

IN THE SENATE

SENATE BILL NO. 1244

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PROFESSIONS, VOCATIONS, AND BUSINESSES; REPEALING SECTION
2 54-1417, IDAHO CODE, RELATING TO THE ADVISORY COMMITTEE TO THE NURS-
3 ING BOARD; AMENDING SECTION 67-2604, IDAHO CODE, TO REVISE PROVISIONS
4 REGARDING DUTIES OF THE DIVISION ADMINISTRATOR; AND DECLARING AN EMER-
5 GENCY AND PROVIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. That Section [54-1417](#), Idaho Code, be, and the same is hereby
9 repealed.

10 SECTION 2. That Section 67-2604, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 67-2604. DUTIES OF DIVISION ADMINISTRATOR. (1) In administering the
13 laws regulating professions, trades, and occupations within the division
14 of occupational and professional licenses, and in addition to the authority
15 granted to the administrator by the laws and rules of the agencies and enti-
16 ties within the division, the administrator may:

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

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

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

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

28 (e) Appoint hearing officers, administer oaths, take depositions of
29 witnesses within or without the state in the manner provided by the ad-
30 ministrative rules adopted by the division, issue subpoenas, compel the
31 attendance of witnesses, and assess costs and fees incurred in the in-
32 vestigation and prosecution or defense of any certificate holder, li-
33 censee, or registrant of the division, in accordance with the provi-
34 sions of section 12-117(5), Idaho Code, when applicable, the contested
35 case provisions of chapter 52, title 67, Idaho Code, and laws and rules
36 of the agencies within the division;

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

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

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

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

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

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

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

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

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

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

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

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

26 (o) Implement application processes that provide for clear adminis-
27 tration of all licenses, registrations, permits, and certificates,
28 including their status and history; and

29 (p) Establish advisory committees as needed to provide efficient and
30 appropriate services to the various professions, trades, occupations,
31 and programs administered within the division.

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

35 (3) The administrator shall administer the following provisions and
36 shall perform such additional duties as are imposed by law: chapter 41,
37 title 39, Idaho Code, relating to the Idaho building code; chapter 40, ti-
38 tle 39, Idaho Code, relating to manufactured homes; chapter 43, title 39,
39 Idaho Code, relating to modular buildings; chapter 21, title 44, Idaho Code,
40 relating to manufactured home dealer and installer licensing; chapter 25,
41 title 44, Idaho Code, relating to mobile home rehabilitation; chapter 10,
42 title 54, Idaho Code, relating to electrical contractors and journeymen;
43 chapter 19, title 54, Idaho Code, relating to public works contractors;
44 chapter 26, title 54, Idaho Code, relating to plumbing and plumbers; chapter
45 45, title 54, Idaho Code, relating to public works construction management
46 licensing; chapter 50, title 54, Idaho Code, relating to installation of
47 heating, ventilation and air conditioning systems; chapter 80, title 39,
48 Idaho Code, relating to uniform public school building safety; chapter 59,
49 title 33, Idaho Code, relating to Idaho school safety and security; chapter

1 86, title 39, Idaho Code, relating to elevator safety; and chapter 22, title
2 55, Idaho Code, relating to underground facilities damage prevention.

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

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

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

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

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

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

14 SECTION 3. An emergency existing therefor, which emergency is hereby
15 declared to exist, this act shall be in full force and effect on and after
16 July 1, 2022.