems of such.

37 (2) "Heating, ventilation and air conditioning apprentice" means any
38 person who, as his principal occupation, is engaged in learning and assist-
39 ing in installation, improvement, extension, alteration or repair of HVAC
40 systems. An apprentice shall perform HVAC work under the supervision of an
41 HVAC journeyman or HVAC contractor.

42 (3) "Heating, ventilation and air conditioning contractor" means any
43 person who fabricates, installs, maintains, services and repairs warm air
44 heating and water heating systems, heat pumps, complete with warm air appli-
45 ances including, but not limited to, boilers, pool heaters, space heaters,
46 decorative gas and ~~solid-fuel~~ solid fuel-burning appliances, and gas,
47 propane, electric or oil-fired water heaters; ventilating systems complete
48 with blowers and plenum chambers; air conditioning systems complete with
49 air conditioning unit and the ducts, registers, flues, humidity and thermo-

1 static controls of air, liquid or gas temperatures below fifty (50) degrees
2 fahrenheit or ten (10) degrees celsius, and air filters in connection with
3 any of these systems.

4 (4) "Heating, ventilation and air conditioning journeyman" means any
5 person who, as his principal occupation, is engaged in the installation, im-
6 provement, extension, alteration or repair of HVAC systems and who is famil-
7 iar with the provisions of this chapter and who works in the employ and under
8 direction of an HVAC contractor.

9 (5) "Heating, ventilation and air conditioning specialty apprentice
10 including specialty limited heating apprentice" means any person who, as his
11 principal occupation, is engaged in learning and assisting in a specific as-
12 pect of installation, improvement, extension, alteration or repair of HVAC
13 systems that includes, but is not limited to, such aspects as gas piping,
14 gas appliances and installation, or decorative gas-fired appliances. A spe-
15 cialty apprentice shall perform HVAC work under the supervision of an HVAC
16 journeyman, HVAC specialty journeyman, HVAC contractor or an HVAC specialty
17 contractor.

18 (6) "Heating, ventilation and air conditioning specialty contractor
19 including specialty limited heating contractor" means any person who, as his
20 principal occupation, is engaged in a specific aspect of the heating, ven-
21 tilation and air conditioning trade that includes, but is not limited to,
22 such aspects as gas piping, gas appliances and installation, or decorative
23 gas-fired appliances.

24 (7) "Heating, ventilation and air conditioning specialty journeyman
25 including specialty limited heating journeyman" means any person who, as
26 his principal occupation, is engaged in a specific aspect of installation,
27 improvement, extension, alteration or repairing of HVAC systems that in-
28 cludes, but is not limited to, such aspects as gas piping, gas appliances and
29 installation, or decorative gas-fired appliances. A specialty journeyman
30 is familiar with the provisions of this chapter and works in the employ and
31 under direction of an HVAC contractor or an HVAC specialty contractor.

32 (8) "Heating, ventilation and air conditioning system" means any heat-
33 ing, ventilation or air conditioning system in a residential, private, pub-
34 lic or semipublic building or structure including, but not limited to, any
35 mechanical means of heating or air conditioning and to gas piping, venting,
36 ductwork and controls.

37 (9) "Local government" means any incorporated city or any county in the
38 state.

39 (10) "Specialty limited heating" as it applies to the definitions of
40 "heating, ventilation and air conditioning specialty apprentice," "heat-
41 ing, ventilation and air conditioning specialty contractor" and "heating,
42 ventilation and air conditioning specialty journeyman" means any person
43 who installs, maintains, services and repairs LP gas-fired appliances, LP
44 fuel gas piping and related exhaust venting. This definition of specialty
45 limited heating shall exclude boilers, hydronic systems, ducted forced air
46 systems, ventilating and air conditioning systems, systems with a BTU input
47 rating over three hundred thousand (300,000), solid fuel and electric fueled
48 systems. A "specialty limited heating journeyman" is required to meet the
49 experience requirement and either the education or examination requirement
50 set forth in this section to receive a certificate of competency. The educa-

1 tion of a "specialty limited heating journeyman" shall include one hundred
 2 twenty (120) hours of instruction approved by the board for ~~professional-~~
 3 ~~career~~ technical education in LP gas specialty education. The experience
 4 requirement of a "specialty limited heating journeyman" shall be two (2)
 5 years' experience working in the trade, in compliance with the requirements
 6 of the state in which the applicant received his supervision or as a regis-
 7 tered HVAC apprentice or registered HVAC specialty apprentice making HVAC
 8 installation on the job under the supervision of a qualified HVAC journeyman
 9 or qualified HVAC specialty journeyman. The examination required in this
 10 section shall be developed by the board for ~~professional-~~ ~~career~~ technical
 11 education and approved by the Idaho heating, ventilation and air condition-
 12 ing board.

13 SECTION 45. That Section 67-5303, Idaho Code, be, and the same is hereby
 14 amended to read as follows:

15 67-5303. APPLICATION TO STATE EMPLOYEES. All departments of the state
 16 of Idaho and all employees in such departments, except those employees
 17 specifically defined as nonclassified, shall be classified employees, who
 18 are subject to this chapter and to the system of personnel administration
 19 which it prescribes. Nonclassified employees shall be:

20 (a) Members of the state legislature and all other officers of the state
 21 of Idaho elected by popular vote, and persons appointed to fill vacancies in
 22 elective offices, and employees of the state legislature.

23 (b) Members of statutory boards and commissions and heads of depart-
 24 ments appointed by and serving at the pleasure of the governor, deputy direc-
 25 tors appointed by the director and members of advisory boards and councils
 26 appointed by the departments.

27 (c) All employees and officers in the office, and at the residence, of
 28 the governor; and all employees and officers in the offices of the lieutenant
 29 governor, secretary of state, attorney general, state treasurer, state con-
 30 troller, and state superintendent of public instruction who are appointed on
 31 and after the effective date of this chapter.

32 (d) Except as otherwise provided by law, not more than one (1) declared
 33 position for each board or commission and/or head of a participating depart-
 34 ment in addition to those declared to be nonclassified by other provisions of
 35 law.

36 (e) Part-time professional consultants who are paid on a fee basis for
 37 any form of legal, medical or other professional service, and who are not en-
 38 gaged in the performance of administrative duties for the state.

39 (f) Judges, temporary referees, receivers and jurors.

40 (g) All employees of the Idaho supreme court, Idaho court of appeals and
 41 district courts.

42 (h) All employees of the Idaho state bar.

43 (i) Assistant attorneys general attached to the office of the attorney
 44 general.

45 (j) Officers, members of the teaching staffs of state educational in-
 46 stitutions, the professional staff of the Idaho department of education ad-
 47 ministered by the board of regents and the board of education, and the pro-
 48 fessional staffs of the Idaho division of ~~professional-~~ ~~career~~ technical ed-
 49 ucation and vocational rehabilitation administered by the state board for

1 ~~professional- career~~ technical education. "Teaching staff" includes teach-
2 ers, coaches, resident directors, librarians and those principally engaged
3 in academic research. The word "officer" means presidents, vice presidents,
4 deans, directors, or employees in positions designated by the state board
5 who receive an annual salary of not less than step "A" of the pay grade equiv-
6 alent to three hundred fifty-five (355) Hay points in the state compensation
7 schedule. A nonclassified employee who is designated as an "officer" on July
8 5, 1991, but does not meet the requirements of this subsection, may make a
9 one (1) time irrevocable election to remain nonclassified. Such an election
10 must be made not later than August 2, 1991. When such positions become va-
11 cant, these positions will be reviewed and designated as either classified
12 or nonclassified in accordance with this subsection.

13 (k) Employees of the military division.

14 (l) Patients, inmates or students employed in a state institution.

15 (m) Persons employed in positions established under federal grants,
16 which, by law, restrict employment eligibility to specific individuals or
17 groups on the basis of nonmerit selection requirements. Such employees
18 shall be termed "project exempt" and the tenure of their employment shall
19 be limited to the length of the project grant, or twenty-four (24) months,
20 or four thousand one hundred sixty (4,160) hours of credited state service,
21 whichever is of the shortest duration. No person hired on a project-exempt
22 appointment shall be employed in any position allocated to the classified
23 service.

24 (n) Temporary employees.

25 (o) All employees and officers of the following named commodity commis-
26 sions, and all employees and officers of any commodity commission created
27 hereafter: the Idaho potato commission, as provided in chapter 12, title
28 22, Idaho Code; the Idaho honey commission, as provided in chapter 28, ti-
29 tle 22, Idaho Code; the Idaho bean commission, as provided in chapter 29, ti-
30 tle 22, Idaho Code; the Idaho hop grower's commission, as provided in chapter
31 31, title 22, Idaho Code; the Idaho wheat commission, as provided in chap-
32 ter 33, title 22, Idaho Code; the Idaho pea and lentil commission, as pro-
33 vided in chapter 35, title 22, Idaho Code; the Idaho apple commission, as
34 provided in chapter 36, title 22, Idaho Code; the Idaho cherry commission,
35 as provided in chapter 37, title 22, Idaho Code; the Idaho mint grower's com-
36 mission, as provided in chapter 38, title 22, Idaho Code; the Idaho sheep and
37 goat health board, as provided in chapter 1, title 25, Idaho Code; the state
38 brand inspector, and all district supervisors, as provided in chapter 11,
39 title 25, Idaho Code; the Idaho beef council, as provided in chapter 29, ti-
40 tle 25, Idaho Code; and the Idaho dairy products commission, as provided in
41 chapter 31, title 25, Idaho Code.

42 (p) All inspectors of the fresh fruit and vegetable inspection service
43 of the Idaho department of agriculture, except those positions involved in
44 the management of the program.

45 (q) All employees of correctional industries within the department of
46 correction.

47 (r) All deputy administrators and wardens employed by the department of
48 correction. Deputy administrators are defined as only the deputy adminis-
49 trators working directly for the nonclassified division administrators un-
50 der the director of the department of correction.

1 (s) All public information positions with the exception of secretarial
2 positions, in any department.

3 (t) Any division administrator.

4 (u) Any regional administrator or division administrator in the de-
5 partment of environmental quality.

6 (v) All employees of the division of financial management.

7 (w) All employees of the Idaho food quality assurance institute.

8 (x) The state appellate public defender, deputy state appellate public
9 defenders and all other employees of the office of the state appellate public
10 defender.

11 (y) All quality assurance specialists or medical investigators of the
12 Idaho board of medicine.

13 (z) All pest survey and detection employees and their supervisors hired
14 specifically to carry out activities under the Idaho plant pest act, chapter
15 20, title 22, Idaho Code, including but not limited to pest survey, detec-
16 tion and eradication, except those positions involved in the management of
17 the program.

18 SECTION 46. That Section 72-501A, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 72-501A. REHABILITATION DIVISION -- BUDGET AND EXPENSE -- COMPOSITION
21 AND IMPLEMENTATION. (1) In order to assist in reducing the period of tempo-
22 rary disability resulting from an injury and to aid in restoring the injured
23 employee to gainful employment with the least possible permanent physical
24 impairment, the commission shall establish within the commission a rehabil-
25 itation division and adopt a program concerning itself with both physical
26 and vocational rehabilitation, the latter of which shall include job place-
27 ment.

28 (2) The commission is authorized to budget and expend for such rehabil-
29 itation program such funds as may be paid into the industrial administration
30 fund or rehabilitation account thereof by a special premium tax provided by
31 law for this purpose.

32 (3) The composition of the rehabilitation division and implementation
33 of the rehabilitation program shall be in the discretion of the commission
34 with the counsel, advice, cooperation and expertise of representatives of
35 industry, labor, sureties and the legal and medical professions as well as
36 institutions, hospitals and clinics having physical rehabilitation facil-
37 ities and with the assistance of the state board for ~~professional- career~~
38 technical education, when such board is carrying out the duties of chapter
39 23, title 33, Idaho Code.

40 SECTION 47. That Section 72-1347B, Idaho Code, be, and the same is
41 hereby amended to read as follows:

42 72-1347B. WORKFORCE DEVELOPMENT TRAINING FUND. (1) There is estab-
43 lished in the state treasury a special trust fund, separate and apart from
44 all other public funds of this state, to be known as the workforce develop-
45 ment training fund, hereinafter "training fund." Except as provided herein,
46 all proceeds from the training tax defined in subsection (4) of this sec-
47 tion shall be paid into the training fund. The state treasurer shall be the

1 custodian of the training fund and shall invest said moneys in accordance
2 with law. Any interest earned on the moneys in the training fund shall be
3 deposited in the training fund. Moneys in the training fund shall be dis-
4 bursed in accordance with the directions of the director. In any month when
5 the unencumbered balance in the training fund exceeds six million dollars
6 (\$6,000,000), the excess amount over six million dollars (\$6,000,000) shall
7 be transferred to the employment security reserve fund, section 72-1347A,
8 Idaho Code. For the purposes of this subsection ~~(1)~~, the unencumbered bal-
9 ance in the training fund is the balance in such fund reduced by the sum of:

10 (a) The amounts that have been obligated pursuant to ~~fully-executed~~
11 fully executed workforce development training fund contracts; and

12 (b) Any administrative costs related to the training fund that are due
13 and payable.

14 (2) All moneys in the training fund are perpetually appropriated to the
15 director for expenditure in accordance with the provisions of this section.
16 The purpose of the training fund is to provide or expand training and re-
17 training opportunities in an expeditious manner that would not otherwise ex-
18 ist for Idaho's workforce. The training fund is intended to supplement, but
19 not to supplant or compete with, money available through existing training
20 programs. The moneys in the training fund shall be used for the following
21 purposes:

22 (a) To provide training for skills necessary for specific economic op-
23 portunities and industrial expansion initiatives;

24 (b) To provide training to upgrade the skills of currently employed
25 workers at risk of being permanently laid off;

26 (c) For refunds of training taxes erroneously collected and deposited
27 in the workforce training fund; and

28 (d) For all administrative expenses incurred by the department associ-
29 ated with the collection of the training tax and any other administra-
30 tive expenses associated with the training fund.

31 (3) Expenditures from the training fund for purposes authorized in
32 paragraphs (a) and (b) of subsection (2) of this section shall be approved
33 by the director, and the director of the department of commerce, in con-
34 sultation with the office of the governor, based on procedures, criteria
35 and performance measures established by the council appointed pursuant to
36 section 72-1336, Idaho Code. The activities funded by the training fund
37 will be coordinated with similar activities funded by the state division of
38 ~~professional-~~ career technical education. Expenditures from the training
39 fund for purposes authorized in paragraphs (c) and (d) of subsection (2) of
40 this section shall be approved by the director. The director shall pay all
41 approved expenditures as long as the training fund has a positive balance.
42 The council shall report annually to the governor and the joint finance-ap-
43 propriations committee the commitments and expenditures made from the
44 training fund in the preceding fiscal year and the results of the activities
45 funded by the training fund.

46 (4) A training tax is hereby imposed on all covered employers required
47 to pay contributions pursuant to section 72-1350, Idaho Code, with the ex-
48 ception of deficit employers who have been assigned a taxable wage rate from
49 rate class six pursuant to section 72-1350, Idaho Code. The training tax
50 rate shall be equal to three percent (3%) of the taxable wage rate then in ef-

1 fect for each eligible, standard-rated and deficit employer. The training
2 tax shall be due and payable at the same time and in the same manner as con-
3 tributions. This subsection is repealed effective January 1, 2018, unless,
4 prior to that date, the Idaho legislature approves the continuation of this
5 subsection by repeal of this sunset clause.

6 (5) The provisions of this chapter which apply to the payment and col-
7 lection of contributions also apply to the payment and collection of the
8 training tax, including the same calculations, assessments, method of pay-
9 ment, penalties, interest, costs, liens, injunctive relief, collection
10 procedures and refund procedures. In the administration of the provisions
11 of this section, the director is granted all rights, authority, and pre-
12 rogatives granted under the provisions of this chapter. Moneys collected
13 from an employer delinquent in paying contributions, reserve taxes and the
14 training tax shall first be applied to any penalty and interest imposed pur-
15 suant to the provisions of this chapter and shall then be applied pro rata to
16 delinquent contributions to the employment security fund, section 72-1346,
17 Idaho Code, delinquent reserve taxes to the reserve fund, section 72-1347A,
18 Idaho Code, and delinquent training taxes to the training fund. Any interest
19 and penalties collected pursuant to this subsection shall be paid into the
20 state employment security administrative and reimbursement fund, section
21 72-1348, Idaho Code, and any interest or penalties refunded under this sub-
22 section shall be paid out of that same fund. Training taxes paid pursuant
23 to this section shall not be credited to the employer's experience rating
24 account and may not be deducted by any employer from the wages of individuals
25 in its employ. All training taxes shall be deposited in the clearing account
26 of the employment security fund, section 72-1346, Idaho Code, for clearance
27 only and shall not become part of such fund. After clearance, the moneys
28 shall be deposited in the training fund established in subsection (1) of this
29 section.

30 (6) Administrative costs related to the training fund shall be paid
31 from the training fund in accordance with subsection (3) of this section.