

IN THE SENATE

SENATE BILL NO. 1025

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMEND-
2 ING SECTION 67-2601, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCU-
3 PATIONAL AND PROFESSIONAL LICENSES AND TO REMOVE PROVISIONS REGARDING
4 CERTAIN BOARDS; REPEALING SECTION 67-2601A, IDAHO CODE, RELATING TO THE
5 DIVISION OF BUILDING SAFETY; REPEALING SECTION 67-2602, IDAHO CODE,
6 RELATING TO THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;
7 AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW
8 SECTION 67-2602, IDAHO CODE, TO PROVIDE FOR THE ADMINISTRATOR OF THE
9 DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; REPEALING SEC-
10 TION 67-2602A, IDAHO CODE, RELATING TO LICENSE FEES; REPEALING SECTION
11 67-2603, IDAHO CODE, RELATING TO THE DIVISION ADMINISTRATOR; AMEND-
12 ING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
13 67-2603, IDAHO CODE, TO PROVIDE FOR DIVISION EMPLOYEES; REPEALING SEC-
14 TION 67-2604, IDAHO CODE, RELATING TO AUTHORITY GRANTED BY WRITTEN
15 AGREEMENT; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION
16 OF A NEW SECTION 67-2604, IDAHO CODE, TO PROVIDE DUTIES OF THE DIVI-
17 SION ADMINISTRATOR; REPEALING SECTION 67-2605, IDAHO CODE, RELATING
18 TO THE OCCUPATIONAL LICENSES ACCOUNT; AMENDING CHAPTER 26, TITLE 67,
19 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2605, IDAHO CODE, TO
20 PROVIDE FOR CERTAIN SAFETY INSPECTIONS AND SAFETY ORDERS; REPEALING
21 SECTION 67-2606, IDAHO CODE, RELATING TO THE OCCUPATIONAL LICENSES
22 ACCOUNT; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION
23 OF A NEW SECTION 67-2606, IDAHO CODE, TO PROVIDE A MILITARY EXEMPTION
24 FOR CERTAIN LICENSE FEES; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE,
25 BY THE ADDITION OF A NEW SECTION 67-2607, IDAHO CODE, TO PROVIDE FOR
26 EXPENSES OF THE DIVISION ADMINISTRATOR; REPEALING SECTION 67-2608,
27 IDAHO CODE, RELATING TO DIVISION ADMINISTRATOR COOPERATION WITH OTHER
28 AGENCIES; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION
29 OF A NEW SECTION 67-2608, IDAHO CODE, TO PROVIDE FOR THE OCCUPATIONAL
30 LICENSES FUND; REPEALING SECTION 67-2609, IDAHO CODE, RELATING TO REG-
31 ISTRATION OF OCCUPATIONS; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY
32 THE ADDITION OF A NEW SECTION 67-2609, IDAHO CODE, TO PROVIDE FOR DIVI-
33 SION ADMINISTRATOR COOPERATION WITH OTHER AGENCIES; REPEALING SECTION
34 67-2613, IDAHO CODE, RELATING TO LIMITED APPLICATION OF CHAPTER; AMEND-
35 ING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
36 67-2613, IDAHO CODE, TO PROVIDE CLARIFICATION OF DEFINITIONS; AMENDING
37 SECTION 67-2614, IDAHO CODE, TO REVISE PROVISIONS REGARDING RENEWAL
38 AND REINSTATEMENT OF LICENSES; REPEALING SECTION 67-2615, IDAHO CODE,
39 RELATING TO REEXAMINATION AND PAYMENT OF CERTIFICATE FEES; REPEALING
40 SECTION 67-2616, IDAHO CODE, RELATING TO CLARIFICATION OF DEFINI-
41 TIONS; AMENDING SECTION 67-1406, IDAHO CODE, TO PROVIDE A CORRECT CODE
42 REFERENCE; AMENDING SECTION 6-1010, IDAHO CODE, TO REMOVE PROVISIONS
43 REGARDING A CERTAIN FUND AND TO PROVIDE FOR THE OCCUPATIONAL LICENSES
44 FUND; AMENDING SECTION 36-2116, IDAHO CODE, TO PROVIDE FOR THE OCCUPA-
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1 TIONAL LICENSES FUND, TO REMOVE PROVISIONS REGARDING A CERTAIN ACCOUNT,
2 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 36-2117, IDAHO
3 CODE, TO PROVIDE FOR THE OCCUPATIONAL LICENSES FUND, TO REMOVE PROVI-
4 SIONS REGARDING A CERTAIN ACCOUNT, AND TO MAKE A TECHNICAL CORRECTION;
5 REPEALING SECTION 39-4124, IDAHO CODE, RELATING TO THE IDAHO BUILDING
6 CODE FUND; AMENDING CHAPTER 41, TITLE 39, IDAHO CODE, BY THE ADDITION
7 OF A NEW SECTION 39-4124, IDAHO CODE, TO PROVIDE FOR THE OCCUPATIONAL
8 LICENSES FUND; AMENDING SECTION 39-4303, IDAHO CODE, TO PROVIDE FOR THE
9 OCCUPATIONAL LICENSES FUND AND TO REMOVE PROVISIONS REGARDING A CERTAIN
10 ACCOUNT; REPEALING SECTION 54-217, IDAHO CODE, RELATING TO THE STATE
11 BOARD OF ACCOUNTANCY ACCOUNT; AMENDING CHAPTER 2, TITLE 54, IDAHO CODE,
12 BY THE ADDITION OF A NEW SECTION 54-217, IDAHO CODE, TO PROVIDE FOR THE
13 OCCUPATIONAL LICENSES FUND; AMENDING SECTION 54-308, IDAHO CODE, TO
14 PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-313, IDAHO CODE, TO
15 PROVIDE CORRECT TERMINOLOGY; REPEALING SECTION 54-910, IDAHO CODE, RE-
16 LATING TO THE STATE BOARD OF DENTISTRY FUND; AMENDING CHAPTER 9, TITLE
17 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-910, IDAHO CODE, TO
18 PROVIDE FOR THE OCCUPATIONAL LICENSES FUND; REPEALING SECTION 54-1015,
19 IDAHO CODE, RELATING TO THE ELECTRICAL BOARD FUND; AMENDING CHAPTER 10,
20 TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1015, IDAHO
21 CODE, TO PROVIDE FOR THE OCCUPATIONAL LICENSES FUND; REPEALING SECTION
22 54-1209, IDAHO CODE, RELATING TO RECEIPTS AND DISBURSEMENTS; AMEND-
23 ING CHAPTER 12, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
24 54-1209, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING RECEIPTS AND
25 DISBURSEMENTS; REPEALING SECTION 54-1405, IDAHO CODE, RELATING TO THE
26 STATE BOARD OF NURSING ACCOUNT; AMENDING CHAPTER 14, TITLE 54, IDAHO
27 CODE, BY THE ADDITION OF A NEW SECTION 54-1405, IDAHO CODE, TO PROVIDE
28 FOR THE OCCUPATIONAL LICENSES FUND; AMENDING SECTION 54-1508, IDAHO
29 CODE, TO PROVIDE A CORRECT CODE REFERENCE, TO PROVIDE CORRECT TERMI-
30 NOLOGY, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1720,
31 IDAHO CODE, TO PROVIDE FOR THE OCCUPATIONAL LICENSES FUND, TO REMOVE A
32 PROVISION REGARDING A CERTAIN ACCOUNT, AND TO MAKE TECHNICAL CORREC-
33 TIONS; REPEALING SECTION 54-1809, IDAHO CODE, RELATING TO THE STATE
34 BOARD OF MEDICINE FUND; AMENDING CHAPTER 18, TITLE 54, IDAHO CODE, BY
35 THE ADDITION OF A NEW SECTION 54-1809, IDAHO CODE, TO PROVIDE FOR THE
36 OCCUPATIONAL LICENSES FUND; REPEALING SECTION 54-1921, IDAHO CODE, RE-
37 LATING TO THE PUBLIC WORKS CONTRACTORS LICENSE FUND; AMENDING CHAPTER
38 19, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1921, IDAHO
39 CODE, TO PROVIDE FOR THE OCCUPATIONAL LICENSES FUND; REPEALING SECTION
40 54-2021, IDAHO CODE, RELATING TO DISPOSITION OF FUNDS; AMENDING CHAP-
41 TER 20, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2021,
42 IDAHO CODE, TO PROVIDE FOR THE OCCUPATIONAL LICENSES FUND; AMENDING
43 SECTION 54-2059, IDAHO CODE, TO PROVIDE FOR THE OCCUPATIONAL LICENSES
44 FUND AND TO REMOVE PROVISIONS REGARDING A CERTAIN FUND; AMENDING SEC-
45 TION 54-2065, IDAHO CODE, TO PROVIDE FOR THE OCCUPATIONAL LICENSES
46 FUND, TO REMOVE PROVISIONS REGARDING A CERTAIN FUND, AND TO MAKE TECH-
47 NICAL CORRECTIONS; AMENDING SECTION 54-2070, IDAHO CODE, TO REMOVE
48 PROVISIONS REGARDING A CERTAIN FUND, TO PROVIDE FOR THE OCCUPATIONAL
49 LICENSES FUND, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION
50 54-2105, IDAHO CODE, TO REMOVE PROVISIONS REGARDING A CERTAIN ACCOUNT,

1 TO PROVIDE FOR THE OCCUPATIONAL LICENSES FUND, AND TO MAKE TECHNICAL
2 CORRECTIONS; REPEALING SECTION 54-2121, IDAHO CODE, RELATING TO THE
3 STATE BOARD OF VETERINARY MEDICINE ACCOUNT; AMENDING CHAPTER 21, TITLE
4 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2121, IDAHO CODE, TO
5 PROVIDE FOR THE OCCUPATIONAL LICENSES FUND; AMENDING SECTION 54-2407,
6 IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL
7 CORRECTIONS; REPEALING SECTION 54-2630, IDAHO CODE, RELATING TO THE
8 PLUMBING BOARD FUND; AMENDING CHAPTER 26, TITLE 54, IDAHO CODE, BY THE
9 ADDITION OF A NEW SECTION 54-2630, IDAHO CODE, TO PROVIDE FOR THE OCCU-
10 PATIONAL LICENSES FUND; AMENDING SECTION 54-2911, IDAHO CODE, TO PRO-
11 VIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-3205, IDAHO CODE, TO PRO-
12 VIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
13 SECTION 54-3317, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING
14 SECTION 54-3412, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING
15 SECTION 54-3505, IDAHO CODE, TO PROVIDE FOR THE OCCUPATIONAL LICENSES
16 FUND AND TO REMOVE PROVISIONS REGARDING A CERTAIN FUND; AMENDING SEC-
17 TION 54-3719, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A
18 TECHNICAL CORRECTION; AMENDING SECTION 54-3915, IDAHO CODE, TO PROVIDE
19 FOR THE OCCUPATIONAL LICENSES FUND AND TO REMOVE PROVISIONS REGARDING A
20 CERTAIN ACCOUNT; AMENDING SECTION 54-4113, IDAHO CODE, TO PROVIDE COR-
21 RECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
22 54-4122, IDAHO CODE, TO REMOVE A CODE REFERENCE, TO PROVIDE FOR THE DI-
23 VISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES, AND TO MAKE TECHNICAL
24 CORRECTIONS; AMENDING SECTION 54-4216, IDAHO CODE, TO PROVIDE CORRECT
25 TERMINOLOGY; AMENDING SECTION 54-4315, IDAHO CODE, TO PROVIDE FOR THE
26 OCCUPATIONAL LICENSES FUND AND TO REMOVE PROVISIONS REGARDING A CERTAIN
27 ACCOUNT; AMENDING SECTION 54-4510, IDAHO CODE, TO PROVIDE FOR THE OCCU-
28 PATIONAL LICENSES FUND AND TO REMOVE PROVISIONS REGARDING CERTAIN FEES;
29 REPEALING SECTION 54-5024, IDAHO CODE, RELATING TO THE IDAHO HEATING,
30 VENTILATION AND AIR CONDITIONING BOARD FUND; AMENDING CHAPTER 50, TITLE
31 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-5024, IDAHO CODE, TO
32 PROVIDE FOR THE OCCUPATIONAL LICENSES FUND; AMENDING SECTION 54-5105,
33 IDAHO CODE, TO PROVIDE FOR THE OCCUPATIONAL LICENSES FUND AND TO REMOVE
34 PROVISIONS REGARDING A CERTAIN FUND; AMENDING SECTION 54-5308, IDAHO
35 CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORREC-
36 TIONS; AMENDING SECTION 54-5313, IDAHO CODE, TO PROVIDE A CORRECT CODE
37 REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-5613,
38 IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL
39 CORRECTION; AMENDING SECTION 54-5822, IDAHO CODE, TO PROVIDE CORRECT
40 TERMINOLOGY; AMENDING SECTION 55-2203, IDAHO CODE, TO PROVIDE FOR THE
41 OCCUPATIONAL LICENSES FUND, TO REMOVE PROVISIONS REGARDING A CERTAIN
42 FUND, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LI-
43 CENSES, AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 55-2204,
44 IDAHO CODE, RELATING TO THE DAMAGE PREVENTION BOARD FUND; AMENDING
45 SECTION 55-2211, IDAHO CODE, TO REMOVE PROVISIONS REGARDING A CERTAIN
46 FUND, TO PROVIDE FOR THE OCCUPATIONAL LICENSES FUND, AND TO MAKE TECH-
47 NICAL CORRECTIONS; AMENDING SECTION 72-519, IDAHO CODE, TO PROVIDE A
48 CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY.

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

1 SECTION 1. That Section 67-2601, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 67-2601. DEPARTMENT CREATED -- ORGANIZATION. (1) There is hereby cre-
4 ated the department of self-governing agencies. The department shall, for
5 the purposes of section 20, article IV, of the constitution of the state of
6 Idaho, be an executive department of the state government.

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

8 (a) Agricultural commodity commissions: Idaho apple commission, as
9 provided by chapter 36, title 22, Idaho Code; Idaho bean commission,
10 as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as
11 provided by chapter 29, title 25, Idaho Code; Idaho cherry commission,
12 as provided by chapter 37, title 22, Idaho Code; Idaho dairy products
13 commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea
14 and lentil commission, as provided by chapter 35, title 22, Idaho Code;
15 Idaho potato commission, as provided by chapter 12, title 22, Idaho
16 Code; the Idaho wheat commission, as provided by chapter 33, title 22,
17 Idaho Code; and the Idaho alfalfa and clover seed commission, as pro-
18 vided in chapter 42, title 22, Idaho Code.

19 (b) ~~Professional and occupational licensing boards: Idaho state board~~
20 ~~of accountancy, as provided by chapter 2, title 54, Idaho Code; board~~
21 ~~of acupuncture, as provided by chapter 47, title 54, Idaho Code; board~~
22 ~~of architectural examiners, as provided by chapter 3, title 54, Idaho~~
23 ~~Code; state athletic commission, as provided by chapter 4, title 54,~~
24 ~~Idaho Code; board of commissioners of the Idaho state bar, as provided~~
25 ~~by chapter 4, title 3, Idaho Code; board of chiropractic physicians, as~~
26 ~~provided by chapter 7, title 54, Idaho Code; Idaho state licensing board~~
27 ~~of professional counselors and marriage and family therapists, as pro-~~
28 ~~vided by chapter 34, title 54, Idaho Code; state board of dentistry, as~~
29 ~~provided by chapter 9, title 54, Idaho Code; state board of dentistry,~~
30 ~~as provided by chapter 33, title 54, Idaho Code; Idaho board of licen-~~
31 ~~sure of professional engineers and professional land surveyors, as pro-~~
32 ~~vided by chapter 12, title 54, Idaho Code; state board of registration~~
33 ~~for professional geologists, as provided by chapter 28, title 54, Idaho~~
34 ~~Code; speech and hearing services licensure board, as provided by chap-~~
35 ~~ter 29, title 54, Idaho Code; Idaho physical therapy licensure board, as~~
36 ~~provided by chapter 22, title 54, Idaho Code; Idaho state board of land-~~
37 ~~scape architects, as provided by chapter 30, title 54, Idaho Code; liq-~~
38 ~~uefied petroleum gas safety board, as provided by chapter 53, title 54,~~
39 ~~Idaho Code; state board of medicine, as provided by chapter 18, title~~
40 ~~54, Idaho Code; state board of morticians, as provided by chapter 11,~~
41 ~~title 54, Idaho Code; board of naturopathic medical examiners, as pro-~~
42 ~~vided by chapter 51, title 54, Idaho Code; board of nursing, as provided~~
43 ~~by chapter 14, title 54, Idaho Code; board of examiners of nursing home~~
44 ~~administrators, as provided by chapter 16, title 54, Idaho Code; state~~
45 ~~board of optometry, as provided by chapter 15, title 54, Idaho Code;~~
46 ~~Idaho outfitters and guides licensing board, as provided by chapter 21,~~
47 ~~title 36, Idaho Code; board of pharmacy, as provided by chapter 17, ti-~~
48 ~~tle 54, Idaho Code; state board of podiatry, as provided by chapter 6,~~
49 ~~title 54, Idaho Code; Idaho state board of psychologist examiners, as~~

1 provided by chapter 23, title 54, Idaho Code; Idaho real estate commis-
 2 sion, as provided by chapter 20, title 54, Idaho Code; real estate ap-
 3 praiser board, as provided by chapter 41, title 54, Idaho Code; board
 4 of social work examiners, as provided by chapter 32, title 54, Idaho
 5 Code; the board of veterinary medicine, as provided by chapter 21, ti-
 6 tle 54, Idaho Code; the board of examiners of residential care facil-
 7 ity administrators, as provided by chapter 42, title 54, Idaho Code; the
 8 certified shorthand reporters board, as provided by chapter 31, title
 9 54, Idaho Code; the driving businesses licensure board, as provided by
 10 chapter 54, title 54, Idaho Code; the board of drinking water and waste-
 11 water professionals, as provided by chapter 24, title 54, Idaho Code;
 12 the board of midwifery, as provided by chapter 55, title 54, Idaho Code;
 13 and the barber and cosmetology services licensing board, as provided by
 14 chapter 58, title 54, Idaho Code.

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

16 (d) The division of building safety: building code board, chapter 41,
 17 title 39, Idaho Code; electrical board, chapter 10, title 54, Idaho
 18 Code; public works contractors license board, chapter 19, title 54,
 19 Idaho Code; plumbing board, chapter 26, title 54, Idaho Code; public
 20 works construction management, chapter 45, title 54, Idaho Code; the
 21 heating, ventilation and air conditioning board, chapter 50, title 54,
 22 Idaho Code; and factory built structures advisory board, chapter 43,
 23 title 39, Idaho Code.

24 (ec) The division of veterans services to be headed by a division ad-
 25 ministrator who shall be a nonclassified employee exempt from the pro-
 26 visions of chapter 53, title 67, Idaho Code. The administrator of the
 27 division shall administer the provisions of chapter 2, title 65, Idaho
 28 Code, and chapter 9, title 66, Idaho Code, with the advice of the vet-
 29 erans affairs commission established under chapter 2, title 65, Idaho
 30 Code, and shall perform such additional duties as are imposed upon him
 31 by law.

32 (fd) The board of library commissioners, pursuant to section 33-2502,
 33 Idaho Code.

34 (ge) The Idaho state historical society, pursuant to section 67-4123,
 35 Idaho Code.

36 (hf) The state public defense commission, pursuant to section 19-849,
 37 Idaho Code.

38 (3g) The division of occupational and professional licenses, which is
 39 hereby created within the department of self-governing agencies.

40 (43) Notwithstanding any other provision of law to the contrary, the
 41 governor shall have the authority to assign entities listed in subsection
 42 (2) of this section to divisions, sections, or units in such a manner as will
 43 tend to provide an orderly arrangement in the administrative organization of
 44 state government.

45 SECTION 2. That Section [67-2601A](#), Idaho Code, be, and the same is hereby
 46 repealed.

47 SECTION 3. That Section [67-2602](#), Idaho Code, be, and the same is hereby
 48 repealed.

1 SECTION 4. That Chapter 26, Title 67, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 67-2602, Idaho Code, and to read as follows:

4 67-2602. ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL AND PROFES-
5 SIONAL LICENSES. The division of occupational and professional licenses
6 shall be headed by an administrator appointed by the governor and who shall
7 serve at the pleasure of the governor.

8 SECTION 5. That Section 67-2602A, Idaho Code, be, and the same is hereby
9 repealed.

10 SECTION 6. That Section 67-2603, Idaho Code, be, and the same is hereby
11 repealed.

12 SECTION 7. That Chapter 26, Title 67, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
14 ignated as Section 67-2603, Idaho Code, and to read as follows:

15 67-2603. DIVISION EMPLOYEES. (1) Employees of the division of occu-
16 pational and professional licenses shall be subject to the provisions set
17 forth in chapter 53, title 67, Idaho Code, except where otherwise specified.

18 (2) A division administrator shall be considered a nonclassified em-
19 ployee, an executive employee, and an exempt employee.

20 SECTION 8. That Section 67-2604, Idaho Code, be, and the same is hereby
21 repealed.

22 SECTION 9. That Chapter 26, Title 67, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 67-2604, Idaho Code, and to read as follows:

25 67-2604. DUTIES OF DIVISION ADMINISTRATOR. (1) In administering the
26 laws regulating professions, trades, and occupations within the division
27 of occupational and professional licenses, and in addition to the authority
28 granted to the administrator by the laws and rules of the agencies and enti-
29 ties within the division, the administrator may:

30 (a) Revise the operating structure of the division as needed to provide
31 efficient and appropriate services to the various professions, trades,
32 occupations, and programs administered within the division;

33 (b) Conduct examinations to ascertain the qualifications and fitness
34 of applicants to exercise the profession, trade, or occupation for
35 which an examination is held;

36 (c) Pass upon the qualifications of applicants for reciprocal li-
37 censes, certificates, registrations, and authorities;

38 (d) Prescribe rules for a fair and impartial method of examination of
39 candidates to exercise the respective profession, trade, or occupa-
40 tion;

41 (e) Appoint hearing officers, administer oaths, take depositions of
42 witnesses within or without the state in the manner provided by the ad-
43 ministrative rules adopted by the division, issue subpoenas, compel the

1 attendance of witnesses, and assess costs and fees incurred in the in-
2 vestigation and prosecution or defense of any certificate holder, li-
3 censee, or registrant of the division, in accordance with the provi-
4 sions of section 12-117(5), Idaho Code, when applicable, the contested
5 case provisions of chapter 52, title 67, Idaho Code, and laws and rules
6 of the agencies within the division;

7 (f) Assess civil penalties as authorized for a violation of laws or
8 rules, provided that any such civil penalty collected for a violation
9 of laws or rules shall not exceed one thousand dollars (\$1,000), unless
10 otherwise provided by statute or rule, and shall be deposited in the
11 occupational licenses fund;

12 (g) Implement processes and promulgate rules for the administration of
13 the chapters of those agencies assigned to the division, including but
14 not limited to:

15 (i) The application, issuance, renewal, cancellation, and rein-
16 statement of licenses, certificates, registrations, and permits,
17 together with assessment of all related fees;

18 (ii) The terms by which fees may be prorated, if any; and

19 (iii) Procedures for the replacement of lost or destroyed li-
20 censes, certificates, or registrations;

21 (h) Employ individuals, make expenditures, enter into contracts, re-
22 quire reports, make investigations, travel, and take other actions
23 deemed necessary;

24 (i) Collect and pay such fees as are required for criminal background
25 checks of applicants, licensees, or registrants;

26 (j) Provide honoraria as set forth in section 59-509(p), Idaho Code,
27 unless otherwise specified in law or rule;

28 (k) Require applications to be verified under oath;

29 (l) Require applicants to provide a clear and legible copy of a govern-
30 ment-issued photo identification;

31 (m) Notwithstanding any other provisions of law, terminate an applica-
32 tion that has not had any activity within one (1) year, unless otherwise
33 specified in law or rule;

34 (n) Issue a license, certificate, permit, or authority only on behalf
35 of an agency that has administrative rules approved by the legislature;
36 and

37 (o) Implement application processes that provide for clear adminis-
38 tration of all licenses, registrations, permits, and certificates,
39 including their status and history.

40 (2) Notwithstanding any law governing any agency within the division,
41 each board or commission member shall hold office until a successor has been
42 duly appointed and qualified.

43 (3) The administrator shall administer the following provisions and
44 shall perform such additional duties as are imposed by law: chapter 41,
45 title 39, Idaho Code, relating to the Idaho building code; chapter 40, ti-
46 tle 39, Idaho Code, relating to manufactured homes; chapter 43, title 39,
47 Idaho Code, relating to modular buildings; chapter 21, title 44, Idaho Code,
48 relating to manufactured home dealer and installer licensing; chapter 25,
49 title 44, Idaho Code, relating to mobile home rehabilitation; chapter 10,
50 title 54, Idaho Code, relating to electrical contractors and journeymen;

1 chapter 19, title 54, Idaho Code, relating to public works contractors;
 2 chapter 26, title 54, Idaho Code, relating to plumbing and plumbers; chapter
 3 45, title 54, Idaho Code, relating to public works construction management
 4 licensing; chapter 50, title 54, Idaho Code, relating to installation of
 5 heating, ventilation and air conditioning systems; chapter 80, title 39,
 6 Idaho Code, relating to uniform public school building safety; chapter 59,
 7 title 33, Idaho Code, relating to Idaho school safety and security; chapter
 8 86, title 39, Idaho Code, relating to elevator safety; and chapter 22, title
 9 55, Idaho Code, relating to underground facilities damage prevention.

10 (4) For those agencies listed in subsection (3) of this section, the ad-
 11 ministrators may, in addition to those powers listed in this chapter:

12 (a) Issue registrations, licenses, and certificates;

13 (b) Charge a fee of seventy-five dollars (\$75.00) for each examination
 14 administered, unless a different fee is established in law or rule;

15 (c) Conduct hearings on proceedings to discipline, renew, or reinstate
 16 licenses, certificates, or authorities of persons exercising the re-
 17 spective profession, trade, or occupation;

18 (d) Revoke, suspend, refuse to renew, or take other disciplinary action
 19 against such licenses, certifications, or authorities; and

20 (e) Assess civil penalties as authorized for a violation of law or rule.

21 SECTION 10. That Section [67-2605](#), Idaho Code, be, and the same is hereby
 22 repealed.

23 SECTION 11. That Chapter 26, Title 67, Idaho Code, be, and the same is
 24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 25 ignated as Section 67-2605, Idaho Code, and to read as follows:

26 67-2605. ADMINISTRATOR TO PERFORM SAFETY INSPECTIONS AND ISSUE SAFETY
 27 ORDERS. (1) The administrator of the division of occupational and profes-
 28 sional licenses shall have the authority to perform safety inspections and
 29 safety training programs for logging operations in Idaho.

30 (2) When an inspection reveals evidence of a condition that poses an im-
 31 mediate threat of serious bodily harm or loss of life to any person, the ad-
 32 ministrators, and while on public highways the directors of the Idaho state
 33 police and the Idaho transportation department, may issue a safety order to
 34 immediately stop the work, close the facility or site, or detain the vehicle
 35 where the threat exists. The safety order shall not be rescinded until after
 36 the threat has been corrected or removed.

37 (3) A safety order provided for in this section may be enforced by the
 38 attorney general in a civil action brought in the district court for the
 39 county wherein the hazardous work site or facility is located or the vehicle
 40 is detained.

41 (4) Any person who knowingly fails or refuses to comply with a safety
 42 order shall be guilty of a misdemeanor.

43 (5) The administrator shall promulgate rules adopting minimum log-
 44 ging safety standards and procedures for conducting inspections and safety
 45 training.

46 (6) The directors of the Idaho state police and the Idaho transporta-
 47 tion department shall have authority on public highways to stop and inspect

1 vehicles and enforce rules promulgated by the administrator pursuant to this
2 section.

3 (7) In addition to safety inspections of state-owned public buildings
4 conducted under chapter 23, title 67, Idaho Code, the administrator may con-
5 duct safety inspections of buildings owned or maintained by political sub-
6 divisions of the state upon receipt of a written request from the governing
7 body of that political subdivision, subject to the availability of division
8 resources and the requesting entity's agreement to pay the division's cur-
9 rent fees for such an inspection.

10 (a) The findings of such safety inspection shall be reported to the gov-
11 erning body of the political subdivision.

12 (b) The administrator may promulgate rules adopting minimum safety
13 standards and procedures for conducting such safety inspections, as
14 well as fees for performing the same.

15 (c) For purposes of this section, "political subdivision" means any
16 governmental unit or special district of the state of Idaho other than
17 public school districts.

18 SECTION 12. That Section [67-2606](#), Idaho Code, be, and the same is hereby
19 repealed.

20 SECTION 13. That Chapter 26, Title 67, Idaho Code, be, and the same is
21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
22 ignated as Section 67-2606, Idaho Code, and to read as follows:

23 67-2606. LICENSE FEES -- MILITARY EXEMPTION. All persons holding oc-
24 cupational or professional licenses issued by the state of Idaho and who are
25 serving in the armed forces of the United States or its allies, or auxiliary
26 services thereof, and any prisoners of war in custody of the enemy countries
27 of the United States or its allies may be exempt from the payment of any pro-
28 fessional or occupational license or renewal fee required by any law of this
29 state for the period during which such persons shall be engaged in the mil-
30 itary services of the United States, or its auxiliary branches, or held as
31 prisoners. During such period of military service, or service in the auxil-
32 iary branches thereof, or servitude and for six (6) months following the dis-
33 charge from such military service or auxiliary service, such license shall
34 remain in good standing without the necessity of renewal, and during said pe-
35 riod the same shall not be canceled, suspended, or revoked.

36 SECTION 14. That Chapter 26, Title 67, Idaho Code, be, and the same is
37 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
38 ignated as Section 67-2607, Idaho Code, and to read as follows:

39 67-2607. DIVISION ADMINISTRATOR -- EXPENSES. The expenses of the di-
40 vision administrator of the division of occupational and professional li-
41 censes and such other administrative, technical, or other personnel as may
42 be deemed necessary for the conduct of the affairs of the division shall be
43 paid from the occupational licenses fund.

44 SECTION 15. That Section [67-2608](#), Idaho Code, be, and the same is hereby
45 repealed.

1 SECTION 16. That Chapter 26, Title 67, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 67-2608, Idaho Code, and to read as follows:

4 67-2608. OCCUPATIONAL LICENSES FUND CREATED -- DISPOSITION OF FEES.
5 There is hereby created in the state treasury the occupational licenses
6 fund. All fees and renewal fees received by the division of occupational and
7 professional licenses for licenses to engage in trades, businesses, occupa-
8 tions, or professions shall be deposited to the credit of the occupational
9 licenses fund. The administrator shall ensure that fees collected by the di-
10 vision are not waived, prorated, transferred, or refunded unless authorized
11 by rule or law of the agency within the division.

12 SECTION 17. That Section 67-2609, Idaho Code, be, and the same is hereby
13 repealed.

14 SECTION 18. That Chapter 26, Title 67, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
16 ignated as Section 67-2609, Idaho Code, and to read as follows:

17 67-2609. DIVISION ADMINISTRATOR TO COOPERATE WITH OTHER AGENCIES. In
18 administering the laws regulating professions, trades, and occupations
19 within the division of occupational and professional licenses, the adminis-
20 trator of the division of occupational and professional licenses may share
21 information and otherwise cooperate with government regulatory and law en-
22 forcement agencies.

23 SECTION 19. That Section 67-2613, Idaho Code, be, and the same is hereby
24 repealed.

25 SECTION 20. That Chapter 26, Title 67, Idaho Code, be, and the same is
26 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
27 ignated as Section 67-2613, Idaho Code, and to read as follows:

28 67-2613. CLARIFICATION OF DEFINITIONS. Solely for the purposes of
29 chapter 14, title 67, Idaho Code, the associations created in chapters 36
30 and 43, title 41, Idaho Code, shall be considered self-governing entities
31 as defined in this chapter, which creates the department of self-governing
32 agencies.

33 SECTION 21. That Section 67-2614, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 67-2614. RENEWAL OR REINSTATEMENT OF LICENSES. (1) All licenses or
36 registrations issued by the boards served by the division of occupational
37 and professional licenses as a prerequisite to engaging in a trade, occupa-
38 tion, or profession shall may be subject to annual renewal and shall may ex-
39 pire and be canceled unless renewed prior to expiration as provided by this
40 section, unless otherwise specified in law or rule. The required fees for
41 annual renewals and reinstatements shall be the amounts set forth in the laws
42 or rules of the governing board relevant agency within the division. As used

1 in this section, the term "person," unless otherwise indicated, shall mean a
2 natural person or an entity applying for licensure or registration pursuant
3 to the laws or rules of ~~a board served by an agency within~~ the division.

4 (2) All natural persons required to procure a license or registration
5 must annually renew the same on or before the birthday of the holder of the
6 license or registration in the manner prescribed in subsection (4) of this
7 section, unless otherwise specified in law or rule. However, the first re-
8 newal of the license or registration shall not be required until twelve (12)
9 months after the holder's next birthday following the initial licensure or
10 registration, unless otherwise specified in law or rule.

11 (3) All persons required to procure a license or registration for an
12 entity or a facility as a prerequisite for operating a business or place of
13 business in which a trade, occupation, or profession is practiced must annu-
14 ally renew the same on or before the anniversary of the original issue date
15 of the license or registration in the manner prescribed in subsection (4) of
16 this section, unless otherwise specified in law or rule.

17 (4) Licenses or registrations may be renewed up to six (6) weeks prior
18 to the expiration date, unless otherwise specified in law or rule.

19 (a) Submission of an approved and completed paper or electronic renewal
20 application prior to expiration is the responsibility of each licensee
21 or registrant. Failure to receive a renewal application or notice shall
22 not excuse failure to comply with renewal requirements.

23 (b) The renewal application shall be submitted to the division along
24 with the required renewal fee and confirmation of compliance with re-
25 newal requirements of the relevant ~~board~~ agency within the division,
26 including but not limited to insurance, completion of any continuing
27 education, and payment of all fines, costs, fees, including attorney's
28 fees, or other amounts that are due and owing ~~to the board~~ or in compli-
29 ance with a payment arrangement ~~with the board~~.

30 (5) Applicants, licensees, permittees, and registrants are responsi-
31 ble for keeping their information up to date as follows:

32 (a) Whenever a change of the applicant's, licensee's, or registrant's
33 name or address of record occurs, the licensee or registrant must imme-
34 diately notify the division in writing of the change. The division will
35 use the most recent mailing or electronic mail address it has on file for
36 purposes of written communication with a licensee or registrant. It is
37 the responsibility of each applicant, licensee, and registrant to keep
38 the division informed of a current mailing and electronic mail address
39 and any other contact information; and

40 (b) Unless otherwise specified by law or rule, ~~a~~All substantive changes
41 in professional status must be reported to the division in writing
42 within ninety (90) days. Substantive changes may include but are not
43 limited to:

44 (i) Any criminal convictions of felonies or misdemeanors other
45 than traffic violations;

46 (ii) Administrative adjudicative proceedings against the appli-
47 cant, licensee, or registrant in other states or jurisdictions;

48 (iii) Adjudicated ethics violations or other sanctions levied
49 against the applicant, licensee, or registrant by a professional
50 association or specialty association; and

1 (iv) Any civil proceedings adjudicated against the applicant,
2 licensee, or registrant related to his license, registration, or
3 certificate.

4 (6) Fees for renewal and reinstatement cannot be waived, prorated,
5 transferred, or refunded unless otherwise ~~provided by board~~ specified in law
6 or rule.

7 (7) If a license, ~~or registration, certificate, or authority~~ is not re-
8 newed on or before the expiration date, it shall be immediately canceled by
9 the division following the date of expiration, unless otherwise specified in
10 law or rule. Within five (5) years of the date of expiration, the division
11 may reinstate a license or registration canceled for failure to renew upon
12 receiving documentation of compliance with requirements for timely renewal
13 as set forth in subsection (4) (b) of this section and any other reinstatement
14 requirements of the ~~board~~ division plus payment of a reinstatement fee
15 ~~as provided by board rule~~ of thirty-five dollars (\$35.00) or other amount as
16 specified in law or rule.

17 (8) (a) When a license, ~~or registration, certificate, or authority~~ has
18 been canceled for a period of more than five (5) years, the person so af-
19 fected shall be required to make application for a new license, ~~or reg-~~
20 ~~istration, certificate, or authority~~ to the division. The application
21 shall consist of the following:

22 (i) All forms and information required of an application for a new
23 license, ~~or registration, certificate, or authority~~; and

24 (ii) The fee currently required of an applicant for a new license,
25 ~~or registration, certificate, or authority~~.

26 (b) In addition to the application, the person shall provide all moneys
27 due and owing to the ~~board~~ division or proof that the person is in com-
28 pliance with a payment arrangement ~~made with the board~~.

29 (c) The person shall fulfill certain requirements as determined by the
30 ~~board~~ division that demonstrate the person's competency to resume prac-
31 tice in this state. Such requirements may include but are not limited
32 to education, supervised practice, and examination. The ~~board~~ division
33 may consider the person's practice in another jurisdiction in determin-
34 ing the person's competency.

35 (d) Persons who fulfill the conditions and requirements of this subsec-
36 tion shall be issued a new license, ~~or registration, certificate, or au-~~
37 ~~thority~~.

38 SECTION 22. That Section [67-2615](#), Idaho Code, be, and the same is hereby
39 repealed.

40 SECTION 23. That Section [67-2616](#), Idaho Code, be, and the same is hereby
41 repealed.

42 SECTION 24. That Section 67-1406, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 67-1406. EMPLOYMENT OF ATTORNEYS RESTRICTED -- EXEMPTIONS. Notwith-
45 standing any other provision of law to the contrary, no department, agency,
46 office, officers, board, commission, institution or other state entity

1 shall be represented by or obtain its legal advice from an attorney at law
2 other than the attorney general except as follows:

3 (1) The legislative and judicial branches of government and the gover-
4 nor may employ attorneys other than those under the supervision of the attor-
5 ney general, and such attorneys may appear in any court. However, such enti-
6 ties may, upon request, utilize the attorney general's legal services.

7 (2) Those state entities within the department of self-governing agen-
8 cies which are enumerated in sections 67-2601(2) (a) and (g), ~~67-2601(2) (b)~~
9 ~~and 67-2601(3)~~, Idaho Code, and colleges and universities may employ pri-
10 vate counsel to advise them and represent them before courts of the state of
11 Idaho. Such entities may also obtain legal services from the attorney gen-
12 eral on such terms as the parties may agree.

13 (3) Whenever the attorney general determines that it is necessary or
14 appropriate in the public interest, the attorney general may authorize con-
15 tracts for legal services pursuant to the provisions of section 67-1409,
16 Idaho Code.

17 (4) The provisions of section 67-1401, Idaho Code, shall govern the
18 normal relationship between the attorney general and the state entities in
19 the executive branch of state government. However, if after consultation
20 with the attorney general, the governor determines in his sole judgment,
21 which shall not be subject to judicial review, that counsel assigned to rep-
22 resent or give legal advice to any state entity, other than the lieutenant
23 governor, state controller, state treasurer, secretary of state, attorney
24 general, and the superintendent of public instruction, cannot effectively
25 advocate or pursue the policies of the governor, the governor shall request
26 that other counsel be provided by the attorney general, and the attorney gen-
27 eral shall provide from within the office of the attorney general or obtain
28 from outside the office of the attorney general, depending upon the request
29 of the governor, qualified counsel acceptable to the governor to represent
30 such state entity.

31 (5) Any separate counsel employed pursuant to the foregoing exceptions
32 shall be compensated with funds appropriated to such state entity, unless
33 such separate counsel shall have been employed at the request or convenience
34 of the attorney general or because of a conflict in representation by the at-
35 torney general.

36 SECTION 25. That Section 6-1010, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 6-1010. FEES FOR PANEL MEMBERS. The Idaho state board of medicine
39 shall provide, by uniform policy of the board, for the payment of fees and
40 expenses of members of panels, such payment to be made from the ~~state board of~~
41 ~~medicine fund created in section 54-1809, Idaho Code~~ occupational licenses
42 fund. Panel members shall serve upon the sworn commitment that all related
43 matters shall be subject to disclosure according to chapter 1, title 74,
44 Idaho Code, and privileged.

45 SECTION 26. That Section 36-2116, Idaho Code, be, and the same is hereby
46 amended to read as follows:

1 36-2116. COMPLAINT FOR VIOLATION -- PROSECUTION BY COUNTY ATTOR-
2 NEY. (a) The board or its designated agent may prefer a complaint before any
3 court of competent jurisdiction in the county where the offense occurred,
4 for a violation of: (i) the provisions of subsections (1), (2), (7), (8),
5 or (9) of section 36-2113, Idaho Code; or (ii) any regulation promulgated
6 pursuant to subsection (d) of section 36-2107, Idaho Code.

7 (b) Any person convicted of any violation enumerated in subsection (a)
8 of this section 36-2116, Idaho Code, shall be guilty of a misdemeanor and,
9 upon conviction thereof, shall be punished as provided in section 36-2117,
10 Idaho Code. Fifty percent (50%) of all fines and forfeitures collected shall
11 be paid to the outfitters and guides licensing board and such moneys so re-
12 ceived by the board shall be deposited with the state treasurer and the state
13 treasurer shall credit the same to the ~~Idaho outfitters and guides board~~
14 account occupational licenses fund and fifty percent (50%) of all fines
15 and forfeitures collected shall be distributed in accordance with section
16 19-4705, Idaho Code.

17 SECTION 27. That Section 36-2117, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 36-2117. PENALTY FOR VIOLATIONS -- PROSECUTING ATTORNEY TO PROSE-
20 CUTE. (1) It shall be the duty of the prosecuting attorney of each county in
21 the state to prosecute, in the county where the violation occurs, any person
22 charged with violating the provisions of section 36-2104 or 36-2116, Idaho
23 Code.

24 (2) Any person who pleads guilty or is found guilty of a first offense
25 for violating the provisions of section 36-2104, Idaho Code, shall be pun-
26 ished by a fine of not less than one thousand dollars (\$1,000) nor more than
27 five thousand dollars (\$5,000), or by imprisonment in the county jail for a
28 term not to exceed one (1) year, if other than a corporation, or by both such
29 fine and imprisonment in the discretion of the court.

30 (3) Any person who pleads guilty or is found guilty of a second offense
31 for violating the provisions of section 36-2104, Idaho Code, shall be pun-
32 ished by a fine of not less than two thousand five hundred dollars (\$2,500)
33 nor more than five thousand dollars (\$5,000), or by imprisonment in the
34 county jail for a term not to exceed one (1) year, if other than a corpora-
35 tion, or by both such fine and imprisonment in the discretion of the court.

36 (4) Any person who pleads guilty or is found guilty of a third or subse-
37 quent offense for violating the provisions of section 36-2104, Idaho Code,
38 shall be punished by a fine of five thousand dollars (\$5,000), or by impris-
39 onment in the county jail for a term not to exceed one (1) year, if other than
40 a corporation, or by both such fine and imprisonment in the discretion of the
41 court.

42 (5) Any person who pleads guilty or is found guilty of a violation of
43 section 36-2116, Idaho Code, shall be guilty of a misdemeanor.

44 (6) All fines and penalties collected for violation of this section,
45 under sentence or judgment of any court, shall be paid over by such court in
46 the same manner as provided for in section 36-2116, Idaho Code. Such court
47 shall also send to the Idaho outfitters and guides licensing board a state-
48 ment setting forth the title of the court and of the cause for which such
49 moneys were collected, the name and residence of the defendant or defen-

1 dants, the nature of the offense or offenses and the fine and the sentence or
2 judgment imposed and such moneys so received by the board shall be deposited
3 with the state treasurer and the state treasurer shall credit the same to
4 the ~~Idaho outfitters and guides board account in the dedicated~~ occupational
5 licenses fund. The court shall require any person violating the provi-
6 sions of section 36-2104, Idaho Code, to reimburse the Idaho outfitters and
7 guides licensing board or other city, county, state or federal agency for the
8 employee costs and other costs incurred by the board or agency in the inves-
9 tigation and criminal prosecution of acts for violations of section 36-2104,
10 Idaho Code.

11 (7) Any person who pleads guilty or is found guilty of violating the
12 provisions of section 36-2104, Idaho Code, may, in the discretion of the
13 court, have their license to hunt or take big game, or to fish, suspended for
14 a period of time as determined by the court.

15 SECTION 28. That Section 39-4124, Idaho Code, be, and the same is hereby
16 repealed.

17 SECTION 29. That Chapter 41, Title 39, Idaho Code, be, and the same is
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
19 ignated as Section 39-4124, Idaho Code, and to read as follows:

20 39-4124. RECEIPTS AND DISBURSEMENTS -- OCCUPATIONAL LICENSES
21 FUND. All fees, charges, and fines received by the board under the provisions
22 of this chapter shall be deposited in the state treasury to the credit of the
23 occupational licenses fund, and all costs and expenses incurred by the board
24 under the provisions of this chapter shall be a charge against and paid from
25 the fund for such purposes. The funds collected under this chapter shall be
26 immediately available for the administration of this chapter, the provi-
27 sions of any other law notwithstanding.

28 SECTION 30. That Section 39-4303, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 39-4303. FEES. (1) The following fees shall be paid by the manufac-
31 turer of a modular building:

32 (a) Per building, one (1) building permit, plan review and inspection
33 fee for structural, plumbing, electrical and HVAC, based upon the mod-
34 ular building permit fee schedule as provided in rule, plus ninety dol-
35 lars (\$90.00) and two and one-half percent (2.5%) of the plumbing, elec-
36 trical and HVAC installation costs.

37 (b) The division may charge a one hundred dollar (\$100) insignia fee in
38 instances where building permit fees are not charged for modular build-
39 ings.

40 (2) All fees collected by the division under the provisions of this
41 chapter shall be paid into the ~~factory built structures account, which is~~
42 ~~hereby created in the dedicated~~ occupational licenses fund. The expenses
43 incurred in administering and enforcing the provisions of this chapter shall
44 be paid from the ~~account~~ fund. The fees set forth in subsection (1) of this
45 section and the modular building permit fees as provided in rule shall be the
46 exclusive fee requirements applicable to modular buildings governed by the

1 provisions of this chapter and shall supersede any program of any political
2 subdivision of the state that sets fee requirements for the same inspections
3 or services.

4 SECTION 31. That Section [54-217](#), Idaho Code, be, and the same is hereby
5 repealed.

6 SECTION 32. That Chapter 2, Title 54, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 54-217, Idaho Code, and to read as follows:

9 54-217. OCCUPATIONAL LICENSES FUND -- RECEIPTS AND DISBURSEMENTS. All
10 fees, charges, and fines received by the board under the provisions of this
11 chapter shall be deposited in the state treasury to the credit of the occu-
12 pational licenses fund, and all costs and expenses incurred by the board un-
13 der the provisions of this chapter shall be a charge against and paid from the
14 fund for such purposes. The funds collected under this chapter shall be im-
15 mediately available for the administration of this chapter, the provisions
16 of any other law notwithstanding.

17 SECTION 33. That Section 54-308, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 54-308. BOARD -- POWERS. The board shall have, in addition to the pow-
20 ers conferred elsewhere in this chapter, the following powers:

21 (1) To authorize, by written agreement, the bureau of occupational
22 licenses to act as its agent in its interests and, at its discretion, to
23 contract with the bureau of occupational licenses for those services deemed
24 necessary for the proper administration of this chapter;

25 (2) To adopt, pursuant to the administrative procedure act, such rules
26 as are necessary for the administration and enforcement of this chapter, in-
27 cluding a code of ethics and standards of practice;

28 (3) To maintain records necessary to carry out its duties under this
29 chapter;

30 (4) To adopt rules setting the qualifications and fitness of applicants
31 for licensure under this chapter;

32 (5) To approve continuing education courses and prescribe by rule the
33 minimum number of continuing education hours required of each licensee seek-
34 ing to obtain or renew an architect's license in the state of Idaho;

35 (6) To examine for, deny, approve, issue, revoke, suspend or otherwise
36 discipline licenses pursuant to this chapter and to conduct investigations
37 and hearings in connection with such actions, in accordance with the provi-
38 sions of chapter 52, title 67, Idaho Code;

39 (7) To establish a procedure for an applicant to request an exemption
40 review for a felony or lesser crime conviction. The applicant shall bear the
41 burden and financial responsibility of providing all evidence, documenta-
42 tion and proof of suitability for licensure required by the board for exemp-
43 tion review;

44 (8) To administer or have its designee administer oaths or affirmations
45 to witnesses in any proceeding authorized by this chapter;

1 (9) (a) To engage in discovery as provided in the Idaho rules of civil
2 procedure and chapter 52, title 67, Idaho Code, including, but not lim-
3 ited to, the power to take depositions of witnesses within or without
4 the state in the manner provided by law in civil cases, and to require
5 the attendance of witnesses and the production of books, records and pa-
6 pers as it may desire at any hearing before it of any matter that it has
7 authority to investigate, and for that purpose the board or its desig-
8 nated hearing officer may issue a subpoena for any witness or a subpoena
9 duces tecum to compel the production of any books, records or papers,
10 directed to the sheriff of any county of the state of Idaho where the
11 witness resides or may be found, which shall be served and returned in
12 the same manner as a subpoena in a criminal case is served and returned.
13 The licensed person accused in the proceedings shall have the same right
14 of subpoena upon making application to the board.

15 (b) The fees and mileage of the witnesses shall be the same as that al-
16 lowed in the district courts in criminal cases and will be paid from the
17 occupational licenses ~~account~~ fund in the same manner as other expenses
18 of the board are paid.

19 (c) In any case of disobedience to, or neglect of, any subpoena or sub-
20 poena duces tecum served upon any person, or the refusal of any witness
21 to testify to any matter regarding which he may be interrogated, it
22 shall be the duty of the district court, or any judge thereof, of any
23 county in this state in which the disobedience, neglect or refusal oc-
24 curs, upon application by the board, to compel obedience by proceedings
25 for contempt as in the case of disobedience of the requirements of a sub-
26 poena issued from the court or for refusal to testify; and

27 (10) To take such action as may be necessary to enforce the provisions
28 of this chapter and to regulate the practice of architecture.

29 SECTION 34. That Section 54-313, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 54-313. FEES. (1) The board shall establish by rule the following fees
32 for licensure under the provisions of this chapter:

33 (a) An application fee;

34 (b) A license fee;

35 (c) An endorsement license fee;

36 (d) A temporary license fee;

37 (e) An annual renewal fee; and

38 (f) A reinstatement fee as provided in section 67-2614, Idaho Code.

39 (2) All fees received under the provisions of this chapter shall be non-
40 refundable and shall be deposited in the state treasury to the credit of the
41 occupational licenses ~~account~~ fund in the dedicated fund. All costs and ex-
42 penses incurred by the board for the administration of this chapter shall
43 be a charge against and paid from the ~~account~~ fund, and the funds collected
44 hereunder shall be immediately available for such purposes, the provisions
45 of any other law notwithstanding.

46 SECTION 35. That Section 54-910, Idaho Code, be, and the same is hereby
47 repealed.

1 SECTION 36. That Chapter 9, Title 54, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 54-910, Idaho Code, and to read as follows:

4 54-910. OCCUPATIONAL LICENSES FUND -- RECEIPTS AND DISBURSEMENTS. All
5 fees, charges, and fines received by the board under the provisions of this
6 chapter shall be deposited in the state treasury to the credit of the occu-
7 pational licenses fund, and all costs and expenses incurred by the board un-
8 der the provisions of this chapter shall be a charge against and paid from the
9 fund for such purposes. The funds collected under this chapter shall be im-
10 mediately available for the administration of this chapter, the provisions
11 of any other law notwithstanding.

12 SECTION 37. That Section 54-1015, Idaho Code, be, and the same is hereby
13 repealed.

14 SECTION 38. That Chapter 10, Title 54, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
16 ignated as Section 54-1015, Idaho Code, and to read as follows:

17 54-1015. OCCUPATIONAL LICENSES FUND -- RECEIPTS AND DISBURSE-
18 MENTS. All fees, charges, and fines received by the board under the provi-
19 sions of this chapter shall be deposited in the state treasury to the credit
20 of the occupational licenses fund, and all costs and expenses incurred by
21 the board under the provisions of this chapter shall be a charge against and
22 paid from the fund for such purposes. The funds collected under this chapter
23 shall be immediately available for the administration of this chapter, the
24 provisions of any other law notwithstanding.

25 SECTION 39. That Section 54-1209, Idaho Code, be, and the same is hereby
26 repealed.

27 SECTION 40. That Chapter 12, Title 54, Idaho Code, be, and the same is
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
29 ignated as Section 54-1209, Idaho Code, and to read as follows:

30 54-1209. RECEIPTS AND DISBURSEMENTS -- OCCUPATIONAL LICENSES
31 FUND. (1) The secretary of the board, or assistants thereto as may be desig-
32 nated by the board, shall receive and account for all moneys derived under
33 the provisions of this chapter. All fees received by the board under the
34 provisions of this chapter shall be deposited in the state treasury to the
35 credit of the occupational licenses fund, and all costs and expenses in-
36 curred by the board under the provisions of this chapter shall be a charge
37 against and paid from the fund for such purposes.

38 (2) The secretary of the board shall be bonded to the state of Idaho in
39 the time, form, and manner prescribed in chapter 8, title 59, Idaho Code.

40 (3) The administrator of the division of occupational and professional
41 licenses shall carry out the duties set forth in chapter 26, title 67, Idaho
42 Code, and any other administrative duties on behalf of the board.

1 SECTION 41. That Section 54-1405, Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 42. That Chapter 14, Title 54, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 54-1405, Idaho Code, and to read as follows:

6 54-1405. OCCUPATIONAL LICENSES FUND -- RECEIPTS AND DISBURSE-
7 MENTS. All fees, charges, and fines received by the board under the provi-
8 sions of this chapter shall be deposited in the state treasury to the credit
9 of the occupational licenses fund, and all costs and expenses incurred by
10 the board under the provisions of this chapter shall be a charge against and
11 paid from the fund for such purposes. The funds collected under this chapter
12 shall be immediately available for the administration of this chapter, the
13 provisions of any other law notwithstanding.

14 SECTION 43. That Section 54-1508, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 54-1508. STATE BOARD OF OPTOMETRY -- ORGANIZATION -- MEETINGS -- EX-
17 PENSES. The board of optometry shall meet on or before September 15 of each
18 year and select from its members a chairman and a secretary who shall serve at
19 the pleasure of the board. The secretary shall keep the minutes of the meet-
20 ings of the board, maintain the files and records of the board, maintain a
21 roster of all persons licensed as optometrists under this act and, on or be-
22 fore October 1 of each year, forward to the bureau of occupational licenses a
23 certified list of those persons who have paid the fees required by this act.

24 The board of optometry may meet at stated times and places and shall meet
25 upon the call of its chairman or upon written request of a majority of its
26 members. Three (3) members shall constitute a quorum, and a majority of the
27 members present at a meeting at which a quorum is present shall determine the
28 action of the board. Each member of the board shall be notified of any meet-
29 ing called for any purpose.

30 Out of the moneys appropriated to the bureau from fees paid under sec-
31 tion 54-1506(2), Idaho Code, or otherwise appropriated from fees paid under
32 section 54-1506(2), Idaho Code, and deposited in the occupational ~~license~~
33 licenses fund established by section 67-26058, Idaho Code, the mem-
34 bers of the board of optometry shall be compensated as provided by section
35 59-509(n), Idaho Code.

36 SECTION 44. That Section 54-1720, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 54-1720. OTHER DUTIES -- POWERS -- AUTHORITY. The board of pharmacy
39 shall have such other duties, powers, and authority as may be necessary to
40 the enforcement of this chapter and to the enforcement of board rules made
41 pursuant thereto, which shall include, but are not limited to, the follow-
42 ing:

43 (1) The board may join such professional organizations and associa-
44 tions organized exclusively to promote the improvement of the standards of

1 the practice of pharmacy for the protection of the health and welfare of the
2 public and whose activities assist and facilitate the work of the board.

3 (2) In addition to any statutory requirements, the board may require
4 such surety bonds as it deems necessary to guarantee the performance and
5 discharge of the duties of any officer or employee receiving and disbursing
6 funds.

7 (3) The executive director of the board shall keep the seal of the board
8 and shall affix it only in such manner as may be prescribed by the board.

9 (4) (a) The board shall determine by rule the fees to be collected for
10 the issuance and renewal of licenses and registrations.

11 (b) ~~All fees or fines that shall be paid under the provisions of this~~
12 ~~chapter shall be paid over by the board to the treasurer of the state~~
13 ~~of Idaho and shall be held by the state treasurer in the pharmacy ac-~~
14 ~~count, which shall be paid out by the state treasurer upon warrant drawn~~
15 ~~by the state controller against said account. The state controller is~~
16 ~~hereby authorized, upon presentation of the proper vouchers of claims~~
17 ~~against the state, approved by the said board and the state board of ex-~~
18 ~~aminers, as provided by law, to draw his warrant upon said account. All~~
19 ~~fees, charges, and fines received by the board under the provisions of~~
20 ~~this chapter shall be deposited in the state treasury to the credit of~~
21 ~~the occupational licenses fund, and all costs and expenses incurred by~~
22 ~~the board under the provisions of this chapter shall be a charge against~~
23 ~~and paid from the fund for such purposes. The funds collected under this~~
24 ~~chapter shall be immediately available for the administration of this~~
25 ~~chapter, the provisions of any other law notwithstanding.~~

26 (5) In addition to its annual appropriations, the board may solicit and
27 receive, from parties other than the state, grants, moneys, donations and
28 gifts of tangible and intangible property for any purpose consistent with
29 this act, which may be specified as a condition of any grants, donations or
30 gifts. Such moneys may be solicited or received provided:

31 (a) Such moneys are awarded for the pursuit of a specific objective
32 which the board is authorized to accomplish by this chapter, or which
33 the board is qualified to accomplish by reason of its jurisdiction or
34 professional expertise;

35 (b) Such moneys are expended for the pursuit of the objective for which
36 they are awarded;

37 (c) Activities connected with or occasioned by the expenditures of such
38 moneys do not interfere with or impair the performance of the board's
39 duties and responsibilities and do not conflict with the exercise of the
40 board's powers as specified by this chapter;

41 (d) Such moneys are kept in a separate, special state account; and

42 (e) Periodic reports are made to the administrator, division of finan-
43 cial management, concerning the board's receipt and expenditure of such
44 moneys.

45 (6) The board shall assign to each drug outlet under its jurisdiction a
46 uniform state number.

47 (7) The board or its authorized representatives shall also have power
48 to investigate and gather evidence concerning alleged violations of the pro-
49 visions of this chapter or of the rules of the board.

1 (8) Except as otherwise provided to the contrary, the board shall exer-
2 cise all of its duties, powers and authority in accordance with the ad-
3 ministrative procedure act.

4 (9) (a) For the purpose of any proceedings held before the board as
5 authorized by law, including the refusal, nonrenewal, revocation or
6 suspension of licenses, registrations or certifications authorized
7 by this chapter, or the imposition of fines or reprimands on persons
8 holding such licenses, certifications or registrations, the board may
9 subpoena witnesses and compel their attendance, and may also at such
10 time require the production of books, papers, documents or other memo-
11 randa. In any such proceeding before the board, any member of the board,
12 or its designee, may administer oaths or affirmations to witnesses so
13 appearing.

14 (b) If any person shall refuse to obey a subpoena so issued, or refuse
15 to testify or produce any books, papers or documents called for by
16 said subpoena, the board may make application to the district court
17 of the county in which the proceeding is held for an order of the court
18 requiring the person to appear before the court and to show cause why
19 the person should not be compelled to testify, to produce such books,
20 papers, memoranda or other documents required by the subpoena, or
21 otherwise comply with its terms. The application shall set forth the
22 action theretofore taken by the board to compel the attendance of the
23 witness, and the circumstances surrounding the failure of the witness
24 to attend or otherwise comply with the subpoena, together with a brief
25 statement of the reasons why compliance with the subpoena is necessary
26 to the proceeding before the board.

27 (c) Upon the failure of a person to appear before the court at the time
28 and place designated by it, the court may enter an order without further
29 proceedings requiring the person to comply with the subpoena. Any per-
30 son failing or refusing to obey such order of the court shall be punished
31 for contempt of court as in other cases provided.

32 (10) The board may sponsor, participate in or conduct education, re-
33 search or public service programs or initiatives to carry out the purposes
34 of this chapter.

35 SECTION 45. That Section [54-1809](#), Idaho Code, be, and the same is hereby
36 repealed.

37 SECTION 46. That Chapter 18, Title 54, Idaho Code, be, and the same is
38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
39 ignated as Section 54-1809, Idaho Code, and to read as follows:

40 54-1809. OCCUPATIONAL LICENSES FUND -- RECEIPTS AND DISBURSE-
41 MENTS. All fees, charges, and fines received by the board under the provi-
42 sions of this chapter shall be deposited in the state treasury to the credit
43 of the occupational licenses fund in the dedicated fund, and all costs and
44 expenses incurred by the board under the provisions of this chapter shall
45 be a charge against and paid from the fund for such purposes. The funds
46 collected under this chapter shall be immediately available for the adminis-
47 tration of this chapter, the provisions of any other law notwithstanding.

1 SECTION 47. That Section 54-1921, Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 48. That Chapter 19, Title 54, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 54-1921, Idaho Code, and to read as follows:

6 54-1921. OCCUPATIONAL LICENSES FUND -- RECEIPTS AND DISBURSE-
7 MENTS. All fees, charges, and fines received by the board under the provi-
8 sions of this chapter shall be deposited in the state treasury to the credit
9 of the occupational licenses fund, and all costs and expenses incurred by
10 the board under the provisions of this chapter shall be a charge against and
11 paid from the fund for such purposes. The funds collected under this chapter
12 shall be immediately available for the administration of this chapter, the
13 provisions of any other law notwithstanding.

14 SECTION 49. That Section 54-2021, Idaho Code, be, and the same is hereby
15 repealed.

16 SECTION 50. That Chapter 20, Title 54, Idaho Code, be, and the same is
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
18 ignated as Section 54-2021, Idaho Code, and to read as follows:

19 54-2021. OCCUPATIONAL LICENSES FUND -- RECEIPTS AND DISBURSE-
20 MENTS. All fees, charges, and fines received by the board under the provi-
21 sions of this chapter shall be deposited in the state treasury to the credit
22 of the occupational licenses fund, and all costs and expenses incurred by
23 the board under the provisions of this chapter shall be a charge against and
24 paid from the fund for such purposes. The funds collected under this chapter
25 shall be immediately available for the administration of this chapter, the
26 provisions of any other law notwithstanding. Moneys in the fund may be ex-
27 pended by the commission for the promotion and improvement of the real estate
28 profession, the advancement of education and research in the field of real
29 estate, including but not limited to courses sponsored by the commission or
30 in conjunction with any university or college in the state or contracting for
31 a particular research project in the field of real estate, and the promotion
32 and advertising of the state of Idaho.

33 SECTION 51. That Section 54-2059, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 54-2059. DISCIPLINARY POWERS -- REVOCATION, SUSPENSION OR OTHER DIS-
36 CIPLINARY ACTION. (1) The commission may temporarily suspend or permanently
37 revoke licenses issued under the provisions of this chapter, issue a formal
38 reprimand and impose a civil penalty in an amount not to exceed five thousand
39 dollars (\$5,000) against any licensee who is found to have violated any sec-
40 tion of the Idaho Code, the commission's administrative rules or any order of
41 the commission. The executive director may issue informal letters of repri-
42 mand to licensees without civil penalty or cost assessment.

43 (2) The commission may impose a civil penalty in an amount not to ex-
44 ceed five thousand dollars (\$5,000) against any person who is found, through

1 a court or administrative proceeding, to have acted without a license in vio-
 2 lation of section 54-2002, Idaho Code. The civil penalty provisions of this
 3 section are in addition to and not in lieu of any other actions or criminal
 4 penalties for acting as a broker or salesperson without a license which might
 5 be imposed by other sections of this chapter or Idaho law.

6 (3) The commission may also accept, on such conditions as it may pre-
 7 scribe, or reject any offer to voluntarily terminate the license of a person
 8 whose activity is under investigation or against whom a formal complaint has
 9 been filed.

10 (4) The assessment of fees and costs incurred in the investigation and
 11 prosecution or defense of a licensee or other person under this section shall
 12 be governed by the provisions of section 12-117(5), Idaho Code.

13 (5) If the commission suspends or revokes a license, or imposes a civil
 14 penalty, or assesses costs and attorney's fees, the commission may withhold
 15 execution of the suspension, revocation or civil penalty, or costs and at-
 16 torney's fees on such terms and for such time as it may prescribe.

17 (6) If any amounts assessed against a defendant by final order of the
 18 commission become otherwise uncollectible or payment is in default, and only
 19 if all the defendant's rights to appeal have passed, the commission may then
 20 proceed to district court and seek to enforce collection through judgment
 21 and execution.

22 (7) All civil penalties, costs, and attorney's fees collected by the
 23 commission under this chapter shall be deposited in the state treasury to the
 24 credit of the ~~special real estate~~ occupational licenses fund established by
 25 ~~section 54-2021, Idaho Code~~. Any amounts of civil penalties so collected,
 26 deposited and credited shall be expended for exclusive use in developing and
 27 delivering Idaho real estate education.

28 SECTION 52. That Section 54-2065, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 54-2065. PENALTY FOR ACTING AS A BROKER OR SALESPERSON WITHOUT LI-
 31 CENSE. Any person acting as a real estate broker or real estate salesperson
 32 within the meaning of this chapter without a license as herein provided shall
 33 be guilty of a misdemeanor and, upon conviction thereof, if a natural per-
 34 son, be punished by a fine of not to exceed five thousand dollars (\$5,000) ~~7~~
 35 or by imprisonment in the county jail for a term not to exceed one (1) year,
 36 or by both such fine and imprisonment in the discretion of the court; or if
 37 a limited liability company or corporation, by a fine of not to exceed ten
 38 thousand dollars (\$10,000). Additionally, the court may assess a civil
 39 penalty against a natural person in an amount not to exceed five thousand
 40 dollars (\$5,000) ~~7~~ and against a limited liability company or corporation ~~7~~ in
 41 an amount not to exceed ten thousand dollars (\$10,000). All civil penalties
 42 shall be credited to the ~~special real estate~~ occupational licenses fund.

43 SECTION 53. That Section 54-2070, Idaho Code, be, and the same is hereby
 44 amended to read as follows:

45 54-2070. AUGMENTATION OF FUND. Upon the original application or re-
 46 newal of every real estate broker's, associate broker's and salesperson's
 47 license for a ~~two-year~~ two (2) year period, the licensee shall pay, in

1 addition to the original or renewal license fee, a fee of twenty dollars
2 (\$20.00). Such additional fees and all education fees charged and collected
3 for tuition or registration, course materials and such other fees involved
4 with the commission education programs shall be paid into the state treasury
5 and credited to the ~~special real estate fund as provided in section 54-2021,~~
6 ~~Idaho Code~~ occupational licenses fund, except for such funds as are required
7 to maintain a balance of twenty thousand dollars (\$20,000) in the real estate
8 recovery fund as provided for in section 54-2069, Idaho Code.

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

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

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

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

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

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

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

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

14 (7) All revenues received under this chapter shall be paid to the ~~state~~
15 ~~board of veterinary medicine account created in section 54-2121, Idaho Code,~~
16 occupational licenses fund and shall be subject to and administered in ac-
17 cordance with the provisions of this chapter.

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

25 (a) Establish qualifications and prescribe the application format for
26 issuance or renewal of a license to practice as a veterinarian and cer-
27 tification to practice as a veterinary technician, euthanasia agency or
28 euthanasia technician, to review each application for compliance with
29 the licensure and certification requirements, and to issue, renew or
30 deny licenses and certifications. Upon a showing of good cause by a li-
31 censee or certificate holder to the board, the board may grant an ex-
32 tension of time for submission of the required application or renewal
33 documentation, including the required number of continuing education
34 hours, as set forth by this chapter or the rules of the board.

35 (b) Examine and determine the qualifications and fitness of applicants
36 for a license to practice veterinary medicine, or certification to
37 practice veterinary technology or as a euthanasia technician or operate
38 as a certified euthanasia agency in the state.

39 (c) Issue, renew, reinstate, deny, suspend, sanction, reprimand, re-
40 strict, limit, place on probation, require voluntary surrender of,
41 or revoke any licenses, certifications or temporary permits or certi-
42 fications to practice veterinary medicine, veterinary technology or
43 ~~euthanize~~ the euthanizing of animals in the state, and may fine and im-
44 pose other forms of discipline, and enter into consent agreements and
45 negotiated settlements with licensed veterinarians, certified vet-
46 erinary technicians, certified euthanasia technicians and certified
47 euthanasia agencies consistent with the provisions of this chapter and
48 the rules adopted hereunder. Whenever it appears that grounds for dis-
49 cipline exist under this chapter and the board finds that there is an
50 immediate danger to the public health, safety or welfare, the board is

1 authorized to commence emergency proceedings for revocation or other
2 action. Such proceedings shall be promptly instituted and processed
3 under the applicable provisions of chapter 52, title 67, Idaho Code.

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

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

- 13 (i) Issuance of duplicate licenses or certificates;
- 14 (ii) Mailing lists or reports of data maintained by the board;
- 15 (iii) Copies of any documents;
- 16 (iv) Verification of license or certification status;
- 17 (v) Examination review, approval and administration; and
- 18 (vi) Examination materials.

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

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

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

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

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

6 (k) For purposes of enforcement of the provisions of this chapter and
7 any rules duly promulgated hereunder, including the levying of civil
8 penalties, assessment and collection of fines, and recovery of costs
9 and paralegal, hearing officer and attorney's fees incurred by the
10 board in investigation and prosecution of complaints, the board shall
11 maintain jurisdiction over individuals, irrespective of their license
12 or certification status (i.e., active, inactive, expired, lapsed,
13 surrendered or disciplined) relative to acts, omissions, complaints
14 and investigations ~~which that~~ occurred during the licensure or certi-
15 fication period. Jurisdiction of the board shall also extend to all
16 individuals engaged in the practice of veterinary medicine, veterinary
17 technology or practicing as a certified euthanasia agency or certified
18 euthanasia technician in this state as defined in section 54-2103,
19 Idaho Code. It is the intent of this subsection that the board's ju-
20 risdiction should extend to all licensed or unlicensed or certified or
21 uncertified individuals and that licensees and certification holders
22 cannot divest the board of jurisdiction by changing, surrendering or
23 relinquishing licensure or certification status.

24 (l) Establish a committee on humane euthanasia for the purposes of
25 training, examining, licensing and certifying euthanasia agencies and
26 euthanasia technicians and assess application, training workshop and
27 certification fees. The fees so assessed are continuously appropriated
28 to the board to support the activities of the committee.

29 (m) Adopt, amend or repeal all sections of this chapter and rules neces-
30 sary for its government and all rules necessary to carry into effect the
31 provisions of this chapter pursuant to the Idaho administrative proced-
32 ure act, chapter 52, title 67, Idaho Code, including the establishment
33 and publication of standards of professional conduct for the practice
34 of veterinary medicine.

35 (n) Conduct probationary or other practice and facility inspections
36 necessary for enforcement of this chapter or the rules duly promul-
37 gated hereunder or any order, negotiated settlement or probationary
38 agreement of the board and issue administrative citations to alleged
39 violators.

40 SECTION 55. That Section [54-2121](#), Idaho Code, be, and the same is hereby
41 repealed.

42 SECTION 56. That Chapter 21, Title 54, Idaho Code, be, and the same is
43 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
44 ignated as Section 54-2121, Idaho Code, and to read as follows:

45 54-2121. OCCUPATIONAL LICENSES FUND -- RECEIPTS AND DISBURSE-
46 MENTS. All fees, charges, and fines received by the board under the provi-
47 sions of this chapter shall be deposited in the state treasury to the credit
48 of the occupational licenses fund, and all costs and expenses incurred by the

1 board under the provisions of this chapter shall be a charge against and paid
2 from the fund for such purposes. The funds collected pursuant to this chap-
3 ter shall be immediately available for the administration of this chapter,
4 the provisions of any other law notwithstanding.

5 SECTION 57. That Section 54-2407, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 54-2407. FEES -- PAYMENT OF COSTS AND EXPENSES. (1) The bureau of oc-
8 cupational licenses shall collect a fee not to exceed one hundred dollars
9 (\$100) for each application, each administration of an examination, each
10 original license, and each annual renewal of any license issued pursuant to
11 this chapter, and shall deposit all fees in the state treasury in accordance
12 with section 67-26058, Idaho Code. The actual fees shall be set by board
13 rule. The bureau shall also collect a fee not greater than that charged by
14 the examination provider when an examination is required as a condition of
15 licensure. All required fees shall not be prorated and are nonrefundable.

16 (2) All fees received under the provisions of this chapter shall be paid
17 to the bureau of occupational licenses and deposited in the state treasury
18 to the credit of the occupational licenses fund, and all costs and expenses
19 incurred under the provisions of this chapter shall be charged against and
20 paid from said fund.

21 SECTION 58. That Section 54-2630, Idaho Code, be, and the same is hereby
22 repealed.

23 SECTION 59. That Chapter 26, Title 54, Idaho Code, be, and the same is
24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
25 ignated as Section 54-2630, Idaho Code, and to read as follows:

26 54-2630. OCCUPATIONAL LICENSES FUND -- RECEIPTS AND DISBURSE-
27 MENTS. All fees, charges, and fines received by the board pursuant to he
28 provisions of this chapter shall be deposited in the state treasury to the
29 credit of the occupational licenses fund, and all costs and expenses in-
30 curred by the board under the provisions of this chapter shall be a charge
31 against and paid from the fund for such purposes. The funds collected pur-
32 suant to this chapter shall be immediately available for the administration
33 of this chapter, the provisions of any other law notwithstanding.

34 SECTION 60. That Section 54-2911, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 54-2911. DISPOSITION OF RECEIPTS -- EXPENSES. All moneys received
37 pursuant to the provisions of this chapter shall be deposited to the occupa-
38 tional licenses fund. All expenses incurred pursuant to the provisions of
39 this chapter shall be paid from the occupational licenses fund.

40 SECTION 61. That Section 54-3205, Idaho Code, be, and the same is hereby
41 amended to read as follows:

1 54-3205. DISPOSITION OF RECEIPTS -- EXPENSES -- REFUND. All fees
2 received under the provisions of this act shall be deposited in the state
3 treasury to the credit of the occupational licenses fund, and all costs and
4 expenses incurred by the board under the provisions of this act shall be a
5 charge against and paid from said fund for such purposes, and the funds col-
6 lected hereunder shall be immediately available for the administration of
7 this act, the provisions of any other law notwithstanding. In no instance
8 will the occupational licenses fund be obligated to pay any claims ~~which that~~
9 in aggregate with claims already paid exceed the income to the occupational
10 licenses fund, which has been derived by the application of this act.

11 The money paid into the occupational licenses fund is continuously ap-
12 propriated to the board for expenditure in the manner prescribed herein to
13 defray the expenses of the board and in carrying out and enforcing the provi-
14 sions of this act.

15 SECTION 62. That Section 54-3317, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 54-3317. DISPOSITION OF RECEIPTS. All moneys received under the pro-
18 visions of this chapter shall be deposited in the state treasury to the
19 credit of the occupational ~~license account~~ licenses fund and all costs and
20 expenses incurred by the board under the provisions of this chapter shall be
21 a charge against and paid from said ~~account~~ fund. In no instance will the
22 occupational ~~license account~~ licenses fund be obligated to pay any claims
23 which in aggregate with claims already paid exceed the income to the occu-
24 pational ~~license account which~~ licenses fund that has been derived by the
25 application of this chapter.

26 SECTION 63. That Section 54-3412, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 54-3412. DISPOSITION OF RECEIPTS -- EXPENSES. All fees received un-
29 der the provisions of this chapter shall be deposited in the state treasury
30 to the credit of the occupational ~~license account~~ licenses fund in the ded-
31 icated fund and all costs and expenses incurred by the board under the pro-
32 visions of this chapter shall be a charge against and paid from the ~~account~~
33 fund for such purposes, and the funds collected hereunder shall be immedi-
34 ately available for the administration of this chapter, the provisions of
35 any other law notwithstanding. In no instance will the occupational ~~license~~
36 ~~account~~ licenses fund be obligated to pay any claims which in aggregate with
37 claims already paid exceed the income to the occupational ~~license account~~
38 ~~which~~ licenses fund that has been derived by the application of this chapter.

39 The money paid into the occupational ~~license account~~ licenses fund is
40 continuously appropriated to the board for expenditure in the manner pre-
41 scribed herein to defray the expenses of the board and in carrying out and en-
42 forcing the provisions of this chapter.

43 SECTION 64. That Section 54-3505, Idaho Code, be, and the same is hereby
44 amended to read as follows:

1 54-3505. BOARD OF MEDICINE AND DIETETIC LICENSURE BOARD -- POWERS AND
 2 DUTIES -- FUNDS. (1) The board of medicine shall administer, coordinate, and
 3 enforce the provisions of this chapter and, for that purpose, may hire such
 4 employees as may be necessary. The dietetic licensure board shall make rec-
 5 ommendations to, and consult with, the board concerning qualification of ap-
 6 plicants for licensure, issuance of licenses, discipline of licensees and
 7 rules to be promulgated under this chapter.

8 (2) The board of medicine may, upon recommendation of the dietetic li-
 9 censure board, adopt rules pursuant to chapter 52, title 67, Idaho Code, nec-
 10 essary to implement the provisions of this chapter including, but not lim-
 11 ited to, rules relating to professional licensure, examination, the estab-
 12 lishment of ethical standards of practice, disciplinary proceedings and li-
 13 cense suspension, restriction or revocation for persons holding a license to
 14 practice dietetics in this state.

15 (3) The dietetic licensure board shall hold meetings, conduct hearings
 16 and keep records and minutes as are necessary to carry out its functions.

17 (4) All fees received under the provisions of this chapter shall be de-
 18 posited in the state treasury to the credit of the ~~state board of medicine~~
 19 occupational licenses fund created in section 54-1809, Idaho Code, and all
 20 costs and expenses incurred by the board and dietetic licensure board under
 21 the provisions of this chapter shall be a charge against and paid from said
 22 fund for such purposes, and the funds collected hereunder shall be immedi-
 23 ately available for the administration of this chapter. ~~In no instance shall~~
 24 ~~the state board of medicine fund be obligated to pay any claims that, in ag-~~
 25 ~~gregate with claims already allowed, exceed the income to the state board~~
 26 ~~of medicine fund derived from the application of this chapter.~~ Money paid
 27 into the ~~state board of medicine~~ occupational licenses fund pursuant to this
 28 chapter is hereby continuously appropriated to the board for expenditure in
 29 the manner prescribed herein to defray the expenses of the board and dietetic
 30 licensure board in carrying out and enforcing the provisions of this chap-
 31 ter.

32 SECTION 65. That Section 54-3719, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 54-3719. DISPOSITION OF RECEIPTS -- EXPENSES. ~~(1)~~ All fees received
 35 under the provisions of this chapter shall be paid to the bureau of occupa-
 36 tional licenses and deposited in the state treasury to the credit of the oc-
 37 cupational licenses ~~account~~ fund and all costs and expenses incurred under
 38 the provisions of this chapter shall be a charge against and paid from said
 39 fund.

40 SECTION 66. That Section 54-3915, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 54-3915. BOARD OF MEDICINE -- ADMINISTRATIVE PROVISIONS. (1) The ex-
 43 ecutive director of the Idaho state board of medicine shall serve as the ex-
 44 ecutive director to the board of athletic trainers.

45 (2) All fees received under the provisions of this chapter shall be
 46 deposited in the state treasury to the credit of the ~~state board of medicine~~
 47 ~~account created by section 54-1809, Idaho Code~~ occupational licenses fund,

1 and all costs and expenses incurred by the board and the board of athletic
 2 trainers under the provisions of this chapter shall be a charge against and
 3 paid from said ~~account~~ fund for such purposes, and the moneys collected here-
 4 under shall be immediately available for the administration of this chapter.
 5 In no instance shall the ~~state board of medicine account~~ occupational li-
 6 licenses fund be obligated to pay any claims which in aggregate with claims
 7 already allowed exceed the income to the ~~state board of medicine account~~
 8 ~~which~~ occupational licenses fund that has been derived from the application
 9 of this chapter.

10 Money paid into the ~~state board of medicine account~~ occupational li-
 11 licenses fund pursuant to this chapter is hereby continuously appropriated
 12 to the board for expenditure in the manner prescribed herein to defray the
 13 expenses of the board and the board of athletic trainers in carrying out and
 14 enforcing the provisions of this chapter.

15 SECTION 67. That Section 54-4113, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 54-4113. FEES -- ISSUANCE OF LICENSES OR CERTIFICATES. (1) Every per-
 18 son applying for examination or reexamination under this chapter shall pay
 19 a fee equal to that charged by the national examining entity. If the result
 20 of the examination of any applicant shall be satisfactory to the board, under
 21 its rules, it shall issue to such applicant a license or certificate setting
 22 forth the fact that he is a state-licensed or state-certified real estate
 23 appraiser and authorized to practice his profession in this state. The fee
 24 for obtaining a license or certificate under the provisions of this chapter
 25 shall be an amount not to exceed five hundred dollars (\$500). The annual fee
 26 for renewal or reinstatement of a license or certificate shall be an amount
 27 not to exceed five hundred dollars (\$500), which shall be paid to the bureau.
 28 The board shall adopt all fees by rule.

29 (2) In addition to those fees described in this chapter, the board may
 30 collect from applicants for licensure or certification and holders of state
 31 licenses or certificates of appraisal and remit to the appropriate agency
 32 or instrumentality of the federal government any additional fees as may be
 33 required to render Idaho state-licensed residential, state-certified resi-
 34 dential and general real estate appraisers eligible to perform appraisals in
 35 connection with federally related transactions.

36 (3) In addition to those fees described in this chapter, the board may
 37 collect from an applicant for appraisal management company registration and
 38 from a registered appraisal management company and remit to the appropri-
 39 ate agency or instrumentality of the federal government any additional fees
 40 required to provide appraisal management services in connection with feder-
 41 ally related transactions.

42 (4) The board may collect continuing education provider application
 43 fees in an amount not to exceed one hundred dollars (\$100) as established by
 44 board rule.

45 (5) All fees received by the board under the provisions of this chapter
 46 shall be deposited in the state treasury to the credit of the occupational
 47 licenses ~~account~~ fund in the dedicated fund, and all costs and expenses in-
 48 curred by the board under the provisions of this chapter shall be a charge
 49 against and paid from the ~~account~~ fund for such purposes. The fees collected

1 under this chapter shall be immediately available for the administration of
2 this chapter, the provisions of any other law notwithstanding.

3 SECTION 68. That Section 54-4122, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 54-4122. DEFINITIONS. As used in this act:

6 (1) "Affiliate" means any company that controls, is controlled by or is
7 under common control with another company.

8 (2) "AMC national registry" means the registry of state-registered ap-
9 praisal management companies and federally regulated appraisal management
10 companies maintained by the appraisal subcommittee.

11 (3) (a) "Appraisal management company" or "AMC" means a person that:

12 (i) Provides appraisal management services to creditors or to
13 secondary mortgage market participants, including affiliates;

14 (ii) Provides such services in connection with valuing a con-
15 sumer's principal dwelling as security for a consumer credit
16 transaction or incorporating such transactions into securitiza-
17 tions; and

18 (iii) Within a given calendar year, oversees an appraiser panel of
19 more than fifteen (15) state-certified or state-licensed apprais-
20 ers in this state or twenty-five (25) or more state-certified or
21 state-licensed appraisers in two (2) or more states.

22 (b) The term "appraisal management company" or "AMC" does not include a
23 department or division of an entity that provides appraisal management
24 services only to that entity.

25 (4) "Appraisal management services" means one (1) or more of the fol-
26 lowing:

27 (a) Recruiting, selecting and retaining appraisers;

28 (b) Contracting with state-certified or state-licensed appraisers to
29 perform appraisal assignments;

30 (c) Managing the process of having an appraisal performed, including
31 providing administrative services such as receiving appraisal orders
32 and appraisal reports, submitting completed appraisal reports to cred-
33 itors and secondary market participants, collecting fees from credi-
34 tors and secondary market participants for services provided, and pay-
35 ing appraisers for services performed; and

36 (d) Reviewing and verifying the work of appraisers.

37 (5) "Appraisal review" means the act or process of developing and com-
38 municating an opinion about the quality of another appraiser's work that was
39 performed as part of an appraisal or appraisal review assignment. The term
40 does not include:

41 (a) A general examination of an appraisal for grammatical, typographi-
42 cal, mathematical or other similar administrative errors; and

43 (b) A general examination for completeness, including regulatory or
44 client requirements as specified in the agreement process that do not
45 involve the appraiser's professional judgment, including compliance
46 with the elements of the client's statement of work.

47 (6) "Appraiser panel" means a network, list or roster of licensed or
48 certified appraisers approved by an AMC to perform appraisals as independent
49 contractors for the AMC. Appraisers on an AMC's appraiser panel under this

1 act include both appraisers accepted by the AMC for consideration for fu-
 2 ture appraisal assignments in covered transactions, or for secondary mort-
 3 gage market participants in connection with covered transactions, and ap-
 4 praisers engaged by the AMC to perform one (1) or more appraisals in covered
 5 transactions, or for secondary mortgage market participants in connection
 6 with covered transactions. An appraiser is an independent contractor for
 7 the purposes of this act if the appraiser is treated as an independent con-
 8 tractor by the AMC for purposes of federal income taxation.

9 (7) "Board" means the real estate appraiser board created in section
 10 54-4106, Idaho Code.

11 (8) ~~"Bureau" means the bureau of occupational licenses created in sec-~~
 12 ~~tion 67-2601, Idaho Code.~~

13 ~~(9) "Consumer credit" means credit offered or extended to a consumer~~
 14 ~~primarily for personal, family or household purposes.~~

15 ~~(10) "Controlling person" means:~~

16 (a) An owner, officer or director of, or a natural person who holds
 17 greater than ten percent (10%) ownership interest in, a corporation,
 18 partnership or other business entity seeking to offer appraisal manage-
 19 ment services in Idaho; or

20 (b) An individual who possesses, directly or indirectly, the power to
 21 direct or cause the direction of the management or policies of an ap-
 22 praisal management company.

23 ~~(11) "Covered transaction" means any consumer credit transaction se-~~
 24 ~~cured by the consumer's principal dwelling.~~

25 ~~(12) "Creditor" means:~~

26 (a) A person who regularly extends consumer credit that is subject to a
 27 finance charge or is payable by written agreement in more than four (4)
 28 installments, not including a down payment, and to whom the obligation
 29 is initially payable, either on the face of the note or contract or by
 30 agreement when there is no note or contract; or

31 (b) A person who regularly extends consumer credit if the person ex-
 32 tended credit, other than credit subject to the requirements of 12 CFR
 33 1026.32, more than five (5) times for transactions secured by a dwelling
 34 in the preceding calendar year. If a person did not meet these numer-
 35 ical standards in the preceding calendar year, the numerical standards
 36 shall be applied to the current calendar year. A person regularly ex-
 37 tends consumer credit if, in any twelve (12) month period, the person
 38 originates more than one (1) credit extension that is subject to the re-
 39 quirements of 12 CFR 1026.32, or one (1) or more such credit extensions
 40 through a mortgage broker.

41 (12) "Division" means the division of occupational and professional
 42 licenses.

43 (13) "Dwelling" means a residential structure that contains one (1) to
 44 four (4) units, whether or not that structure is attached to real property.
 45 The term includes an individual condominium unit, cooperative unit, mobile
 46 home and trailer, if it is used as a residence. A consumer can have only one
 47 (1) principal dwelling at a time. A vacation or other second home is not a
 48 principal dwelling. However, if a consumer buys or builds a new dwelling
 49 that will become the consumer's principal dwelling within one (1) year or

1 upon the completion of construction, the new dwelling is considered the
2 principal dwelling for purposes of this section.

3 (14) "Federally regulated AMC" means an AMC that is owned and controlled
4 by an insured depository institution, as defined in 12 U.S.C. 1813, and reg-
5 ulated by the office of the comptroller of the currency, the board of gover-
6 nors of the federal reserve system or the federal deposit insurance corpora-
7 tion.

8 (15) "Person" means a natural person or an organization, including a
9 corporation, partnership, proprietorship, association, cooperative, es-
10 tate, trust or government unit.

11 (16) "Secondary mortgage market participant" means a guarantor or in-
12 surer of mortgage-backed securities or an underwriter or issuer of mortgage-
13 backed securities. Secondary mortgage market participant only includes an
14 individual investor in a mortgage-backed security only if that investor also
15 serves in the capacity of a guarantor, insurer, underwriter or issuer for the
16 mortgage-backed security.

17 (17) "Uniform standards of professional appraisal practice" or "USPAP"
18 means the appraisal standards promulgated by the appraisal standards board
19 of the appraisal foundation.

20 SECTION 69. That Section 54-4216, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 54-4216. DISPOSITION OF RECEIPTS -- EXPENSE -- REFUND. All fees re-
23 ceived under the provisions of this chapter shall be deposited in the state
24 treasury to the credit of the occupational ~~license account~~ licenses fund and
25 all costs and expenses incurred by the board under the provisions of this
26 chapter shall be a charge against and paid from the ~~account fund~~ for such
27 purposes, and the funds collected hereunder shall be immediately available
28 for the administration of this chapter, the provisions of other law notwith-
29 standing. In no instance will the occupational ~~license account~~ licenses
30 fund be obligated to pay any claims which in aggregate with claims already
31 paid exceed the income to the occupational ~~license account~~ which licenses
32 fund that has been derived by the application of this chapter.

33 The money paid into the occupational ~~license account~~ licenses fund is
34 continuously appropriated to the board for expenditure in the manner pre-
35 scribed herein to defray the expenses of the board and in carrying out and en-
36 forcing the provisions of this chapter.

37 SECTION 70. That Section 54-4315, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 54-4315. BOARD OF MEDICINE -- ADMINISTRATIVE PROVISIONS. (1) The ex-
40 ecutive director of the Idaho state board of medicine shall serve as execu-
41 tive director of, but shall not be a member of, the licensure board.

42 (2) All fees received under the provisions of this chapter shall be
43 deposited in the state treasury to the credit of the ~~state board of medicine~~
44 ~~account created in section 54-1809, Idaho Code~~ occupational licenses fund,
45 and all costs and expenses incurred by the board and licensure board under
46 the provisions of this chapter shall be a charge against and paid from said
47 ~~account~~ fund for such purposes, and the funds collected hereunder shall be

1 immediately available for the administration of this chapter. In no in-
 2 stance shall the ~~state board of medicine account~~ occupational licenses fund
 3 be obligated to pay any claims which in aggregate with claims already allowed
 4 exceed the income to the ~~state board of medicine account~~ which occupational
 5 licenses fund that has been derived from the application of this chapter.

6 (3) Money paid into the ~~state board of medicine account~~ occupational
 7 licenses fund pursuant to this chapter is hereby continuously appropriated
 8 to the board for expenditure in the manner prescribed herein to defray the
 9 expenses of the board and licensure board in carrying out and enforcing the
 10 provisions of this chapter.

11 SECTION 71. That Section 54-4510, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 54-4510. FEES -- DISPOSITION OF FUNDS. (1) The board shall adopt by
 14 rule reasonable fees not to exceed two hundred dollars (\$200) for each of the
 15 following:

- 16 (a) Initial examination and licensing;
- 17 (b) License renewal;
- 18 (c) Inactive licenses;
- 19 (d) License reinstatement; and
- 20 (e) Issuance, suspension and reinstatement of a certificate of author-
 21 ity.

22 (2) ~~All fees collected by the administrator shall be paid to the public~~
 23 ~~works contractors license board and deposited in the state treasury, to the~~
 24 ~~credit of the public works contractors license fund and shall be used only~~
 25 ~~for the administration of the provisions of this chapter. All expenses in-~~
 26 ~~curring pursuant to the provisions of this chapter shall be paid from the pub-~~
 27 ~~lic works contractors license fund. All fees collected by the administra-~~
 28 ~~tor under the provisions of this chapter are hereby appropriated for one (1)-~~
 29 ~~year following the effective date of this chapter and thereafter as appro-~~
 30 ~~priated each year by the legislature for carrying out the purposes and objec-~~
 31 ~~tives of this chapter and to pay all costs and expenses incurred in connec-~~
 32 ~~tion therewith. Such moneys shall be paid out on warrants drawn by the state~~
 33 ~~controller upon presentation of proper vouchers approved by the board. All~~
 34 ~~fees, charges, and fines received by the board under the provisions of this~~
 35 ~~chapter shall be deposited in the state treasury to the credit of the occu-~~
 36 ~~pational licenses fund, and all costs and expenses incurred by the board un-~~
 37 ~~der the provisions of this chapter shall be a charge against and paid from the~~
 38 ~~fund for such purposes. The funds collected under this chapter shall be im-~~
 39 ~~mediately available for the administration of this chapter, the provisions~~
 40 ~~of any other law notwithstanding.~~

41 SECTION 72. That Section 54-5024, Idaho Code, be, and the same is hereby
 42 repealed.

43 SECTION 73. That Chapter 50, Title 54, Idaho Code, be, and the same is
 44 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 45 ignated as Section 54-5024, Idaho Code, and to read as follows:

1 54-5024. OCCUPATIONAL LICENSES FUND -- RECEIPTS AND DISBURSE-
 2 MENTS. All fees, charges, and fines received by the board under the provi-
 3 sions of this chapter shall be deposited in the state treasury to the credit
 4 of the occupational licenses fund, and all costs and expenses incurred by
 5 the board under the provisions of this chapter shall be a charge against and
 6 paid from the fund for such purposes. The funds collected under this chapter
 7 shall be immediately available for the administration of this chapter, the
 8 provisions of any other law notwithstanding.

9 SECTION 74. That Section 54-5105, Idaho Code, be, and the same is hereby
 10 amended to read as follows:

11 54-5105. BOARD OF MEDICINE AND NATUROPATHIC MEDICAL BOARD -- POWERS
 12 AND DUTIES -- FUNDS. (1) The board of medicine shall administer, coordinate,
 13 and enforce the provisions of this chapter and, for that purpose, may hire
 14 such employees as may be necessary. The naturopathic medical board shall
 15 make recommendations to, and consult with, the board concerning qualifica-
 16 tion of applicants for licensure, issuance of licenses, renewal of licenses,
 17 discipline of licensees, and rules to be promulgated under this chapter.

18 (2) The board of medicine may, upon recommendation of the naturopathic
 19 medical board, or by its own motion, adopt rules pursuant to chapter 52, ti-
 20 tle 67, Idaho Code, necessary to implement the provisions of this chapter,
 21 including but not limited to rules relating to professional licensure exam-
 22 ination, the establishment of ethical standards of practice, disciplinary
 23 proceedings, and license suspension, revocation, or restriction for persons
 24 holding a license to practice naturopathic medicine in this state.

25 (3) The naturopathic medical board shall hold meetings, conduct hear-
 26 ings, and keep records and minutes as are necessary to carry out its func-
 27 tions.

28 (4) All fees received under the provisions of this chapter shall be
 29 deposited in the state treasury to the credit of the ~~state board of medicine~~
 30 occupational licenses fund ~~created in section 54-1809, Idaho Code,~~ and all
 31 costs and expenses incurred by the board and naturopathic medical board un-
 32 der the provisions of this chapter shall be a charge against and paid from
 33 said fund for such purposes, and the funds collected hereunder shall be im-
 34 mediately available for the administration of this chapter. ~~In no instance~~
 35 ~~shall the state board of medicine fund be obligated to pay any claims which,~~
 36 ~~in aggregate with claims already allowed, exceed the income to the state~~
 37 ~~board of medicine fund that has been derived from the application of this~~
 38 ~~chapter.~~ Money paid into the state board of medicine occupational licenses
 39 fund pursuant to this chapter is hereby continuously appropriated to the
 40 board for expenditure in the manner prescribed in this section to defray the
 41 expenses of the board and naturopathic medical board in carrying out and
 42 enforcing the provisions of this chapter.

43 SECTION 75. That Section 54-5308, Idaho Code, be, and the same is hereby
 44 amended to read as follows:

45 54-5308. FACILITY LICENSE -- EQUIPMENT -- INSPECTIONS -- FEES. (1) The
 46 board shall issue a facility license to any person, corporation, partner-
 47 ship, trust, association or other legal entity to operate at specific lo-

1 cations only. No facility license shall be transferable, but an applicant
2 may make application for more than one (1) facility license ~~se~~ as long as all
3 of the requirements are met for each license individually. Except as herein
4 otherwise provided, the following shall be considered minimum requirements
5 for a facility license:

6 (a) That the applicant is lawfully entitled to do business within the
7 United States;

8 (b) That the applicant has not been refused a license for a facility, or
9 its equivalent, or had a personal or facility license revoked in Idaho
10 or in any other state;

11 (c) That the applicant has designated the name under which the facility
12 will operate and has designated a specific location for which the facil-
13 ity license is to be issued;

14 (d) For a facility with a storage capacity of four thousand one (4,001)
15 gallons or more, that the applicant has at least one (1) dealer licensed
16 under this chapter who is a resident of the state of Idaho and who is, and
17 will be, responsible for the operation of the facility;

18 (e) That the applicant has filed an application and paid the required
19 filing fee;

20 (f) That the applicant's facility meets the requirements of the LPG
21 code, except as designated by the board by rule;

22 (g) All applications for facility licenses are in writing and contain
23 the name of the applicant, the address, and location of the facility and
24 a description of the type of structure and equipment to be used in the
25 operation of the facility, and such further information as may be re-
26 quired by the board to ensure the safe operation of the facility, and its
27 compliance with the requirements of this chapter;

28 (h) The person responsible for the operation of a facility maintains
29 such records documenting the storage, transportation, dispensation and
30 utilization of LPG as may be required by the laws of the state of Idaho
31 and the rules adopted by the board;

32 (i) In the event a licensed facility ceases to have a licensed dealer
33 in its employ responsible for operation of the facility, all opera-
34 tion involving practices regulated under this chapter shall cease and
35 written notification of such fact shall be submitted immediately to the
36 board. In the event a licensed facility fails to have a licensed dealer
37 in its employ responsible for the facility within thirty (30) days of
38 said notice, the facility license shall be summarily suspended until a
39 licensed dealer is so employed; and

40 (j) A certificate issued by an insurance company authorized to do busi-
41 ness in the state of Idaho as proof that the applicant has procured and
42 has in effect a general liability policy in the sum of not less than one
43 million dollars (\$1,000,000) single limit.

44 (2) The board may adopt rules setting forth minimum general standards
45 covering the design, construction, location, installation and operation of
46 systems, equipment, pipes and containers for storing, handling, transport-
47 ing by tank truck or tank trailer, and using liquefied petroleum gases and
48 specifying the odorization of the gases and the degree thereof.

49 (3) The board shall adopt inspection rules regarding LPG facilities.

1 (4) The bureau of occupational licenses shall collect a fee not to ex-
 2 ceed five hundred dollars (\$500) for each application, each original license
 3 and each annual renewal of any facility license issued pursuant to this chap-
 4 ter and shall deposit all fees in the state treasury in accordance with sec-
 5 tion 67-26058, Idaho Code. The actual fees shall be set by board rule. Fees
 6 paid under the provisions of this chapter shall not be refunded unless other-
 7 wise specified herein.

8 SECTION 76. That Section 54-5313, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 54-5313. LICENSES -- RECORDS -- FEES -- PAYMENT OF COSTS AND EX-
 11 PENSES. (1) The bureau of occupational licenses shall, upon the approval of
 12 the board and subject to the provisions of this chapter, register and issue
 13 licenses to persons who have been approved by the board in accordance with
 14 this chapter. The licenses shall bear on their face the seal of the state and
 15 the signature of the chief of the bureau of occupational licenses, and shall
 16 be effective until the next birthday of the person being licensed. Licenses
 17 so issued shall be renewed annually in accordance with section 67-2614,
 18 Idaho Code. The provisions of sections 67-2609 through 67-2614, Idaho Code,
 19 shall apply to licenses issued pursuant to this chapter.

20 (2) The board shall keep and the bureau shall maintain a record of board
 21 proceedings and a register of all applications that show:

- 22 (a) The name, age, social security number and residency of each appli-
 23 cant;
- 24 (b) The date of application;
- 25 (c) The place of business of such applicant;
- 26 (d) The educational and other qualifications of each applicant;
- 27 (e) Whether or not an examination was required;
- 28 (f) Whether the applicant was denied;
- 29 (g) Whether a license was issued;
- 30 (h) The dates of the action by the board;
- 31 (i) Compliance with continuing education requirements; and
- 32 (j) Such other information as may be deemed necessary by the board.

33 (3) The bureau of occupational licenses shall collect a fee not to ex-
 34 ceed two hundred dollars (\$200) for each application, each original license,
 35 and each annual renewal of any license issued pursuant to this chapter,
 36 and shall deposit all fees in the state treasury in accordance with section
 37 67-26058, Idaho Code. The actual fees shall be set by board rule. The bureau
 38 shall also collect a fee equal to that charged by the examination provider
 39 when an examination is required as a condition of licensing. Fees paid under
 40 the provisions of this chapter shall not be refunded unless otherwise speci-
 41 fied herein.

42 (4) All fees received under the provisions of this chapter shall be paid
 43 to the bureau of occupational licenses and deposited in the state treasury
 44 to the credit of the occupational licenses fund, and all costs and expenses
 45 incurred under the provisions of this chapter shall be charged against and
 46 paid from said fund.

47 SECTION 77. That Section 54-5613, Idaho Code, be, and the same is hereby
 48 amended to read as follows:

1 54-5613. FEES. (1) The board shall establish by rule fees for licen-
2 sure under the provisions of this chapter as follows:

3 (a) An application fee not to exceed five hundred dollars (\$500);

4 (b) A fee established by rule for an initial full license not to exceed
5 five hundred dollars (\$500);

6 (c) A fee established by rule for a provisional license, an endorsement
7 license and ~~for~~ an existing genetic counselor license not to exceed five
8 hundred dollars (\$500);

9 (d) The fee established by rule for annual renewal of licenses not to
10 exceed five hundred dollars (\$500); and

11 (e) Fees charged pursuant to paragraph (b), (c) or (d) of this subsec-
12 tion shall be in addition to the application fee.

13 (2) All fees received under the provisions of this chapter shall be non-
14 refundable and shall be deposited in the state treasury to the credit of the
15 occupational ~~license account~~ licenses fund in the dedicated fund, and all
16 costs and expenses incurred by the board under the provisions of this chapter
17 shall be a charge against and paid from the ~~account fund~~ for such purposes,
18 and the funds collected hereunder shall be immediately available for the ad-
19 ministration of this chapter, the provisions of any other law notwithstand-
20 ing.

21 SECTION 78. That Section 54-5822, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 54-5822. FEES. (1) Any fee required pursuant to this chapter, includ-
24 ing fees for original licenses, certificates, registrations, permits, an-
25 nual renewals, and licenses, certificates, and registrations by endorse-
26 ment, shall be set by board rule.

27 (2) All fees received by the board under the provisions of this chap-
28 ter shall be nonrefundable, except as provided by board rule, and shall be
29 deposited in the state treasury to the credit of the occupational ~~license~~
30 ~~account~~ licenses fund in the dedicated fund, and all costs and expenses in-
31 curred by the board under the provisions of this chapter shall be a charge
32 against and paid from the ~~account fund~~ for such purposes. The fees collected
33 under this chapter shall be immediately available for the administration of
34 this chapter, the provisions of any other law notwithstanding.

35 SECTION 79. That Section 55-2203, Idaho Code, be, and the same is hereby
36 amended to read as follows:

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

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

- 8 (a) A city official or a county official;
9 (b) An employee or elected official of a highway district;
10 (c) An employee of the Idaho public utilities commission;
11 (d) An employee or officer of a one-number notification service entity
12 or a member of the Idaho utility coordinating council or similar cooper-
13 ative statewide nonprofit organization created to coordinate the pro-
14 tection of underground facilities in specific geographic portions of
15 the state;
16 (e) An employee or officer of an underground facility owner;
17 (f) An employee or officer of an underground pipeline facility owner;
18 (g) An employee or officer of a rural underground facility owner;
19 (h) An employee or officer of a contractor;
20 (i) An employee or officer of a building contractor;
21 (j) An employee or officer of an excavator; and
22 (k) An employee or owner of an agricultural enterprise, a representa-
23 tive of the agriculture industry, or an employee or an official of a pub-
24 lic entity that delivers water for irrigation.

25 (3) Each member of the board shall serve a term of four (4) years, and
26 such terms shall be staggered. The initial board shall have three (3) mem-
27 bers whose terms expire July 1, 2018; four (4) members whose terms expire
28 July 1, 2019; and four (4) members whose terms expire July 1, 2020. There-
29 after, each board member shall be appointed for a term of four (4) years. No
30 member of the board may be appointed to more than two (2) consecutive terms.
31 A member may continue to serve until a successor is appointed. A successor
32 must represent the same designated group that his predecessor was appointed
33 to represent.

34 (4) The board shall meet within thirty (30) days after the appointment
35 of all its members and thereafter at such other times as may be expedient and
36 necessary for the proper performance of its duties, but the board shall hold
37 at least two (2) regular meetings per year. At the board's first meeting,
38 the members shall elect one (1) of their number to be chairman and one (1) to
39 serve as the vice chairman. The chairman may serve in such capacity for a one
40 (1) year term and may not serve in such capacity for more than two (2) consec-
41 utive terms. A majority of the board shall constitute a quorum for the trans-
42 action of business. The administrator shall serve as the secretary to the
43 damage prevention board.

44 (5) Each member of the board shall be compensated as provided by section
45 59-509(n), Idaho Code.

46 (6) Each member of the board who is a contractor shall be registered in
47 accordance with chapter 52, title 54, Idaho Code, and shall be in good stand-
48 ing.

49 (7) The activities of the board shall be funded by a fee established by
50 the board and promulgated in rule. Such fee shall be adopted by the board by

1 no less than eight (8) affirmative votes at a meeting duly called for such
2 purpose at which a quorum is present and shall be imposed uniformly upon
3 all of the underground facility owners required by the provisions of this
4 chapter to participate in and cooperate with the one-number notification
5 service. The fee shall be assessed upon an underground facility owner each
6 time such owner receives notice from a one-number notification service as
7 required by section 55-2205, Idaho Code. The fee is established to defray
8 the expenses of the board and the division in supervising, regulating and
9 administering the provisions of this chapter, and the provision of services
10 hereunder. The fee assessed upon an underground facility owner shall be
11 collected by a one-number notification service and payable to the board in
12 accordance with a schedule and in a manner established by the board in rule.
13 All fees collected by the board shall be deposited with the state treasurer
14 to be credited to the ~~damage prevention board~~ occupational licenses fund
15 established pursuant to section 55-2204, Idaho Code.

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

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

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

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

48 (12) To continually evaluate and improve program effectiveness, the
49 board shall analyze the data collected pursuant to section 55-2208, Idaho
50 Code, including the number of reported damage and downtime events and

1 trends, the causes of such damage and any recommendations to further reduce
2 the number of damage or downtime events annually. The board shall make its
3 analysis publicly available.

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

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

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

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

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

23 (b) Summon witnesses to appear and testify before it on any matter
24 within the provisions of this chapter. No person shall be required to
25 testify outside the county wherein he resides or where his principal
26 place of business is located. A summons to testify shall be issued and
27 served in like manner as a subpoena of a witness issued from the district
28 court, or in any other manner consistent with the procedures of the di-
29 vision of building safety;

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

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

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

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

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

46 (18) The board may receive contributions, gifts and grants on behalf of
47 and in aid of the program. Such contributions, gifts and grants shall be de-
48 posited in the ~~damage prevention board fund established pursuant to section~~
49 ~~55-2204, Idaho Code~~ occupational licenses fund.

1 SECTION 80. That Section 55-2204, Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 81. That Section 55-2211, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 55-2211. VIOLATION -- CIVIL PENALTY -- DUTIES OF THE BOARD AND THE AD-
6 MINISTRATOR -- OTHER REMEDIES UNIMPAIRED. (1) The damage prevention board
7 established in section 55-2203, Idaho Code, may hear, but may not initiate,
8 contested cases of alleged violations of this chapter involving practices
9 related to underground facilities as set forth in rules by the board. Per-
10 sons who violate the provisions of this chapter are subject to civil penal-
11 ties in accordance with this section. Complaints regarding an alleged vi-
12 olation of this chapter may be made by any individual and shall be made to
13 the administrator. Complaints shall include the name and address of the com-
14 plainant and the alleged violator, and the violation alleged. If the al-
15 leged violation involves facility damage or a downtime event, the complaint
16 must be submitted on such forms and contain such information as required by
17 the board in rule. Upon review of the complaint, and any investigation con-
18 ducted therewith, the administrator shall notify the person making the com-
19 plaint and the alleged violator, in writing, of the administrator's recom-
20 mended course of action to the board. The administrator shall recommend that
21 a training course adopted by the board, by rule, be successfully completed
22 for a first violation of this chapter, except that if the complaint is for a
23 first violation of this chapter wherein a residential homeowner or residen-
24 tial tenant excavating on the lot of his residency failed to provide notice
25 as required in section 55-2205, Idaho Code, and caused damage to underground
26 facilities, the board shall direct the administrator to deliver to the vi-
27 olator a written warning and educational materials to prevent a future vi-
28 olation. The administrator may recommend the imposition of a civil penalty
29 in an amount not to exceed one thousand dollars (\$1,000) for a second viola-
30 tion of this chapter and in addition may recommend successful completion of
31 a training course adopted by the board, by rule, and issue a notice of in-
32 tent to impose such penalty on behalf of the board. If the administrator rec-
33 ommends the imposition of a civil penalty, the violator may pay the fine to
34 the board upon receipt of such notice. If, upon the expiration of twenty-one
35 (21) days, the violator has not responded in writing to the division, the
36 board may impose the penalty provided for in the notice. A violator shall
37 also have the right to contest the imposition of a civil penalty to the board
38 and the opportunity to produce evidence in his behalf. Notice of the time
39 and place of such hearing shall be provided by the board, and such proceeding
40 shall be governed by the provisions of chapter 52, title 67, Idaho Code.

41 (2) In the event the board determines that a person has violated the
42 provisions of this chapter a subsequent time within eighteen (18) months
43 from an earlier violation, and where facility damage has occurred, the board
44 may impose a civil penalty of not more than five thousand dollars (\$5,000)
45 for each separate violation in accordance with the process described in sub-
46 section (1) of this section.

47 (3) All civil penalties recovered shall be deposited in the ~~underground~~
48 ~~facility damage prevention board fund~~ and used pursuant to section
49 ~~55-2204(2), Idaho Code~~ occupational licenses fund.

1 (4) The penalties provided in this section are in addition to any other
2 remedy at law or equity available to any party subject to the jurisdiction of
3 the damage prevention board established in section 55-2203, Idaho Code.

4 (5) Unless expressly provided herein, nothing in this chapter elimi-
5 nates, alters or otherwise impairs common law, statutory or other preexist-
6 ing rights and duties of persons affected by the provisions of this chap-
7 ter; nor does anything in this chapter, unless expressly so provided, elim-
8 inate, alter or otherwise impair other remedies, state or federal, includ-
9 ing those at common law, of an underground facility owner whose facility is
10 damaged; nor do the provisions of this chapter affect any civil remedies for
11 personal injury or property damage except as expressly provided for herein.
12 The court in its discretion may award attorney's fees and costs to the pre-
13 vailing party.

14 SECTION 82. That Section 72-519, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 72-519. CREATION OF INDUSTRIAL ADMINISTRATION FUND -- PURPOSE. A fund
17 is hereby created to be known as the industrial administration fund for the
18 purpose of providing funds for administering the worker's compensation law
19 by the industrial commission. This fund may also be used to provide funds
20 to the division of building safety for administering logging safety inspec-
21 tions and training under section 67-2601A~~5~~, Idaho Code, conducting inspec-
22 tions of state public buildings under section 67-2313, Idaho Code, and in-
23 spections of public school facilities under section 39-8008, Idaho Code.

24 SECTION 83. An emergency existing therefor, which emergency is hereby
25 declared to exist, this act shall be in full force and effect on and after its
26 passage and approval.