

IN THE SENATE

SENATE BILL NO. 1234

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION
2 1-505, IDAHO CODE, TO PROVIDE FOR LEWIS-CLARK STATE UNIVERSITY; AMEND-
3 ING SECTION 33-101, IDAHO CODE, TO PROVIDE FOR LEWIS-CLARK STATE UNI-
4 VERSITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-107A,
5 IDAHO CODE, TO PROVIDE FOR LEWIS-CLARK STATE UNIVERSITY; AMENDING SEC-
6 TION 33-107C, IDAHO CODE, TO PROVIDE FOR LEWIS-CLARK STATE UNIVERSITY;
7 AMENDING THE HEADING FOR CHAPTER 31, TITLE 33, IDAHO CODE, TO PROVIDE
8 FOR LEWIS-CLARK STATE UNIVERSITY; AMENDING SECTION 33-3101, IDAHO
9 CODE, TO PROVIDE FOR LEWIS-CLARK STATE UNIVERSITY AND TO MAKE A TECHNICAL
10 CORRECTION; AMENDING SECTION 33-3102, IDAHO CODE, TO PROVIDE FOR
11 LEWIS-CLARK STATE UNIVERSITY AND TO MAKE A TECHNICAL CORRECTION; AMEND-
12 ING SECTION 33-3104, IDAHO CODE, TO PROVIDE FOR LEWIS-CLARK STATE UNI-
13 VERSITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-3106,
14 IDAHO CODE, TO PROVIDE FOR LEWIS-CLARK STATE UNIVERSITY AND TO MAKE A
15 TECHNICAL CORRECTION; AMENDING SECTION 33-3113, IDAHO CODE, TO PRO-
16 VIDE FOR LEWIS-CLARK STATE UNIVERSITY; AMENDING SECTION 33-3114, IDAHO
17 CODE, TO PROVIDE FOR LEWIS-CLARK STATE UNIVERSITY AND TO MAKE TECH-
18 NICAL CORRECTIONS; AMENDING SECTION 33-3116, IDAHO CODE, TO PROVIDE
19 FOR LEWIS-CLARK STATE UNIVERSITY AND TO MAKE TECHNICAL CORRECTIONS;
20 AMENDING SECTION 33-3301B, IDAHO CODE, TO PROVIDE FOR LEWIS-CLARK
21 STATE UNIVERSITY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SEC-
22 TION 33-3302, IDAHO CODE, TO PROVIDE FOR LEWIS-CLARK STATE UNIVERSITY;
23 AMENDING SECTION 33-3701, IDAHO CODE, TO PROVIDE FOR LEWIS-CLARK
24 STATE UNIVERSITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
25 33-3717A, IDAHO CODE, TO REVISE PROVISIONS REGARDING STATE COLLEGES
26 AND UNIVERSITIES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION
27 33-3726, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE HIGHER EDUCA-
28 TION STABILIZATION FUND AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
29 SECTION 33-3803, IDAHO CODE, TO PROVIDE FOR LEWIS-CLARK STATE UNIVER-
30 SITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-4002, IDAHO
31 CODE, TO PROVIDE FOR LEWIS-CLARK STATE UNIVERSITY AND TO MAKE TECHNICAL
32 CORRECTIONS; AMENDING SECTION 67-2332A, IDAHO CODE, TO PROVIDE FOR
33 LEWIS-CLARK STATE UNIVERSITY; AMENDING SECTION 67-5302, IDAHO CODE, TO
34 PROVIDE FOR LEWIS-CLARK STATE UNIVERSITY AND TO MAKE TECHNICAL CORREC-
35 TIONS; AMENDING SECTION 67-9203, IDAHO CODE, TO PROVIDE FOR LEWIS-CLARK
36 STATE UNIVERSITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
37 67-9801, IDAHO CODE, TO PROVIDE FOR LEWIS-CLARK STATE UNIVERSITY; AND
38 DECLARING AN EMERGENCY.
39

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

41 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature
42 in changing the name of Lewis-Clark State College to identify and clearly
43 recognize the newly named Lewis-Clark State University as the four-year

1 institution that it is. Nothing in this act shall be interpreted to im-
2 ply a change in mission or academic classification of Lewis-Clark State
3 University. Lewis-Clark State University will remain a teaching-focused
4 institution and, therefore, there are no new ongoing costs associated with
5 the name change.

6 SECTION 2. That Section 1-505, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 1-505. DISTRIBUTION OF REPORTS. The reporter shall have no pecuniary
9 interest in the reports. The decisions of the said supreme court shall be
10 prepared for publication, by the reporter, as rapidly as possible, and as
11 soon as a sufficient number of decisions are prepared to fill a volume, such
12 a volume shall be printed, and as many copies thereof as directed by the ad-
13 ministrative director of the courts, shall be delivered to the state law li-
14 brarian, who shall distribute them as follows: to the librarian of congress,
15 three (3) copies; to the Idaho state law library, five (5) copies; to the uni-
16 versity of Idaho, general library, two (2) copies; to the Idaho state univer-
17 sity library, one (1) copy; to Boise state university library, one (1) copy;
18 to the college of law of the university of Idaho, twelve (12) copies; to the
19 Lewis-Clark state ~~college~~ university, one (1) copy; to the library at the
20 state penitentiary, one (1) copy; to each county prosecuting attorney, one
21 (1) copy; to each magistrate, one (1) copy; to each district judge, one (1)
22 copy; to each justice of the supreme court, one (1) copy; to the clerk of the
23 supreme court, one (1) copy; to the attorney general, five (5) copies; one
24 (1) copy to the department of lands of Idaho; one (1) copy to the public util-
25 ities commission of Idaho; one (1) copy to the industrial commission; one (1)
26 copy to the division of public works; one (1) copy to the department of insur-
27 ance; one (1) copy to the judiciary committee of the senate during sessions
28 of the legislature; one (1) copy to the judiciary committee of the house of
29 representatives during sessions of the legislature; to each state and terri-
30 tory in the United States sending to this state copies of its printed court
31 reports, one (1) copy for the use of the state library or law library thereof;
32 to each foreign state or country, sending to this state copies of its printed
33 court reports, one (1) copy; to the governor, secretary of state, state trea-
34 surer, state controller, superintendent of public instruction, each one (1)
35 copy; and to other officers and institutions as directed by the administra-
36 tive director of the courts; provided, that each public officer receiving a
37 copy of any volume or volumes of said reports under the provisions of this
38 section, shall take good care of the same, and shall upon retiring from of-
39 fice, turn the same over to his successor in office, provided further, that
40 copies of any volume of such reports may be again issued to any of said of-
41 ficers, institutions, states or territories upon good and sufficient proof
42 of loss of the copies sought to be replaced, presented to the administrative
43 director of the courts, who may direct the librarian to furnish another copy
44 of the volume so lost, in place thereof. Any of the said officers, insti-
45 tutions, states or territories may inform the administrative director that
46 they do not wish to receive these volumes or wish to receive a lesser num-
47 ber of volumes than specified in this section. The state law librarian shall
48 then cease distributing volumes to those recipients who no longer wish to re-
49 ceive them, and shall distribute the number of volumes requested to those

1 recipients who wish to receive a lesser number of volumes than specified in
 2 this section. Recipients may also inform the administrative director that
 3 they wish to resume receiving the volumes, or wish to resume receiving the
 4 full number of volumes specified in this section, and the state law librarian
 5 shall then distribute to those recipients the volumes published thereafter
 6 in the number specified in this section.

7 SECTION 3. That Section 33-101, Idaho Code, be, and the same is hereby
 8 amended to read as follows:

9 33-101. CREATION OF BOARD. For the general supervision, governance,
 10 and control of all state educational institutions, to wit: ~~University of~~
 11 ~~Idaho, Idaho State University, Boise State University, Lewis-Clark State~~
 12 ~~College, the School for the Deaf and the Blind~~ university of Idaho, Idaho
 13 state university, Boise state university, Lewis-Clark state university, the
 14 school for the deaf and the blind, and any other state educational institu-
 15 tion which may hereafter be founded, and for the general supervision, gov-
 16 ernance, and control of the public school systems, including public commu-
 17 nity colleges, a state board of education is created. The said board shall be
 18 known as the state board of education and board of regents of the ~~University~~
 19 university of Idaho.

20 For the purposes of section 20, article IV, of the constitution of the
 21 state of Idaho, the state board of education and all of its offices, agen-
 22 cies, divisions, and departments shall be an executive department of state
 23 government.

24 Where the term "state board" shall hereafter appear, it shall mean the
 25 state board of education and board of regents of the ~~University~~ university of
 26 Idaho.

27 SECTION 4. That Section 33-107A, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 33-107A. BOARD MAY ESTABLISH AN OPTIONAL RETIREMENT PROGRAM. (1) The
 30 state board of education may establish an optional retirement program under
 31 which contracts providing retirement and death benefits may be purchased for
 32 nonclassified staff, pursuant to section 67-5303, Idaho Code, of the univer-
 33 sity of Idaho, Idaho state university, Boise state university, Lewis-Clark
 34 state college university, and the office of the state board of education who
 35 are hired on or after July 1, 1993; provided, however, that no such employee
 36 shall be eligible to participate in an optional retirement program unless he
 37 would otherwise be eligible for membership in the public employee retirement
 38 system of Idaho.

39 (2) The state board of education is hereby authorized to provide for the
 40 administration of the optional retirement program and to perform or autho-
 41 rize the performance of such functions as may be necessary for such purposes.
 42 The board shall designate the company or companies from which contracts are
 43 to be purchased under the optional retirement program and shall approve the
 44 form and contents of such contracts. In making the designation and giving
 45 approval, the board shall consider:

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

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

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

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

8 (3) Nonclassified staff initially appointed or hired on or after July
9 1, 1993, shall participate in the optional retirement plan, except vested
10 members of the public employee retirement system of Idaho, as defined in sec-
11 tion 59-1302, Idaho Code. Nonclassified employees hired by the office of
12 the state board of education on or after July 1, 2024, with previous credited
13 service in the public employee retirement system of Idaho may make a onetime
14 irrevocable election to remain a member of the public employee retirement
15 system of Idaho. Such election shall be made in writing within sixty (60)
16 days of initial hire or appointment and filed with the administrative offi-
17 cer of the employing institution or agency.

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

20 (i) To the designated company or companies, an amount equal to
21 nine and thirty-five hundredths percent (9.35%) of each partici-
22 pant's salary, reduced by any amount necessary, if any, to provide
23 contributions to a total disability program provided either by the
24 state or by a private insurance carrier licensed and authorized to
25 provide such benefits, or any combination thereof, but in no event
26 less than five percent (5%) of each participant's salary; and

27 (ii) To the public employee retirement system, an amount equal
28 to one and forty-nine hundredths percent (1.49%) of salaries of
29 members who are participants in the optional retirement program.
30 This amount shall be paid until July 1, 2025, and is in lieu of
31 amortization payments and withdrawal contributions required pur-
32 suant to chapter 13, title 59, Idaho Code.

33 (b) Each participant shall contribute an amount equal to six and
34 ninety-seven hundredths percent (6.97%) of the participant's salary.
35 Employee contributions may be made by employer pickup pursuant to sec-
36 tion 59-1332, Idaho Code.

37 (c) Payment of contributions authorized or required under this subsec-
38 tion shall be made by the financial officer of the employing institution
39 to the designated company or companies for the benefits of each partici-
40 pant.

41 (5) Any person participating in the optional retirement program shall
42 be ineligible for membership in the public employee retirement system of
43 Idaho as long as he remains continuously employed in a nonclassified posi-
44 tion.

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

1 SECTION 5. That Section 33-107C, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 33-107C. BOARD MAY ESTABLISH ADDITIONAL RETIREMENT PLANS. (1) The
4 state board of education and the board of regents of the university of
5 Idaho may establish one (1) or more retirement plans as described herein
6 for members of the teaching staff and officers of the university of Idaho,
7 Idaho state university, Boise state university, Lewis-Clark state college
8 university, and the state board of education who are eligible to participate
9 in an optional retirement program described in section 33-107A, Idaho Code,
10 or section 33-107B, Idaho Code, or who are vested members in the public em-
11 ployee retirement system of Idaho.

12 (2) A plan established under this section shall comply with federal tax
13 laws applicable to the design of the plan, which may include sections 401(a),
14 403(b), 415(m), 457(b) and 457(f) of the Internal Revenue Code or other fed-
15 eral tax laws.

16 (3) To the extent permitted by federal tax law, a plan established under
17 this section may provide for contributions or payments solely at the direc-
18 tion of the employer, or deferral of an employee's compensation at the elec-
19 tion of the employee.

20 SECTION 6. That the Heading for Chapter 31, Title 33, Idaho Code, be,
21 and the same is hereby amended to read as follows:

22 CHAPTER 31
23 LEWIS-CLARK STATE ~~COLLEGE~~ UNIVERSITY

24 SECTION 7. That Section 33-3101, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 33-3101. ESTABLISHMENT OF SCHOOL. An institute of higher education
27 for the state of Idaho is hereby established in the city of Lewiston, in
28 the county of Nez Perce, to be called the Lewis-Clark ~~State College~~ state
29 university, heretofore called the Lewis-Clark ~~Normal School~~ normal school,
30 the purposes of which shall be the offering and the giving of instruction in
31 college courses in the sciences, arts and literature, professional, techni-
32 cal, and courses or programs of higher education as are usually included in
33 colleges and universities leading to the granting of appropriate collegiate
34 degrees as approved by the state board of education.

35 SECTION 8. That Section 33-3102, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 33-3102. BOARD OF TRUSTEES. The Lewis-Clark ~~State College~~ state uni-
38 versity is hereby declared to be a body politic and corporate, with its own
39 seal and having power to sue and be sued in its own name. The general supervi-
40 sion, government, and control of the Lewis-Clark ~~State College~~ state univer-
41 sity is vested in the state board of education, which shall act as the board
42 of trustees of the Lewis-Clark ~~State College~~ state university.

1 SECTION 9. That Section 33-3104, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 33-3104. GENERAL POWERS AND DUTIES OF BOARD. All rights and title to
4 property, real or personal, belonging to or vested in the Lewis-Clark ~~State~~
5 ~~College~~ state university are hereby vested in its board of trustees and their
6 successors. The board of trustees is empowered to acquire, by purchase or
7 exchange, any property which in the judgment of the board is needful for the
8 operation of the Lewis-Clark ~~State College~~ state university; and to dispose
9 of, by sale or exchange, any property which in the judgment of the board is
10 not needful for the operation of the ~~college~~ university.

11 The board of trustees of the Lewis-Clark ~~State College~~ state university
12 shall have the following powers:

13 1- (a) To adopt rules and regulations for its own government and for
14 that of the ~~college~~ university.

15 2- (b) To accept grants or gifts of money, materials or property of any
16 kind from any governmental agency, or from any person, firm or association,
17 on such terms as may be determined by the grantor.

18 3- (c) To cooperate with any governmental agency, or any person, firm
19 or association in the conduct of any educational program, to accept grants
20 or gifts from any source for the conduct of such program; and to conduct such
21 program on or off campus.

22 4- (d) To employ architects or engineers in planning the construction,
23 remodeling or repair of any building or property, and whenever no other
24 agency is designated by law to do so, to let contracts for such construction,
25 remodeling or repair and to supervise the work thereof.

26 5- (e) To have at all times, general supervision and control of all
27 property, real or personal, appertaining to the ~~college~~ university, and to
28 insure the same.

29 SECTION 10. That Section 33-3106, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 33-3106. PRESIDENT AND OTHER TEACHERS, OFFICERS, AND EMPLOYEES --
32 SALARIES AND DUTIES -- REMOVAL. The board of trustees shall have power to
33 employ a president of the ~~college~~ university and, with his advice, to appoint
34 such assistants, deans, instructors, specialists, and other employees as
35 are required for the operation of the ~~college~~ university; to fix salaries
36 and to prescribe duties and to remove the president or other employees in
37 accordance with the policies and rules of the state board of education.

38 SECTION 11. That Section 33-3113, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 33-3113. SECTARIAN TESTS PROHIBITED. No religious or sectarian test
41 shall be applied in the admission of students, nor in the selection of in-
42 structors or other personnel of the ~~college~~ university.

43 SECTION 12. That Section 33-3114, Idaho Code, be, and the same is hereby
44 amended to read as follows:

1 33-3114. TRANSFER AND CONTROL OF FUNDS. All of the funds and money
 2 in the dormitory fund and dining fund, including any revolving fund, of
 3 the Lewis-Clark ~~Normal School~~ normal school, as the same is authorized by
 4 sections ~~33-3701--33-3711~~ 33-3701 through 33-3711, Idaho Code, and all of
 5 the unexpended funds hereto allocated and appropriated to the Lewis-Clark
 6 ~~Normal School~~ normal school for the purposes specified therein, and all of
 7 the educational or other endowment funds, holdings, rights, privileges,
 8 and immunities of the Lewiston ~~Normal School~~ normal school, the ~~Northern~~
 9 ~~Idaho College of Education~~ northern Idaho college of education, and the
 10 Lewis-Clark ~~Normal School~~ normal school, and any allocations or appropri-
 11 ations from the normal school income fund, as provided by section 33-3302,
 12 Idaho Code, are hereby transferred to, vested in, and continued in the
 13 Lewis-Clark ~~State College~~ state university and placed under the control of
 14 its board of trustees, and appropriated for expenditure by it and shall be
 15 paid out by the state treasurer in the manner provided by the constitution
 16 and laws of the state of Idaho. All of the property, real and personal, and
 17 all of the obligations, legal and moral, of the Lewiston ~~Normal School~~ normal
 18 school, the ~~Northern Idaho College of Education~~ northern Idaho college of
 19 education, and of the Lewis-Clark ~~Normal School~~ normal school, are hereby
 20 vested in, or shall become the obligations of, the Lewis-Clark ~~State College~~
 21 state university.

22 SECTION 13. That Section 33-3116, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 33-3116. CONSTRUCTION OF REFERENCES TO LEWISTON STATE NORMAL
 25 SCHOOL. Wherever the name Lewiston ~~Normal School~~ normal school, or
 26 ~~Northern Idaho College of Education~~ northern Idaho college of education, or
 27 Lewis-Clark ~~Normal School~~ normal school, shall appear in any statute, such
 28 statute is hereby amended to read Lewis-Clark ~~State College~~ state university
 29 as fully and completely as though the said name on said statute was specifi-
 30 cally amended therein, and all such statutes shall be construed to refer to
 31 and mean Lewis-Clark ~~State College~~ state university.

32 SECTION 14. That Section 33-3301B, Idaho Code, be, and the same is
 33 hereby amended to read as follows:

34 33-3301B. NORMAL SCHOOL INCOME FUND. There is established in the state
 35 treasury the normal school income fund. The fund shall consist of all mon-
 36 eys distributed from the normal school earnings reserve fund and from other
 37 sources as the legislature deems appropriate. Moneys in the normal school
 38 income fund shall be used for the benefit of the beneficiaries of the endow-
 39 ment and distributed to current beneficiaries of the normal school endowment
 40 pursuant to legislative appropriation. However, not more than fifty percent
 41 (50%) of earnings of the normal school income fund shall ever be appropriated
 42 for the support and maintenance of either Lewis-Clark ~~State College~~ state
 43 university or the department of education at Idaho ~~State University~~ state
 44 university.

45 SECTION 15. That Section 33-3302, Idaho Code, be, and the same is hereby
 46 amended to read as follows:

1 33-3302. APPROPRIATION FOR LEWIS-CLARK STATE ~~COLLEGE~~ UNIVERSITY. Fi-
 2 fty percent (50%) of all moneys that now are in or which may hereafter accrue
 3 to the normal school income fund are perpetually appropriated and set apart
 4 for the support and maintenance of the Lewis-Clark ~~State College~~ state uni-
 5 versity, the same to be available for such purpose immediately upon their be-
 6 ing credited to the fund.

7 SECTION 16. That Section 33-3701, Idaho Code, be, and the same is hereby
 8 amended to read as follows:

9 33-3701. CONTRACTS FOR HOUSING FACILITIES AT STATE INSTITUTIONS. The
 10 state board of education and board of regents of the ~~University~~ university
 11 of Idaho, acting as the board of regents of the ~~University~~ university of
 12 Idaho, or as the board of trustees of the Lewis-Clark ~~State College~~ state
 13 university, or as the board of trustees of the Boise ~~State University~~ state
 14 university, or as the board of trustees of the Idaho ~~State University~~ state
 15 university, are hereby authorized to enter into contracts with persons,
 16 firms, and corporations, for the purpose of providing dormitory and housing
 17 facilities for the students of said institutions; for the purposes the board
 18 may contract for the leasing and purchase of lands and buildings and for the
 19 purchase and installation of fixtures, furniture, furnishings, and equip-
 20 ment in such buildings; the board may contract to pay as rent or otherwise a
 21 sum sufficient to pay, on the amortization plan, the principal and interest
 22 thereon, of the purchase-price of lands and buildings, such contracts to
 23 run not over twenty (20) years; the rate of interest on the principal on any
 24 purchase shall not exceed seven percent (7%) per annum payable semiannually
 25 or annually.

26 SECTION 17. That Section 33-3717A, Idaho Code, be, and the same is
 27 hereby amended to read as follows:

28 33-3717A. FEES AT STATE ~~COLLEGES AND~~ UNIVERSITIES. (1) The state board
 29 of education and the board of regents of the university of Idaho may pre-
 30 scribe fees, including tuition fees, for resident and nonresident students
 31 enrolled in all state ~~colleges and~~ universities. For purposes of this sec-
 32 tion, said fees, including tuition fees, may be used for any and all educa-
 33 tional costs at the state ~~colleges and~~ universities including, but not lim-
 34 ited to, costs associated with:

- 35 (a) Academic services;
- 36 (b) Instruction;
- 37 (c) The construction, maintenance, and operation of buildings and fa-
 38 cilities;
- 39 (d) Student services; or
- 40 (e) Institutional support.

41 The state board of education also may prescribe fees for all students for any
 42 additional charges that are necessary for the proper operation of each in-
 43 stitution.

44 (2) A resident student is a student who meets the residency require-
 45 ments imposed by section 33-3717B, Idaho Code.

46 (3) Nothing contained in this section shall prevent the state board of
 47 education from waiving fees, including tuition fees, to be paid by nonresi-

1 dent students, as defined in section 33-3717C, Idaho Code, who are enrolled
2 in the state ~~colleges and~~ universities.

3 (4) Nothing contained in this section shall apply to community colleges
4 now or hereafter established pursuant to chapter 21, title 33, Idaho Code,
5 or to postsecondary professional-technical schools now or hereafter estab-
6 lished and not connected to or a part of a state ~~college or~~ university.

7 SECTION 18. That Section 33-3726, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 33-3726. HIGHER EDUCATION STABILIZATION FUND. There is hereby created
10 in the state treasury a fund to be known as the higher education stabiliza-
11 tion fund. The higher education stabilization fund shall consist of three
12 (3) separate accounts as follows:

13 (1) An account designated the strategic interest account shall consist
14 of interest earnings from the investment of moneys deposited with the state
15 treasurer into unrestricted current fund 0650-00, as designated by the state
16 controller in the statewide accounting and reporting system. Annually on
17 July 1, or as soon thereafter as is practicable, the state controller shall
18 transfer such interest earnings to the strategic interest account. All mon-
19 eys so transferred shall be expended for the maintenance, use, and support
20 of institutions that have deposited moneys into unrestricted current fund
21 0650-00. All such expenditures shall be subject to legislative appropria-
22 tion. Institutions shall receive a pro rata share of a legislative approp-
23 riation based upon the amount of moneys any such institution has deposited
24 into unrestricted current fund 0650-00 in the current fiscal year compared
25 to the total amount deposited by all institutions in the current fiscal year.
26 Interest earned from the investment of moneys in the strategic interest ac-
27 count shall be retained in the strategic interest account.

28 (2) An account designated the surplus stabilization account shall
29 consist of any other moneys made available through legislative transfers,
30 appropriations, or otherwise provided by law, or from any other governmen-
31 tal source. All such moneys shall be expended for the maintenance, use, and
32 support of institutions named in section 33-3803, Idaho Code. Such expendi-
33 tures shall be made subject to legislative appropriation to the state board
34 of education for ~~college and~~ universities. Distribution of such moneys to
35 institutions shall be based upon the state board of education's established
36 practices for the allocation of moneys to such institutions. Interest
37 earned from the investment of moneys in this surplus stabilization account
38 shall be retained in this surplus stabilization account.

39 (3) An account designated the surplus stabilization account for col-
40 lege of eastern Idaho, north Idaho college, college of southern Idaho, and
41 college of western Idaho shall consist of any other moneys made available
42 through legislative transfers, appropriations, or otherwise provided by
43 law, or from any other governmental source. All such moneys shall be ex-
44 pended for the maintenance, use, and support of college of eastern Idaho,
45 north Idaho college, college of southern Idaho, and college of western
46 Idaho. Such expenditures shall be made subject to legislative appropriation
47 to the community colleges. Distribution of such moneys shall be based on the
48 state board of education's established practices for the allocation of mon-
49 eys to the community colleges. Interest earned from the investment of moneys

1 in this surplus stabilization account shall be retained in this surplus sta-
2 bilization account.

3 SECTION 19. That Section 33-3803, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-3803. STATE EDUCATIONAL INSTITUTIONS AS BODIES POLITIC AND CORPO-
6 RATE -- POWERS OF BOARDS. Each of the following institutions is hereby con-
7 stituted and confirmed a body politic and corporate and a separate and in-
8 dependent legal entity and is hereby further constituted and confirmed as a
9 governmental instrumentality for the dissemination of knowledge and learn-
10 ing: ~~"The Regents of the University of Idaho," "Lewis-Clark State College,"~~
11 ~~"Idaho State University," and "Boise State University."~~ the regents of the
12 university of Idaho, Lewis-Clark state university, Idaho state university,
13 and Boise state university. A corporate purpose of every institution, in ad-
14 dition to any other purposes thereof, shall be to acquire any project. The
15 powers of every institution delegated to it by this act shall be vested in and
16 exercised by a majority of all the members of its board, and a majority of all
17 the members of such board shall be a quorum for the transaction of any busi-
18 ness authorized by this act, but a lesser number may adjourn and compel the
19 attendance of absent members.

20 SECTION 20. That Section 41-4002, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 41-4002. DEFINITIONS. For the purposes of this chapter unless context
23 otherwise requires:

24 (1) "Administrator" is a person, if other than the trustee, employed
25 or contracted by the trustee to provide administrative services to a self-
26 funded plan.

27 (2) "Beneficiary" is any individual entitled, under the self-funded
28 plan, to payment by the trust fund of any part or all of the cost of any health
29 care service rendered to such beneficiary.

30 (3) "Claims liability" is the total of all incurred and unpaid claims,
31 including incurred but not reported claims, for allowable benefits under a
32 self-funded plan that are not reimbursed or reimbursable by stop-loss insur-
33 ance provided by a carrier authorized to transact insurance in this state.

34 (4) "Contribution" is the amount paid or payable by the employer or
35 employee, or a postsecondary educational institution or student, into the
36 trust fund.

37 (5) "Department" is the Idaho department of insurance.

38 (6) "Director" is the director of the department of insurance.

39 (7) "Irrevocable trust agreement" is a trust agreement whereby under
40 the terms thereof the plan sponsor cannot retain the power to alter, amend,
41 revoke, or terminate the transfer of funds or property held in trust.

42 (8) "Multiple employer welfare arrangement" or "multiple employer wel-
43 fare plan" shall have the same meaning as that given to the term "multiple em-
44 ployer welfare arrangement" by the employee retirement income security act
45 of 1974, as amended.

46 (9) "Person" is any individual, corporation, limited liability com-
47 pany, partnership, association, firm, syndicate, organization, educational

1 institution, or any other public or private entity organized or recognized
2 under the laws of the state of Idaho.

3 (10) "Plan sponsor" is any person who creates a self-funded health bene-
4 fit plan for the benefit of any employer and employee or employees, or a post-
5 secondary educational institution and student or students.

6 (11) "Postsecondary educational institution" is a person whose primary
7 purpose is to provide a postsecondary education that offers or awards edu-
8 cational degrees and that provides courses or programs that lead to an edu-
9 cational degree, that is legally authorized and maintains a presence in the
10 state of Idaho, and that has an average annualized enrollment of eight hun-
11 dred (800) or more full-time students located in Idaho.

12 (12) "Public postsecondary educational institution" means ~~Boise~~
13 ~~State University, Idaho State University, Lewis-Clark State College and~~
14 ~~the University of Idaho~~ Boise state university, Idaho state university,
15 Lewis-Clark state university, and the university of Idaho, along with the
16 board of regents and board of trustees thereof.

17 (13) "Qualified actuary" is an actuary having experience in establish-
18 ing rates for a self-funded plan and the health services being provided, and
19 who is also a fellow of the society of actuaries, a member of the American
20 academy of actuaries, or an enrolled actuary under the employee retirement
21 income security act of 1974, as amended.

22 (14) "Self-funded plan" or "plan" is any single employer plan, public
23 postsecondary educational institution plan, or multiple employer welfare
24 plan, or any other single or multiple employer plan, or any postsecondary
25 educational institution student health benefit plan, other than a plan pro-
26 viding only benefits under title 72, Idaho Code, under which payment for med-
27 ical, surgical, hospital, and other services for prevention, diagnosis, or
28 treatment of any disease, injury, or bodily condition of an employee is, or
29 is to be, regularly provided for or promised from funds created or maintained
30 in whole or in part by contributions or payments thereto by the employer or
31 employers, or by the employer or employers and the employees, or by a post-
32 secondary educational institution and students at said institution, or stu-
33 dents of a postsecondary educational institution, who are not otherwise cov-
34 ered by insurance or contract with a health care service corporation or man-
35 aged care organization authorized to transact business in this state.

36 (15) "Single employer" is any individual, sole proprietorship, busi-
37 ness, partnership, corporation, limited liability company, firm, or any
38 other form of legally recognized entity or a group of two (2) or more em-
39 ployers under "common control" as defined in section 3(40)(B)(iii) of the
40 employee retirement income security act of 1974, as amended.

41 (16) "Student" is an individual enrolled in a postsecondary educational
42 institution.

43 (17) "Surplus" is the excess of the assets of a self-funded plan minus
44 the liabilities of the plan, provided the liabilities of a self-funded plan
45 shall include the claims liability of the plan.

46 (18) "Trust fund" is a trust fund established in conjunction with a
47 self-funded plan for receipt of contributions of employer and employees,
48 postsecondary educational institution and students, and payment of or with
49 respect to health care service costs of beneficiaries.

1 (19) "Trustee" is the trustee, whether a single or multiple trustee, of
2 the trust fund.

3 SECTION 21. That Section 67-2332A, Idaho Code, be, and the same is
4 hereby amended to read as follows:

5 67-2332A. INTERAGENCY CONTRACTS WITH STATE INSTITUTIONS OF HIGHER ED-
6 UCATION. (1) Notwithstanding the provisions of section 67-2332, Idaho Code,
7 no agency may enter into a noncompetitive contract with a state institution
8 of higher education unless authorized pursuant to section 67-9221, Idaho
9 Code. When seeking a contract with a state institution of higher education,
10 an agency shall determine each state institution of higher education's in-
11 terest in competing for the contract. If more than one (1) state institution
12 of higher education indicates an interest in competing, the agency shall
13 seek quotes or proposals and award the contract to the state institution of
14 higher education it determines provided the best offer based on cost and
15 other relevant criteria.

16 (2) The provisions of subsection (1) of this section do not apply to
17 procurements of surplus property governed by other state or federal law.

18 (3) As used in this section:

19 (a) "Agency" has the same meaning as provided in section 67-9203(3),
20 Idaho Code.

21 (b) "State institution of higher education" means Boise state univer-
22 sity, Idaho state university, Lewis-Clark state ~~college~~ university, or
23 the university of Idaho.

24 SECTION 22. That Section 67-5302, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 67-5302. DEFINITIONS. As used in this chapter and other applicable
27 sections of the Idaho Code, each of the terms defined in this section shall
28 have the meaning given in this section unless a different meaning is clearly
29 required by the context. Such terms and their definitions are:

30 (1) "Administrative employee" means any person, nonclassified or clas-
31 sified, appointed to a position that meets the criteria set forth in the fed-
32 eral fair labor standards act, 29 U.S.C. 201 et seq. Final designation of
33 a classified position as "administrative" within this definition shall be
34 made by the administrator of the division of human resources. Exceptions to
35 this designation that do not violate the federal fair labor standards act, 29
36 U.S.C. 201 et seq., may be made by the administrator.

37 (2) "Administrator" means the administrator of the division of human
38 resources in the governor's office.

39 (3) "Appointing authority" means the officer, board, commission, per-
40 son, or group of persons authorized by statute or lawfully delegated author-
41 ity to make appointments to or employ personnel in any department.

42 (4) "Class" means a group of positions sufficiently similar as to the
43 duties performed, degree of supervision exercised or required, minimum re-
44 quirements of training, experience or skill, and other characteristics that
45 the same title, the same tests of fitness, and the same schedule of compensa-
46 tion may be applied to each position in the group.

1 (5) "Classified officer" or "classified employee" means any person ap-
2 pointed to or holding a position in any department of the state of Idaho,
3 which position is subject to the provisions of the merit examination, selec-
4 tion, retention, promotion, and dismissal requirements of section 67-5309,
5 Idaho Code.

6 (6) "Commission" means the Idaho personnel commission.

7 (7) "Compensatory time" means approved time off from duty provided in
8 compensation for overtime hours worked.

9 (8) "Computer worker" means any person, nonclassified or classified,
10 appointed to a position that meets the criteria set forth in the federal fair
11 labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified
12 position as "computer worker" within this definition shall be made by the ad-
13 ministrator of the division of human resources. Exceptions to this designa-
14 tion that do not violate the federal fair labor standards act, 29 U.S.C. 201
15 et seq., may be made by the administrator.

16 (9) "Department" means any department, agency, institution, or office
17 of the state of Idaho.

18 (10) "Disabled veteran" is as defined in section 65-502, Idaho Code.

19 (11) "Eligible" means a person who has been determined to be qualified
20 for a classified position and whose name has been placed on the register of
21 eligibles.

22 (12) (a) "Executive employee" means any person appointed to a position
23 equivalent to a bureau chief or above as provided in section 67-2402,
24 Idaho Code, or any employee whose primary duty is management of a de-
25 partment, division, or bureau and:

26 (i) Who customarily and regularly directs the work of at least two
27 (2) or more other employees therein;

28 (ii) Who has the authority to hire and fire, or to recommend hiring
29 and firing; or whose recommendation on these and other actions af-
30 fecting employees is given particular weight; and

31 (iii) Who customarily and regularly exercises discretionary pow-
32 ers.

33 (b) Final designation of a position as "executive" in this definition
34 shall be made by the administrator. Exceptions to this designation that
35 do not violate the federal fair labor standards act, 29 U.S.C. 201 et
36 seq., may be made by the administrator.

37 (13) "Exempt employee" means any employee, classified or nonclassi-
38 fied, who is determined to be an executive, professional, or administrative
39 employee as defined in this section or who qualifies for any other exemption
40 from cash compensation for overtime under applicable federal law. Final
41 designation of a classified position as exempt shall be made by the adminis-
42 trator.

43 (14) "Full-time employee" means any employee working a forty (40) hour
44 workweek.

45 (15) (a) "Holiday" means any day so designated by the president of the
46 United States or the governor of this state for a public fast, thanks-
47 giving, or holiday. Holidays are enumerated in section 73-108, Idaho
48 Code.

1 (b) In the event that a holiday occurs on a Saturday, the preceding Fri-
2 day shall be a holiday, and if the holiday falls on a Sunday, the follow-
3 ing Monday shall be a holiday.

4 (c) A holiday is a day of exemption from work granted to nonexecutive
5 employees during which said employees shall be compensated as if they
6 actually worked. Employees classified as executive exempt are entitled
7 to eleven (11) paid holidays per year. If such an employee works on one
8 (1) of the official holidays listed in this subsection, then such em-
9 ployee may take an alternative day off but shall not receive additional
10 compensation.

11 (16) "Hours worked" means those hours actually spent in the performance
12 of the employee's job on any day including holidays and shall not include va-
13 cation or sick leave or other approved leave of absence.

14 (17) "Nonclassified employee" means any person appointed to or holding
15 a position in any department of the state of Idaho, which position is ex-
16 empted from the merit provisions of section 67-5309(e), (f), (g), (j), (m),
17 (o), (p), (w), and (x), Idaho Code.

18 (18) "Normal workweek" means any forty (40) hours worked during a par-
19 ticular one hundred sixty-eight (168) hour period as previously established
20 by the employee's appointing authority.

21 (19) "Open competitive examination" means an examination that may be
22 taken by qualified applicants to compete on an equal basis for listing on the
23 register of eligibles for a classified position.

24 (20) "Overtime work" means:

25 (a) Time worked on holidays and time worked in excess of forty (40)
26 hours in a period of one hundred sixty-eight (168) consecutive hours;

27 (b) Upon designation from the administrator and in the case of those
28 employees engaged in law enforcement, correctional, and fire protec-
29 tion activities characterized by irregular shift work schedules, time
30 worked in excess of one hundred sixty (160) hours in a period of twenty-
31 eight (28) consecutive days;

32 (c) Upon designation from the administrator and in the case of certain
33 employees who meet federal exemption requirements, time worked in ex-
34 cess of eighty (80) hours within a period of fourteen (14) consecutive
35 days; or

36 (d) Time worked by employees during specific hours in addition to their
37 normal schedules upon emergency declaration by the governor or with the
38 approval of the appointing authority and the board of examiners.

39 (21) "Participating department" means any department of the state of
40 Idaho in the executive department reporting to the governor or a board or
41 commission appointed by the governor.

42 (22) "Part-time employee" means any employee whose usually scheduled
43 work is fewer than forty (40) hours in a period of one hundred sixty-eight
44 (168) consecutive hours and who is not entitled to sick leave accruals pro-
45 vided in section 67-5333, Idaho Code, vacation leave provided in section
46 67-5334, Idaho Code, or holiday pay as defined in subsection (15) of this
47 section, unless contributions are being made to the public employee retire-
48 ment system in accordance with chapter 13, title 59, Idaho Code, and rules
49 promulgated by the public employee retirement system board.

1 (23) "Personnel system" means the procedure for administering employ-
2 ees in accordance with this chapter.

3 (24) "Political office" means a public office for which partisan poli-
4 tics is a basis for nomination, election, or appointment.

5 (25) "Political organization" means a party that sponsors candidates
6 for election to political office.

7 (26) "Position" means a group of duties and responsibilities legally
8 assigned or delegated by one (1) or more appointing authorities and requir-
9 ing the employment of one (1) person.

10 (27) "Professional employee" means any person, nonclassified or clas-
11 sified, appointed to a position that meets the criteria set forth in the fed-
12 eral fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a
13 classified position as professional shall be made by the administrator. Ex-
14 ceptions to this designation that do not violate the federal fair labor stan-
15 dards act, 29 U.S.C. 201 et seq., may be made by the administrator.

16 (28) "Public education entity" means community colleges, public school
17 districts, public charter schools, and the Idaho digital learning academy.

18 (29) "Qualifying examination" means an examination or evaluation given
19 to a selected person to determine eligibility for reclassification or ap-
20 pointment to a position in a classification.

21 (30) "Register" means a list of names of persons who have been deter-
22 mined to be eligible for employment in a classified position as determined on
23 the basis of examination and merit factors as established by the administra-
24 tor.

25 (31) "Seasonal appointment" means an appointment to a position that is
26 permanent in nature but that has intermittent work periods throughout the
27 year.

28 (32) "Service rating" means a recorded evaluation of work performance
29 and promotional potential of an employee by his supervisor.

30 (33) "State educational agency" means the following state agencies and
31 educational institutions under the governance of the Idaho state board of
32 education:

- 33 (a) Boise state university;
34 (b) Idaho state university;
35 (c) University of Idaho;
36 (d) Lewis-Clark state college university;
37 (e) Idaho public television;
38 (f) The division of vocational rehabilitation;
39 (g) The division of career technical education;
40 (h) The office of the state board of education;
41 (i) The state department of education; and
42 (j) The public charter school commission.

43 (34) "Temporary appointment" means appointment to a position that is
44 not permanent in nature and in which employment will not exceed one thousand
45 three hundred eighty-five (1,385) hours during any twelve (12) month period.
46 No person holding a temporary appointment may work in excess of one thousand
47 three hundred eighty-five (1,385) hours during a twelve (12) month period
48 of time for any one (1) department; provided, however, upon petition by the
49 appointing authority that demonstrates good cause, the administrator of

1 the division of human resources may extend the one thousand three hundred
2 eighty-five (1,385) hour limit for:

3 (a) Employees of the department of lands who are required to perform
4 fire suppression activities; and

5 (b) Employees hired under approved apprenticeship programs.

6 (35) "Vacation leave" means a period of exemption from work during which
7 employees shall be compensated. The term shall not include compensatory
8 time for overtime work.

9 (36) "Veteran" is as defined in section 65-203, Idaho Code.

10 SECTION 23. That Section 67-9203, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 67-9203. DEFINITIONS. As used in this chapter:

13 (1) "Acquisition" means the process of procuring property.

14 (2) "Administrator" means the administrator of the division of pur-
15 chasing as created by section 67-9204, Idaho Code.

16 (3) "Agency" means all officers, departments, divisions, bureaus,
17 boards, commissions, and institutions of the state, including the public
18 utilities commission, but excluding:

19 (a) The legislative and judicial branches of government;

20 (b) The governor, lieutenant governor, secretary of state, state con-
21 troller, state treasurer, attorney general, and superintendent of pub-
22 lic instruction; and

23 (c) Except as provided in section 67-9234, Idaho Code, a state insti-
24 tution of higher education that complies with the provisions of section
25 67-9225, Idaho Code.

26 (4) "Bid" means a written offer to perform a contract to sell or other-
27 wise supply property in response to a solicitation.

28 (5) "Bidder" means a vendor who has submitted a bid on property to be
29 acquired by the state.

30 (6) "Contract" means an agreement for the acquisition of property, in-
31 cluding a purchase order.

32 (7) "Contractor" means a vendor who has been awarded a contract.

33 (8) "Director" means the director of the department of administration
34 as created by section 67-5701, Idaho Code.

35 (9) "Environmental, social, and governance standards" means procure-
36 ment standards that screen or score bids, in whole or in part, on subjective
37 ethical or sustainability criteria unrelated to the specifications in a so-
38 licitation or the qualifications of a bidder.

39 (10) "Lowest responsible bidder" means the responsible bidder whose bid
40 reflects the lowest acquisition price to be paid by the state, except that
41 when specifications are valued or comparative performance evaluations are
42 conducted, the results of such examinations and the relative score of valued
43 specifications will be weighed, as set out in the specifications, in deter-
44 mining the lowest acquisition price.

45 (11) "Open contract" means a contract awarded by the state through the
46 division of purchasing as a result of a competitive solicitation to one (1)
47 or more vendors who have agreed to allow all agencies to procure specified
48 property under the terms and conditions set forth in the contract.

1 (12) "Procure" means to obtain property for state use in a manner other
2 than by gift including, but not limited to, purchase, lease, or rent.

3 (13) "Property" means goods, services, parts, supplies, and equipment,
4 both tangible and intangible, including, but not limited to, designs, plans,
5 programs, systems, techniques, and any rights or interests in such property.

6 (14) "Sole source" means the only vendor from whom specific property is
7 available to procure.

8 (15) "Solicitation" means an invitation to bid, a request for proposal,
9 or a request for quote issued pursuant to this chapter for the purpose of
10 procuring property.

11 (16) "Specifications" means the standards or requirements for property
12 to be procured as explicitly stated in a solicitation or contract.

13 (17) "State institution of higher education" means Boise state univer-
14 sity, Idaho state university, or Lewis-Clark state college university.

15 (18) "Vendor" means a person or entity capable of supplying property to
16 the state.

17 SECTION 24. That Section 67-9801, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 67-9801. DEFINITIONS. As used in this chapter:

20 (1) "Changing room" means a room or area in which a person may be in a
21 state of undress in the presence of others, including a locker room or shower
22 room.

23 (2) "Correctional facility" means a state correctional facility or lo-
24 cal correctional facility as defined in section 19-4201A, Idaho Code.

25 (3) "Covered entity" means a correctional facility, domestic violence
26 shelter, juvenile correctional center, or state educational institution.

27 (4) "Domestic violence shelter" means a state-operated facility that
28 provides services, including food, housing, counseling, and assistance to
29 victims of domestic violence or abuse and their minor dependent children in
30 this state.

31 (5) "Female" has the same meaning as set forth in section 73-114, Idaho
32 Code.

33 (6) "Juvenile correctional center" means any state-operated residen-
34 tial facility or facility operated pursuant to a contract with the state that
35 provides twenty-four (24) hour supervision and confinement for juvenile of-
36 fenders committed to the custody of the department of juvenile corrections.

37 (7) "Male" has the same meaning as set forth in section 73-114, Idaho
38 Code.

39 (8) "Multi-occupancy" means a space that is designated for use by mul-
40 tiple persons simultaneously.

41 (9) "Restroom" means a room that includes one (1) or more toilets or
42 urinals.

43 (10) "Sex" has the same meaning as set forth in section 73-114, Idaho
44 Code.

45 (11) "Sleeping quarters" means a room with more than one (1) bed and in
46 which more than one (1) individual is housed overnight.

47 (12) "State educational institution" means the university of Idaho,
48 Lewis-Clark state college university, Idaho state university, Boise state
49 university, the school for the deaf and the blind, and any public community

1 colleges under the general supervision, governance, and control of the state
2 board of education.

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