

IN THE SENATE

SENATE BILL NO. 1056

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO STATE EMPLOYEES; AMENDING SECTION 67-5303, IDAHO CODE, TO PRO-  
2 VIDE THAT ATTORNEYS EMPLOYED BY THE DIVISION OF OCCUPATIONAL AND PRO-  
3 FESSIONAL LICENSES SHALL BE NONCLASSIFIED EMPLOYEES; AND DECLARING AN  
4 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
5

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

7 SECTION 1. That Section 67-5303, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 67-5303. APPLICATION TO STATE EMPLOYEES. All departments of the state  
10 of Idaho and all employees in such departments, except those employees  
11 specifically defined as nonclassified, shall be classified employees who  
12 are subject to this chapter and to the system of personnel administration  
13 it prescribes. All nonclassified employees are subject to conformity with  
14 classified positions as set forth in section 59-1603, Idaho Code. Nonclas-  
15 sified employees shall be:

16 (a) Members of the state legislature and all other officers of the state  
17 of Idaho elected by popular vote and persons appointed to fill vacancies in  
18 elective offices and employees of the state legislature.

19 (b) Members of statutory boards and commissions and heads of depart-  
20 ments appointed by and serving at the pleasure of the governor, deputy di-  
21 rectors appointed by the director of a department, and members of advisory  
22 boards and councils appointed by the departments.

23 (c) All employees and officers in the office, and at the residence, of  
24 the governor; and all employees and officers in the offices of the lieutenant  
25 governor, secretary of state, attorney general, state treasurer, state con-  
26 troller, and state superintendent of public instruction.

27 (d) Except as otherwise provided by law, one (1) declared position des-  
28 ignated by the appointing authority of a participating department, in addi-  
29 tion to those declared to be nonclassified by other provisions of law.

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

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

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

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

37 (i) Assistant attorneys general attached to the office of the attorney  
38 general.

39 (j) Officers, members of the teaching staffs of state higher educa-  
40 tional institutions, the professional staffs of the office of the state  
41 board of education and the Idaho department of education administered by the  
42 board of regents and the board of education, all professional staff of the

1 public charter school commission, and the professional staffs of the Idaho  
2 division of career technical education and vocational rehabilitation admin-  
3 istered by the state board for career technical education. "Teaching staff"  
4 includes teachers, coaches, resident directors, librarians and those prin-  
5 cipally engaged in academic research. The word "officer" means presidents,  
6 vice presidents, deans, directors, or employees in positions designated by  
7 the state board who receive an annual salary of not less than step A of the pay  
8 grade equivalent to three hundred fifty-five (355) Hay points in the state  
9 compensation schedule. In consultation with the Idaho division of human  
10 resources, the state board of education shall implement policies and pro-  
11 cedures for nonclassified employees to conform with section 59-1603, Idaho  
12 Code.

13 (k) Employees of the military division.

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

15 (m) Temporary employees.

16 (n) All employees and officers of the following named commodity commis-  
17 sions, and all employees and officers of any commodity commission created  
18 hereafter: the Idaho potato commission, as provided in chapter 12, title 22,  
19 Idaho Code; the Idaho honey commission, as provided in chapter 28, title 22,  
20 Idaho Code; the Idaho bean commission, as provided in chapter 29, title 22,  
21 Idaho Code; the Idaho hop grower's commission, as provided in chapter 31, ti-  
22 tle 22, Idaho Code; the Idaho wheat commission, as provided in chapter 33,  
23 title 22, Idaho Code; the Idaho pea and lentil commission, as provided in  
24 chapter 35, title 22, Idaho Code; the Idaho apple commission, as provided in  
25 chapter 36, title 22, Idaho Code; the Idaho cherry commission, as provided in  
26 chapter 37, title 22, Idaho Code; the Idaho mint commission, as provided in  
27 chapter 38, title 22, Idaho Code; the Idaho sheep and goat health board, as  
28 provided in chapter 1, title 25, Idaho Code; the state brand inspector, and  
29 all district supervisors, as provided in chapter 11, title 25, Idaho Code;  
30 the Idaho beef council, as provided in chapter 29, title 25, Idaho Code; and  
31 the Idaho dairy products commission, as provided in chapter 31, title 25,  
32 Idaho Code.

33 (o) All inspectors of the fresh fruit and vegetable inspection service  
34 of the Idaho department of agriculture, except those positions involved in  
35 the management of the program.

36 (p) All employees of correctional industries within the department of  
37 correction.

38 (q) All deputy administrators and wardens employed by the department of  
39 correction. Deputy administrators are defined as only the deputy adminis-  
40 trators working directly for the nonclassified division administrators un-  
41 der the director of the department of correction.

42 (r) All public information positions, with the exception of secretar-  
43 ial positions, in any department.

44 (s) Any division administrator.

45 (t) Any regional administrator or division administrator in the de-  
46 partment of environmental quality.

47 (u) All employees of the division of financial management, all employ-  
48 ees of the STEM action center, all employees of the office of species conser-  
49 vation, all employees of the office of drug policy, and all employees of the  
50 office of energy and mineral resources.

1 (v) All employees of the Idaho food quality assurance institute.

2 (w) All employees of the office of the state appellate public defender,  
3 pursuant to chapter 59, title 19, Idaho Code, and the office of the state pub-  
4 lic defender, pursuant to chapter 60, title 19, Idaho Code.

5 (x) All quality assurance specialists or medical investigators of the  
6 Idaho board of medicine.

7 (y) All pest survey and detection employees and their supervisors hired  
8 specifically to carry out activities under the Idaho plant pest act, chapter  
9 20, title 22, Idaho Code, including but not limited to pest survey, detec-  
10 tion, and eradication, except those positions involved in the management of  
11 the program.

12 (z) All medical directors employed by the department of health and  
13 welfare who are engaged in the practice of medicine, as defined by section  
14 54-1803, Idaho Code, at a state hospital or other treatment facility managed  
15 and operated by the department of health and welfare.

16 (aa) All hearing officers and all other employees of the office of ad-  
17 ministrative hearings, as provided for in chapter 52, title 67, Idaho Code.

18 (bb) All attorneys employed by the division of occupational and profes-  
19 sional licenses.

20 SECTION 2. An emergency existing therefor, which emergency is hereby  
21 declared to exist, this act shall be in full force and effect on and after  
22 July 1, 2025.