

TITLE 72
WORKER'S COMPENSATION AND RELATED LAWS -- INDUSTRIAL COMMISSION

CHAPTER 12
WORKFORCE DEVELOPMENT COUNCIL

72-1201. CREATION OF WORKFORCE DEVELOPMENT COUNCIL -- COMPOSITION -- APPOINTMENT -- EXECUTIVE DIRECTOR. (1) There is hereby established in the executive office of the governor the workforce development council. Members of the council and an executive director shall be appointed by and serve at the pleasure of the governor. The governor shall prescribe the structure, duties and functions of the council, which shall include but not be limited to the following:

- (a) To serve as the state's coordinating body on matters related to workforce development policy and programs;
 - (b) To develop and provide oversight of procedures, criteria and performance measures for the workforce development training fund established under section [72-1203](#), Idaho Code; and
 - (c) To serve as the state workforce investment board in accordance with section 101 of the federal workforce innovation and opportunity act, 29 U.S.C. 3101 et seq., as amended, and federal regulations promulgated thereunder.
- (2) The council may appoint special committees in connection with this section.
- (3) The council may apply for and accept grants and contributions of funds from any public or private source.
- (4) The executive director is authorized to hire and supervise support staff consistent with the mission and priorities of the council. The executive director shall be a nonclassified employee exempt from the provisions of [chapter 53, title 67](#), Idaho Code. Support staff shall be classified employees under the provisions of [chapter 53, title 67](#), Idaho Code.
- (5) Members of the council and any special committees who are not state employees shall be compensated for actual and necessary expenses as provided by section [59-509](#)(b), Idaho Code.

[72-1201, added 2018, ch. 47, sec. 1, p. 119.]

72-1202. YOUTH EMPLOYMENT AND JOB TRAINING PROGRAMS. (1) Subject to the availability of funds from public and private sources, the council shall develop and implement youth employment and job training programs to increase employment opportunities for Idaho's youth.

(2) The council shall establish eligibility criteria for participants. At a minimum, participants shall be lawful residents of the United States and the state of Idaho, and eligibility criteria shall not render employment and job training programs ineligible for federal funding.

(3) To the extent practicable, the council shall enlist state and federal agencies, local governments, nonprofit organizations, private businesses and any combination of such entities to act as sponsors for programs administered pursuant to this section. Selection of sponsors shall be based on criteria that include the availability of other resources on a matching basis, including contributions from private sources, other federal, state and local agencies, and moneys available through the federal workforce innovation and opportunity act, 29 U.S.C. 3101 et seq., as amended.

[72-1202, added 2018, ch. 47, sec. 1, p. 119; am. 2022, ch. 120, sec. 1, p. 432.]

72-1203. WORKFORCE DEVELOPMENT TRAINING FUND. (1) There is established in the state treasury a special trust fund, separate and apart from all other public funds of this state, to be known as the workforce development training fund, hereinafter "training fund." Except as provided herein, all proceeds from the training tax defined in subsection (7) of this section shall be paid into the training fund. The state treasurer shall be the custodian of the training fund and shall invest said moneys in accordance with law. Any interest earned on the moneys in the training fund shall be deposited in the training fund. Moneys in the training fund shall be disbursed in accordance with the directions of the council.

(2) All moneys in the training fund are appropriated to the council for expenditure in accordance with the provisions of this section. The purpose of the training fund is to provide or expand training and retraining opportunities in an expeditious manner that would not otherwise exist for Idaho's workforce. The training fund is intended to supplement but not to supplant or compete with moneys available through existing training programs. The moneys in the training fund shall be used for the following purposes:

- (a) To provide training and retraining for skills necessary for specific economic opportunities and industrial expansion initiatives;
- (b) To provide innovative training solutions to meet industry-specific workforce needs or local workforce challenges;
- (c) To provide public information and outreach on career education and workforce training opportunities, including existing education and training programs and services not funded by the training fund; and
- (d) For all administrative expenses incurred by the council, including those expenses associated with the collection of the training tax and any other administrative expenses associated with the training fund.

(3) Expenditures from the training fund for purposes authorized in paragraphs (a), (b) and (c) of subsection (2) of this section shall be approved by the council based on procedures, criteria and performance measures established by the council.

(4) Expenditures from the training fund for purposes authorized in paragraph (d) of subsection (2) of this section shall be approved by the executive director. The executive director shall pay all approved expenditures as long as the training fund has a positive balance.

(5) The activities funded by the training fund will be coordinated with similar activities funded by the state division of career technical education.

(6) The council shall report annually to the governor and the joint finance-appropriations committee the commitments and expenditures made from the training fund in the preceding fiscal year and the results of the activities funded by the training fund.

(7) A training tax is hereby imposed on all covered employers required to pay contributions pursuant to section [72-1350](#), Idaho Code, with the exception of deficit-rated employers who have been assigned a taxable wage rate from rate class six pursuant to section [72-1350](#), Idaho Code. The training tax rate shall be equal to three percent (3%) of the taxable wage rate then in effect for each eligible standard-rated and deficit-rated employer. The training tax shall be due and payable at the same time and in the same manner as contributions.

(8) The provisions of [chapter 13, title 72](#), Idaho Code, which apply to the payment and collection of contributions, also apply to the payment and collection of the training tax, including the same calculations, assessments, methods of payment, penalties, interest, costs, liens, injunctive relief, collection procedures and refund procedures. The director of the department of labor is granted all rights, authority and prerogatives necessary to administer the provisions of this subsection. Moneys collected from an employer delinquent in paying the training tax shall first be applied to any penalties and interest imposed pursuant to the provisions of [chapter 13, title 72](#), Idaho Code, and then pro rata to the training fund established in subsection (1) of this section. Any penalties and interest collected pursuant to this subsection shall be paid into the state employment security administrative and reimbursement fund, section [72-1348](#), Idaho Code, and any penalties or interest refunded under this subsection shall be paid from that same fund. Training taxes paid pursuant to this section shall not be credited to the employer's experience rating account and may not be deducted by any employer from the wages of individuals in its employ. All training taxes shall be deposited in the clearing account of the employment security fund, section [72-1346](#), Idaho Code, for clearance only and shall not become part of such fund. After clearance, the moneys shall be deposited in the training fund. The director of the department of labor may authorize refunds of training taxes erroneously collected and deposited in the training fund.

[72-1203, added 2018, ch. 47, sec. 1, p. 119.]

72-1204. IDAHO LAUNCH GRANT PROGRAM AND IN-DEMAND CAREERS FUND -- DEFINITIONS. [EFFECTIVE UNTIL JULY 1, 2029] (1) As used in this section through section [72-1206](#), Idaho Code:

- (a) "Board" means the state board of education.
- (b) "Council" means the workforce development council established in this chapter.
- (c) "Eligible adult learner" means an Idaho resident who is pursuing education or training for an in-demand career.
- (d) "Eligible education expenses" means student tuition and fees at an eligible institution; however, in no case shall the council reimburse more than eighty percent (80%) of a program's total tuition and fees or more than eight thousand dollars (\$8,000), whichever is less.
- (e) "Eligible institution" means a training provider as recognized by the council under the workforce innovation and opportunity act or the workforce development training fund. Eligible institution also means a board of trustees of a community college established pursuant to the provisions of [chapter 21, title 33](#), Idaho Code.
- (f) "Eligible student" means a student who:
 - (i) Is an Idaho resident;
 - (ii) Will graduate from an accredited high school or its equivalent in Idaho as determined by the board beginning with the spring 2024 graduating class;
 - (iii) Has enrolled in or applied to an eligible institution and begins enrollment in the fall semester following graduation, unless the council grants an extension for extenuating circumstances such as those outlined in section [72-1205](#), Idaho Code; and
 - (iv) Has used next steps Idaho or an equivalent career exploration program accepted by the council and has completed a career pathway

plan that meets the minimum requirements established by the council.

(g) "Grant" means an amount to be determined by the council that shall not exceed eight thousand dollars (\$8,000) per eligible student.

(h) "Grant distribution platform" means a digital platform through which grant funds are transferred from the council to the account of a participant to be used for eligible education expenses.

(i) "In-demand careers" means careers that have a high number of openings in Idaho or an expected high rate of growth in Idaho. In-demand careers are to be determined annually by the council based on job market data and shall be submitted annually in a report to the legislature by January 1.

(j) "Participant" means an Idaho resident for whom a grant is awarded under section [72-1205](#), Idaho Code, and who has met the minimum academic standards of, and has been accepted into, an eligible institution.

(k) "Program" means the Idaho launch grant program established by section [72-1205](#), Idaho Code.

(l) "Resident" means an individual meeting legal residency requirements as defined in section [33-3717B](#), Idaho Code.

(2) The provisions of this section shall be null, void, and of no force and effect on and after July 1, 2029.

[72-1204, added 2023, ch. 174, sec. 2, p. 463; am. 2023, ch. 272, sec. 2, p. 817.]

72-1205. IDAHO LAUNCH GRANT PROGRAM. [EFFECTIVE UNTIL JULY 1, 2029] (1) There is hereby established the Idaho launch grant program to be administered by the council according to the provisions of this section. The purpose of the program is to provide education grants for eligible students.

(2) In order to administer the program, the council shall consult with necessary agencies to:

(a) Create and administer, or designate a third party to create and administer, a grant distribution platform;

(b) Establish a grant application process for eligible students. To ensure eligible students receive notification prior to postsecondary institution enrollment deadlines, the council may stagger applications so that initial grant awards are announced by December 31 in the year preceding an eligible student's graduation from high school and that additional grant awards be made no later than June 1 of the academic year the eligible student graduates from high school;

(c) Award grants to eligible students, subject to legislative appropriation and to the following conditions:

(i) If eligible student applications exceed available funding in a fiscal year, grant awards shall be prioritized first based on the pursuit of in-demand careers. If additional funds remain, prioritization shall then be based on financial need; and

(ii) If available funding in a fiscal year exceeds eligible students, any unused appropriations may be used in accordance with section [72-1206](#)(4), Idaho Code; and

(d) Take other such actions as are necessary to implement and enforce the provisions of this section.

(3) Participants must expend all grant funds within three (3) years of the award date. Any remaining funds after a break in enrollment exceeding six (6) months or unused funds at the end of the three (3) year period shall

revert to the in-demand careers fund established in section [72-1206](#), Idaho Code. The council or its designated staff may grant an extension or exception by demonstrating to the council an extenuating circumstance, including but not limited to religious service, military service, structured volunteer service, or health or medical issues.

(4) No more than one half (1/2) of the initial grant award may be expended by a participant in any academic year; provided, however, that this subsection shall not apply:

(a) To a participant in a program that is less than twelve (12) months in length; or

(b) In other extenuating circumstances as determined by the council.

(5) Grant awards shall be capped at one (1) grant per eligible student.

(6) The council shall adopt policies outlining triggering events that may lead to earlier reversion of student grants or repayment grants, including but not limited to unsatisfactory academic progress, expulsion, or transfer to an out-of-state program prior to attainment of a credential or degree. Any reverted or repaid grants shall be paid to the in-demand careers fund established in section [72-1206](#), Idaho Code.

(7) The provisions of this section shall be null, void, and of no force and effect on and after July 1, 2029.

[72-1205, added 2023, ch. 174, sec. 3, p. 464; am. 2023, ch. 272, sec. 3, p. 818.]

72-1206. IN-DEMAND CAREERS FUND. (1) There is hereby established in the state treasury the in-demand careers fund.

(2) Moneys in the in-demand careers fund are subject to legislative appropriation and shall consist of the following:

(a) Legislative appropriations;

(b) Donations and contributions made to the fund;

(c) Interest earned on idle moneys in the fund;

(d) Moneys transferred pursuant to section [63-3638](#) (17), Idaho Code;

(e) Moneys reverted or repaid to the fund pursuant to section [72-1205](#), Idaho Code; and

(f) Moneys transferred pursuant to section [33-4602](#) (14), Idaho Code.

(3) The in-demand careers fund shall be used to award grants as outlined in section [72-1205](#), Idaho Code.

(4) When the available appropriation in a fiscal year exceeds participants, the council may use excess moneys as follows:

(a) Up to ten million dollars (\$10,000,000) of the remaining appropriation may be used to provide enhanced grant funding to either eligible students or eligible adult learners based upon the following conditions:

(i) If potential awards from the council exceed available funding from the enhanced grants, awards shall be prioritized first based on the pursuit of in-demand careers; and

(ii) If, following the prioritization provided for in subparagraph (i) of this paragraph, additional moneys remain for awards, prioritization shall then be based on financial need.

(b) The remaining appropriation shall be retained in the fund and be subject to legislative appropriation in subsequent legislative sessions for the purposes of expanding in-demand career training opportunities.

(5) By January 1 each year, the council shall report sufficient data to the legislature regarding:

- (a) The number and demographics of eligible students applying for grants;
- (b) The number and type of eligible institutions approved by the council;
- (c) The list of in-demand careers prioritized by the council;
- (d) The number of grants awarded and demographics of participants; and
- (e) Data to demonstrate the effectiveness of the program, including but not limited to program completion rates, satisfactory academic progress, job placement rates, and retention rates of participants in Idaho upon program completion.

[(72-1206) 33-4305, added 2022, 1st E.S., ch. 1, sec. 13, p. 15; am. and redesign. 2023, ch. 174, sec. 4, p. 464; am. 2023, ch. 272, sec. 4, p. 819.]