

IN THE SENATE

SENATE BILL NO. 1024

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMEND-
2 ING SECTION 36-2107, IDAHO CODE, TO REVISE PROVISIONS REGARDING POWERS
3 AND DUTIES OF THE BOARD, TO REMOVE PROVISIONS REGARDING AN EXECUTIVE
4 DIRECTOR, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-205,
5 IDAHO CODE, TO REMOVE PROVISIONS REGARDING AN EXECUTIVE DIRECTOR;
6 AMENDING SECTION 54-912, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF
7 OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE A TECHNICAL CORREC-
8 TION; AMENDING SECTION 54-1207, IDAHO CODE, TO REMOVE REFERENCE TO AN
9 EXECUTIVE DIRECTOR AND TO MAKE A TECHNICAL CORRECTION; AMENDING SEC-
10 TION 54-1404, IDAHO CODE, TO REMOVE PROVISIONS REGARDING EMPLOYEES OF
11 THE BOARD AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1713,
12 IDAHO CODE, TO REMOVE PROVISIONS REGARDING AN EXECUTIVE DIRECTOR, TO
13 PROVIDE THAT THE ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL AND
14 PROFESSIONAL LICENSES SHALL HAVE CERTAIN DUTIES, AND TO MAKE TECH-
15 NICAL CORRECTIONS; AMENDING SECTION 54-1714, IDAHO CODE, TO REMOVE
16 PROVISIONS REGARDING AN EXECUTIVE DIRECTOR AND TO MAKE TECHNICAL COR-
17 RECTIONS; AMENDING SECTION 54-1806, IDAHO CODE, TO REMOVE PROVISIONS
18 REGARDING HIRING OR APPOINTING OF EMPLOYEES; AMENDING SECTION 54-2006,
19 IDAHO CODE, TO REMOVE A PROVISION REGARDING AN EXECUTIVE DIRECTOR AND TO
20 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2105, IDAHO CODE, TO
21 REMOVE A REFERENCE TO AN EXECUTIVE DIRECTOR AND TO MAKE TECHNICAL COR-
22 RECTIONS; AND AMENDING SECTION 36-408, IDAHO CODE, TO PROVIDE A CORRECT
23 CODE REFERENCE.
24

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

26 SECTION 1. That Section 36-2107, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 36-2107. POWERS AND DUTIES OF BOARD. The board, ~~which may by written~~
29 ~~agreement authorize the bureau of occupational licenses as agent to act in~~
30 ~~its interest,~~ shall have the following duties and powers:

31 (a) To conduct examinations to ascertain the qualifications of appli-
32 cants for outfitter's or guide's licenses, and to issue such licenses to
33 qualified applicants, with such restrictions and limitations thereon as the
34 board may find reasonable.

35 (b) To prescribe and establish rules of procedure to carry into effect
36 the provisions of this chapter including, but not limited to, rules pre-
37 scribing all requisite qualifications of training, experience, knowledge
38 of rules of governmental bodies, condition and type of gear and equipment,
39 and examinations to be given applicants, whether oral, written or demonstra-
40 tive, or a combination thereof.

1 (c) To conduct hearings and proceedings to suspend, revoke or restrict
2 the licenses of outfitters or guides, and to suspend, revoke or restrict said
3 licenses for due cause in the manner hereinafter provided.

4 (d) The board is expressly vested with the power and the authority to
5 enforce the provisions of this chapter, including obtaining injunctive re-
6 lief, and to make and enforce any and all reasonable rules which shall by it
7 be deemed necessary and which are not in conflict with the provisions of this
8 chapter, for the express purpose of safeguarding the health, safety, welfare
9 and freedom from injury or danger of those persons utilizing the services of
10 outfitters and guides, and for the conservation of wildlife and range re-
11 sources.

12 (e) The board shall have the power to cooperate with the federal and
13 state government through its appropriate agency or instrumentality in mat-
14 ters of mutual concern regarding the business of outfitting and guiding in
15 Idaho.

16 (f) The board shall have the power throughout the state of Idaho to re-
17 quest the attendance of witnesses and the production of such books, records
18 and papers as may be required at any hearing before it. The board or its hear-
19 ing officer may issue and serve subpoenas or subpoenas duces tecum in a man-
20 ner consistent with chapter 52, title 67, Idaho Code, the rules of the of-
21 fice of the attorney general, and rules 45(e) (2) and 45(g) of the Idaho rules
22 of civil procedure. Payment of fees or mileage for service of subpoenas or
23 attendance of witnesses shall be paid by the board consistent with the pro-
24 visions of chapter 52, title 67, Idaho Code, the rules of the office of the
25 attorney general, and rule 45(e) (1) of the Idaho rules of civil procedure.
26 Disobedience of a subpoena or subpoena duces tecum may be enforced by making
27 application to the district court. Disobedience by a licensee of a subpoena
28 or subpoena duces tecum issued by the board shall be deemed a violation of a
29 board order.

30 ~~(g) The board shall have the power to appoint an executive director to~~
31 ~~serve at the pleasure of the board. The executive director shall carry out~~
32 ~~such administrative duties as delegated to the director by the board. The~~
33 ~~board may, in its discretion, refuse, sustain or reverse, by majority vote,~~
34 ~~any action or decision of the executive director. The executive director~~
35 ~~shall be exempt from the provisions of chapter 53, title 67, Idaho Code, and~~
36 ~~shall receive a salary that is fixed by the board.~~

37 ~~(h)~~ The board shall have the power to hire enforcement agents in or-
38 der to conduct investigations and enforce the provisions of this chapter.
39 All enforcement agents appointed by the board who are certified by the Idaho
40 peace officer standards and training council shall have the power of peace
41 officers limited to:

- 42 1. Enforcement of the provisions of this chapter.
- 43 2. Responding to express requests from other law enforcement agencies
44 for aid and assistance in enforcing other laws. For purposes of this
45 section, such a request from a law enforcement agency shall mean only a
46 request as to a particular and singular violation or suspicion of viola-
47 tion of law and shall not constitute a continuous request for assistance
48 outside the purview of enforcement of the provisions of this chapter.

49 ~~(i)~~ The board shall designate the number of deer or elk tags allocated
50 pursuant to section 36-408 (4), Idaho Code, among the authorized outfitting

1 operations within each capped or controlled zone, unit, or game management
 2 area in a fair and equitable manner designed to maximize the use of allocated
 3 tags by the outfitted public and promote predictability for individual out-
 4 fitting operations that have previously used or ensured the use of the allo-
 5 cated tags designated to them. The board will report the number of tags des-
 6 ignated to each outfitter operation back to the department of fish and game
 7 for distribution.

8 SECTION 2. That Section 54-205, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 54-205. MEETINGS -- COMPENSATION ~~--- EXECUTIVE DIRECTOR~~. The board
 11 shall have its principal office in Ada county. Four (4) members of the board
 12 shall constitute a quorum, a majority of whom may act. The board shall meet
 13 no less than three (3) times each year; provided, however, special meetings
 14 may be called at any time during the year after notice to all members of the
 15 board of such special meetings. The board shall elect annually a chair, a
 16 vice chair, a secretary and a treasurer from its members. The offices of
 17 secretary and treasurer may be in the same person. The members of the board
 18 shall be compensated as provided by section 59-509(i), Idaho Code.

19 ~~The board shall have the power to name an executive director who need not~~
 20 ~~be a member of the board or a licensee and who may be a full-time or part-time~~
 21 ~~employee of the state of Idaho. The board shall prescribe the duties of the~~
 22 ~~executive director. Such duties shall include but are not limited to:~~

- 23 ~~(1) Maintenance of a licensee registry;~~
 24 ~~(2) The preparation of all papers and records for the board; and~~
 25 ~~(3) Enforcement or investigative activities as directed by the board.~~

26 SECTION 3. That Section 54-912, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 54-912. BOARD OF DENTISTRY -- POWERS AND DUTIES. The board shall have
 29 the following powers and duties:

30 (1) To ascertain the qualifications and fitness of applicants to prac-
 31 tice dentistry, a dental specialty, dental therapy, or dental hygiene; to
 32 prepare, conduct and grade qualifying examinations; to require and accept
 33 passing results of written and clinical examinations from approved dental,
 34 dental therapy, and dental hygiene testing organizations; to issue in the
 35 name of the board a certificate of qualification to applicants found to be
 36 fit and qualified to practice dentistry, dental therapy, or dental hygiene.

37 (2) To prescribe rules for a fair and wholly impartial method of li-
 38 censure and examination of applicants to practice dentistry, a dental spe-
 39 cialty, dental therapy, or dental hygiene.

40 (3) To define by rule what shall constitute accepted and approved
 41 schools, colleges, institutions, universities or departments thereof for
 42 the teaching of dentistry, dental therapy, or dental hygiene and to deter-
 43 mine, accept and approve those that comply therewith.

44 (4) To promulgate other rules required by law or necessary or desirable
 45 for its enforcement and administration; to define by rule the terms unpro-
 46 fessional conduct or practices injurious to the public as the terms are used

1 in section 54-924, Idaho Code, to furnish applications, certificates, li-
2 censes and other necessary forms.

3 (5) To inspect or cause to be inspected the offices or operating rooms
4 of all persons licensed under this chapter.

5 (6) (a) Upon its own motion or upon any complaint, to initiate and
6 conduct investigations on all matters relating to the practice of den-
7 tistry, dental therapy, or dental hygiene and to conduct hearings or
8 proceedings on its own or through its designated hearing officer, to re-
9 voke, suspend or otherwise condition certificates of qualification or
10 licenses of persons practicing dentistry, dental therapy, or dental hy-
11 giene and, on such terms as the board shall deem appropriate, to revoke,
12 suspend, or otherwise condition such licenses, provided such hearings
13 and proceedings shall be had in conformance with the provisions of chap-
14 ter 52, title 67, Idaho Code. Final decisions of the board shall be sub-
15 ject to judicial review as provided in chapter 52, title 67, Idaho Code.

16 (b) Whenever it appears that grounds for discipline exist under this
17 chapter and the board finds that there is an immediate danger to the
18 public health, safety or welfare, the board is authorized to commence
19 emergency proceedings for revocation or other action. Such proceed-
20 ings shall be promptly instituted and processed, including the right
21 to contest the emergency proceedings and appeal, under the applicable
22 provisions of chapter 52, title 67, Idaho Code.

23 (7) The board, its designated hearing officer, or representative shall
24 have power to administer oaths, the power to engage in discovery as provided
25 in the Idaho rules of civil procedure and chapter 52, title 67, Idaho Code,
26 including, but not limited to, the power to take depositions of witnesses
27 within or without the state in the manner provided by law in civil cases, and
28 shall have power throughout the state of Idaho to require the attendance of
29 witnesses and the production of books, records and papers as it may desire
30 at any hearing before it of any matter which it has authority to investigate,
31 and for that purpose the board or its designated hearing officer may issue
32 a subpoena for any witness or a subpoena duces tecum to compel the produc-
33 tion of any books, records or papers, directed to the sheriff of any county of
34 the state of Idaho, where the witness resides, or may be found, which shall
35 be served and returned in the same manner as a subpoena in a criminal case is
36 served and returned. The fees and mileage of the witnesses shall be the same
37 as that allowed in the district courts in criminal cases and shall be paid
38 from the state board of dentistry fund in the same manner as other expenses of
39 the board are paid. In any case of disobedience to, or neglect of, any sub-
40 poena or subpoena duces tecum served upon any person, or the refusal of any
41 witness to testify to any matter regarding which he may lawfully be interro-
42 gated, it shall be the duty of the district court, or any judge thereof, of
43 any county in this state in which the disobedience, neglect or refusal oc-
44 curs, upon application by the board to compel obedience by proceedings for
45 contempt as in the case of disobedience of the requirements of a subpoena is-
46 sued from the court or for refusal to testify. The licensed person accused
47 in the proceedings shall have the same right of subpoena upon making applica-
48 tion to the board.

49 ~~(8) The board shall establish an office and may appoint an executive di-~~
50 ~~rector and may employ other personnel, including attorneys and hearing offi-~~

1 ~~cers, as may be necessary to assist the board. The board shall prescribe the~~
 2 ~~duties of the executive director and these duties shall include the prepara-~~
 3 ~~tion of all papers and records under law for the board, and shall include en-~~
 4 ~~forcement activities as to the board may from time to time appear advisable,~~
 5 ~~and the executive director shall act for and on behalf of the board in such~~
 6 ~~manner as the board may authorize, keep records, property and equipment of~~
 7 ~~the board and discharge other duties as the board may from time to time pre-~~
 8 ~~scribe. The compensation of the executive director or other personnel shall~~
 9 ~~be determined by the board and the executive director shall be bonded to the~~
 10 ~~state in the time, form and manner prescribed in chapter 8, title 59, Idaho~~
 11 ~~Code. To establish that the administrator of the division of occupational~~
 12 ~~and professional licenses shall carry out the duties set forth in chapter 26,~~
 13 ~~title 67, Idaho Code, and any other administrative duties on behalf of the~~
 14 ~~board, including enforcement activities as the board may deem advisable.~~

15 (9) To report annually to the associations on the status of the state
 16 board of dentistry fund and furnish the associations a written report on all
 17 receipts and expenditures during the preceding year.

18 (10) Provide, by rule, for reasonable fees for administrative costs and
 19 assess costs reasonably and necessarily incurred in the enforcement of this
 20 chapter when a licensee has been found to be in violation of this chapter.

21 SECTION 4. That Section 54-1207, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 54-1207. BOARD -- ORGANIZATION AND MEETINGS. The board shall hold at
 24 least one (1) regular meeting each year. The rules of the board may pro-
 25 vide for additional regular meetings and for special meetings. Notice of all
 26 meetings shall be given as may be provided in the rules. The board shall an-
 27 nually elect a chairman, a ~~vice-chairman~~ vice chairman and a secretary, who
 28 shall be members of the board, ~~and they may provide for an assistant or exec-~~
 29 ~~utive director who need not be a member of the board or a licensee.~~ Four (4)
 30 members shall constitute a quorum.

31 SECTION 5. That Section 54-1404, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 54-1404. BOARD OF NURSING -- POWERS AND DUTIES. The board shall have
 34 all powers and duties necessary and incident to regulation of nursing and
 35 to enforcement of this chapter including, but not limited to, the power and
 36 duty:

37 (1) To regulate individuals designated as certified medication assis-
 38 tants;

39 (2) To license qualified persons for practice of nursing in Idaho; to
 40 renew licenses; to limit, restrict, amend, deny, suspend or revoke licenses;
 41 and to accept the voluntary surrender of a license;

42 (3) To establish alternatives to formal disciplinary action, including
 43 a practice remediation program to educate and remediate nurses as a result of
 44 nursing practice deficiencies;

45 (4) To establish standards, criteria, conditions and requirements for
 46 licensure and to investigate and determine eligibility and qualifications
 47 for licensure, and to administer examinations for licensure;

1 (5) To establish standards of conduct and practice and to regulate the
2 use of titles, abbreviations and designations for the practice of nursing;

3 (6) To establish standards, criteria, and requirements for curricula
4 for nursing education programs and to evaluate, survey, review and approve
5 nursing education programs subject to the provisions of section 54-1406,
6 Idaho Code;

7 (7) To evaluate continuing competency of persons licensed pursuant to
8 this chapter and to develop standards which will advance the competency of
9 licensees in accordance with developing scientific understanding and meth-
10 ods relating to the practice of nursing;

11 (8) To receive and collect license and renewal fees assessed pursuant
12 to this chapter and to assess, receive and collect additional reasonable
13 fees for the administration of examinations, investigations and evaluations
14 of applicants, issuance of temporary licenses, duplication and verifica-
15 tion of records, surveying and evaluating nursing education programs, and
16 administrative fines not to exceed one hundred dollars (\$100) for each count
17 or separate offense of practicing nursing without current licensure, to be
18 deposited in the state board of nursing account in the manner provided by
19 this chapter;

20 ~~(9) To employ personnel necessary to administer this chapter and rules~~
21 ~~promulgated pursuant to this chapter and perform such other duties as the~~
22 ~~board may require. Such personnel shall include an executive director who~~
23 ~~shall not be a member of the board;~~

24 ~~(10)~~ To maintain a record of board proceedings, annually report to the
25 governor and maintain a public register of names and addresses of licensed
26 nurses;

27 ~~(11)~~ To enter into interstate compacts, contracts or agreements to fa-
28 cilitate the practice and regulation of nursing in this state;

29 ~~(12)~~ To evaluate and develop, or to enter into contracts or agreements
30 with others to evaluate and develop, the education, distribution and avail-
31 ability of the nursing workforce for the purpose of improving the delivery of
32 quality health care;

33 ~~(13)~~ To make, adopt and publish rules pursuant to chapter 52, title 67,
34 Idaho Code, as may be necessary or appropriate to carry out the provisions
35 and purposes of this chapter.

36 SECTION 6. That Section 54-1713, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 54-1713. ORGANIZATION OF THE BOARD. (1) The board of pharmacy shall
39 elect from its members a chairman and such other officers as it deems ap-
40 propriate and necessary to the conduct of its business. The chairman of the
41 board of pharmacy shall preside at all meetings of the board and shall be re-
42 sponsible for the performance of all of the duties and functions of the board
43 required or permitted by this chapter. Each additional officer elected by
44 the board shall perform those duties normally associated with his position
45 and such other duties assigned to him from time to time by the board.

46 (2) Officers elected by the board shall serve terms of one (1) year,
47 commencing with the day of their election, and ending upon election of their
48 successors.

1 ~~(3) The board shall employ a person who shall be an ex officio member of~~
 2 ~~the board without vote to serve as a full-time employee of the board in the~~
 3 ~~position of executive director. The executive director shall be responsi-~~
 4 ~~ble for the performance of the regular administrative functions of the board~~
 5 ~~and such other duties as the board may direct. The administrator of the di-~~
 6 ~~vision of occupational and professional licenses shall carry out the duties~~
 7 ~~set forth in chapter 26, title 67, Idaho Code, on behalf of the board.~~

8 SECTION 7. That Section 54-1714, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 54-1714. COMPENSATION OF BOARD MEMBERS. ~~(1)~~ Each member of the board
 11 of pharmacy shall be compensated as provided by section 59-509(p), Idaho
 12 Code, for each day on which the member is engaged in performance of the of-
 13 ficial duties of the board, ~~and reimbursement~~ reimbursed for all expenses
 14 incurred in connection with the discharge of such official duties.

15 ~~(2) The executive director of the board of pharmacy shall be a nonclas-~~
 16 ~~sified officer and shall receive, as compensation, an annual salary payable~~
 17 ~~on regular pay periods, the amount of which shall be determined by the board,~~
 18 ~~and reimbursement for all expenses incurred in connection with performance~~
 19 ~~of his official duties.~~

20 SECTION 8. That Section 54-1806, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 54-1806. POWERS AND DUTIES. The board shall have the authority to:

23 ~~(1) Hire or appoint employees, including an executive director, inves-~~
 24 ~~tigators, attorneys, consultants and independent hearing examiners.~~

25 ~~(2)~~ Establish, pursuant to the administrative procedure act, rules for
 26 administration of this chapter, including rules establishing procedures for
 27 the receipt of complaints and for the investigation and disposition thereof.
 28 Such rules shall provide for notice to a person when board staff has under-
 29 taken to investigate that person and shall provide an opportunity for a per-
 30 son under investigation to meet with the committee or board staff before the
 31 initiation of formal disciplinary proceedings by the board.

32 ~~(3)~~ Conduct investigations and examinations and hold hearings as au-
 33 thorized by this section and by section 54-1806A, Idaho Code.

34 ~~(4)~~ The board shall have the power in any investigation or disci-
 35 plinary proceeding pursuant to this chapter to administer oaths, take de-
 36 positions of witnesses within or without the state in the manner consistent
 37 with rules adopted by the board pursuant to the administrative procedure
 38 act and, upon a determination that there is good cause, the board shall have
 39 power throughout the state of Idaho to require the attendance of such wit-
 40 nesses and the production of such books, records, and papers as it may deem
 41 appropriate for any investigation, deposition or hearing. For that purpose,
 42 the board may issue a subpoena for any witnesses or a subpoena duces tecum to
 43 compel the production of any books, records or papers, directed to the sher-
 44 iff of any county of the state of Idaho, where such witness resides, or may be
 45 found, which shall be served and returned in the same manner as a subpoena in
 46 a criminal case is served and returned. The fees and mileage of the witnesses
 47 shall be the same as that allowed in the district courts in criminal cases,

1 which fees and mileage shall be paid from any funds in the state treasury in
 2 the same manner as other expenses of the board are paid. In any case of dis-
 3 obedience to, or neglect of, any subpoena or subpoena duces tecum served upon
 4 any person, or the refusal of any witness to testify to any matter regarding
 5 which he may lawfully be interrogated, it shall be the duty of the district
 6 court of any county in this state in which such disobedience, neglect or
 7 refusal occurs, or any judge thereof, on application by the board to compel
 8 compliance with the subpoena by proceedings for contempt as in the case of
 9 disobedience of the requirements of a subpoena issued from such court or for
 10 refusal to testify therein. The licensed person accused in such formal con-
 11 tested case shall have the same right of subpoena upon making application to
 12 the board therefor.

13 ~~(54)~~ Seek injunctive relief prohibiting the unlawful practice of
 14 medicine.

15 ~~(65)~~ Make and enter into contracts.

16 ~~(76)~~ Operate, manage, superintend and control the licensure of physi-
 17 cians and physician assistants.

18 ~~(87)~~ Develop and submit a proposed budget setting forth the amount nec-
 19 essary to perform its functions.

20 ~~(98)~~ Perform such other duties as set forth in the laws of this state.

21 ~~(109)~~ Provide such other services and perform such other functions as
 22 are necessary to fulfill its responsibilities.

23 ~~(110)~~ Apply the provisions of section 12-117(5), Idaho Code, regarding
 24 the assessment of costs and fees incurred in the investigation and prosecu-
 25 tion or defense of a licensee under this chapter.

26 ~~(121)~~ Prepare an annual report.

27 ~~(132)~~ Share with the department of labor personal identifying informa-
 28 tion of persons licensed under the provisions of this chapter necessary for
 29 the department of labor to identify workforce shortage areas in Idaho. The
 30 information provided to the department of labor concerning any person li-
 31 censed under this chapter shall remain confidential and not subject to pub-
 32 lic disclosure, as required in section 74-106, Idaho Code.

33 SECTION 9. That Section 54-2006, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 54-2006. QUALIFICATIONS OF COMMISSIONERS -- TERM AND ORGANIZA-
 36 TION. (1) Four (4) members of the commission shall be actively licensed
 37 Idaho-designated real estate brokers or associate brokers who have had at
 38 least five (5) years' active license experience as a designated broker or as-
 39 sociate broker in the real estate business in Idaho. One (1) member shall be
 40 a member of the public from the state at large with an interest in the rights
 41 of consumers of real estate services.

42 (2) Each regular appointment, other than an appointment to fill an un-
 43 expired term, shall commence on July 1 of the year of appointment and be for
 44 a term of four (4) years. Each commissioner shall hold office until a qual-
 45 ified successor is appointed. Upon the death, resignation or removal of any
 46 member of the commission, the governor shall appoint a qualified person to
 47 fill out the unexpired term.

48 (3) Each year, the commission shall call a meeting and elect a chair,
 49 a vice chair, and a commissioner to serve on the Idaho real estate education

1 council. Thereafter, the chair may call meetings of the commission whenever
 2 he or she deems it advisable, but if the chair refuses to call a meeting upon
 3 written demand of a quorum of the commission, then such members may call the
 4 meeting.

5 ~~(4) The commission may hire an executive director and such other as-~~
 6 ~~sistants as it may require from either within or without the commission and~~
 7 ~~shall pay these persons a compensation as determined by the commission. The~~
 8 ~~position of executive director shall be a nonclassified state employee, and~~
 9 ~~such person shall be an at-will employee of the commission.~~

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

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

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

48 (2) Each member of the board and committee on humane euthanasia shall be
 49 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 and shall be subject to and administered in accordance with the provisions of
17 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 ~~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 chap-
5 ter 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 nec-
30 essary for its government and all rules necessary to carry into effect
31 the provisions of this chapter pursuant to the Idaho administrative
32 procedure act, chapter 52, title 67, Idaho Code, including the estab-
33 lishment and publication of standards of professional conduct for the
34 practice of veterinary medicine.

35 ~~(n)~~ Conduct probationary or other practice and facility inspections
36 necessary for enforcement of this chapter or the rules duly promulgated
37 hereunder or any order, negotiated settlement or probationary agree-
38 ment of the board and issue administrative citations to alleged viola-
39 tors.

40 SECTION 11. That Section 36-408, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS
43 LIMITED -- OUTFITTERS SET-ASIDE. (1) Tags and Permits -- Method of Use. The
44 commission is hereby authorized to prescribe the number and kind of wildlife
45 that may be taken under authority of the several types of tags and permits
46 provided for in this title and the manner in which said tags and permits shall
47 be used and validated.

48 (2) Limit -- Licenses, Tags or Permits -- Controlled Hunts. The commis-
49 sion is hereby authorized to establish a limit annually as to the number of

1 each kind and class of licenses, tags, or permits to be sold or issued and is
2 further authorized to limit the number or prohibit entirely the participa-
3 tion by nonresidents in controlled hunts.

4 (3) Outfitted Hunter Tags Set-Aside. When the commission establishes a
5 limit as to the number of nonresident deer tags and nonresident elk tags, it
6 shall set aside, when setting big game seasons, in a statewide pool, a maxi-
7 mum of twenty-five percent (25%) of the nonresident deer tag and nonresident
8 elk tag limit. These tags may be allocated to the outfitted hunters in capped
9 hunts and controlled hunts and set aside for outfitted hunter use in general
10 hunts.

11 Such outfitted allocated set-aside tags shall be separate from the tag num-
12 bers set for residents and nonresidents in each capped or controlled hunt,
13 unit, or game management area. The set-aside tags shall be sold pursuant to
14 commission rule, only to persons that have entered into a signed agreement
15 for that year to utilize the services of an outfitter licensed pursuant to
16 chapter 21, title 36, Idaho Code.

17 In order for a person to purchase any set-aside nonresident deer tag or non-
18 resident elk tag, that person's outfitter must submit an application with
19 the proper fees as required by the director. If any nonresident deer tags or
20 nonresident elk tags set aside for use in general hunts pursuant to this sub-
21 section are unsold by July 15 of the year in which they were set aside, they
22 may be sold by the department to the general public pursuant to commission
23 rule. If any nonresident deer tags or nonresident elk tags set aside as gen-
24 eral capped allocated tags pursuant to this subsection are unsold by July 31
25 of the year in which they were set aside, they may be sold by the department to
26 the general public pursuant to commission rule.

27 The commission may promulgate all necessary rules to implement the provi-
28 sions of this subsection.

29 (4) Deer and Elk Tag Allocation. When setting big game seasons, if the
30 commission limits the number of deer or elk tags available for use in any game
31 management area, unit, or zone, the commission may allocate by rule, where
32 there are outfitted operations, a number of deer and elk tags from the out-
33 fitted hunter set-aside pool of tags for use by hunters that have entered
34 into a signed agreement for that year to utilize the services of an outfit-
35 ter licensed pursuant to chapter 21, title 36, Idaho Code.

36 In addition to rules promulgated by the commission regarding allocation,
37 or pursuant to this section, in capped hunts the commission may allocate
38 the number of outfitted hunter elk and deer tags based on the highest num-
39 ber within each of the last two (2) years of all elk or deer tags using the
40 services of an outfitter in each capped hunt. Any additional tags above the
41 original outfitted hunter tag quota may come from the nonresident outfitted
42 hunter set-aside pool or the nonresident quota in the capped hunt, not to
43 exceed fifty percent (50%) of the nonresident quota for each capped hunt. In
44 capped hunts, when tag numbers change for all users, they will apply propor-
45 tionally to all user groups.

46 In controlled hunts, the commission may allocate the number of outfitted
47 hunter elk or deer tags based on a number compiled from each outfitter's
48 highest year within the last two (2) years of all elk or deer tags using
49 the services of an outfitter for each controlled hunt. Any additional tags
50 above the original outfitted hunter tag quota may come from the nonresident

1 outfitted hunter set-aside pool or the nonresident quota in the controlled
2 hunt, not to exceed fifty percent (50%) of the nonresident quota for each
3 controlled hunt.

4 Outfitted hunter tag use history will be provided through records from the
5 sale of outfitted hunter tags compiled by the Idaho department of fish and
6 game and verified use other than allocated tags recorded with the department
7 by December 20 by outfitters. The department shall distribute the allocated
8 outfitted tags through its point-of-sale machines.

9 Beginning December 1, 2020, all outfitted deer and elk tag use shall be ver-
10 ified in order to qualify for allocated outfitted hunter tag use history.
11 Verification consists of the purchase of allocated tags from the Idaho de-
12 partment of fish and game or the use of an outfitter-provided agreement, in-
13 cluding the tag number that is recorded with the department.

14 All big game tags used in allocated outfitted hunts must be recorded by out-
15 fitters with the department by December 20 each year. An administrative fee
16 of five dollars (\$5.00) shall be assessed for each allocated outfitted big
17 game tag sold or exchanged at a point-of-sale machine. An administrative fee
18 of twenty dollars (\$20.00) shall be assessed for each big game tag submitted
19 for verification as being outfitted.

20 The allocated tags shall be designated by the Idaho outfitters and guides
21 licensing board to those authorized outfitting operations licensed for elk
22 and deer hunting for the use by the outfitted hunter, pursuant to section
23 36-2107(h), Idaho Code.

24 Those tags not qualified for allocated tag use history include emergency
25 depredation, landowner appreciation program hunts, or meat packing without
26 an outfitted allocated deer or elk tag.

27 The commission may promulgate all necessary rules to implement the provi-
28 sions of this subsection.

29 (5) Special Game Tags. The commission is hereby authorized to issue two
30 (2) special bighorn sheep tags per year.

31 (a) Auction bighorn sheep tag. One (1) special bighorn sheep tag shall
32 be auctioned off by an incorporated nonprofit organization dedicated
33 to wildlife conservation selected by the commission. The tag shall be
34 issued by the department of fish and game to the highest eligible bid-
35 der. No more than five percent (5%) of all proceeds for the tag may be
36 retained by the organization. The tag to be issued pursuant to this
37 subsection shall be taken from the nonresident bighorn sheep tag quota.
38 The net proceeds shall be forwarded to the director for deposit in the
39 fish and game expendable trust account and shall be used for bighorn
40 sheep research and management purposes. Moneys raised pursuant to this
41 subsection may not be used to transplant additional bighorn sheep into
42 that portion of southwest Idaho south of the Snake river and west of U.S.
43 highway no. 93, nor for litigation or environmental impact statements
44 involving bighorn sheep. No transplants of bighorn sheep accomplished
45 with moneys raised pursuant to this subsection shall occur in any area
46 until hearings are conducted in the area. Provided however, that none
47 of the proceeds generated from the auction of bighorn sheep tags pur-
48 suant to this paragraph be used to purchase or acquire private property
49 or federally managed grazing permits, nor shall any proceeds generated

1 be used for matching funds for the purchase of private property or the
2 retirement or the acquisition of federally managed grazing permits.

3 (b) Lottery bighorn sheep tag. The commission is also authorized to is-
4 sue one (1) special bighorn sheep tag, which will be disposed of by lot-
5 tery. The lottery permit can be marketed by the department of fish and
6 game or a nonprofit organization dedicated to wildlife conservation se-
7 lected by the commission. The tag will be issued by the department of
8 fish and game to an eligible person drawn from the lottery provided in
9 this subsection. No more than twenty-five percent (25%) of gross rev-
10 enue can be retained for administrative costs by the organization. All
11 net proceeds for the tag disposed of by lottery pursuant to this sub-
12 section shall be remitted to the department and deposited in the fish
13 and game expendable trust account. Moneys in the account from the lot-
14 tery bighorn sheep tag shall be utilized by the department in solving
15 problems between bighorn sheep and domestic sheep, solving problems be-
16 tween wildlife and domestic animals or improving relationships between
17 sportsmen and private landowners.

18 (6) Issuance of Free Permit or Tag to Minor Children with Life-Threat-
19 ening Medical Conditions. Notwithstanding any other provision of law, the
20 commission may issue free big game permits or tags to minor children who have
21 life-threatening medical conditions that have been certified eligible by
22 a qualified organization. The commission may prescribe by rule the manner
23 and conditions of issuing and using the permits or tags authorized under this
24 subsection. For purposes of this subsection, a "qualified organization"
25 means a nonprofit organization that is qualified under section 501(c) (3) of
26 the Internal Revenue Code and that affords opportunities and experiences to
27 minor children with life-threatening medical conditions.

28 (7) Issuance of Free Permit or Tag to Military Veterans with Disabil-
29 ities. The commission may prescribe by rule the manner and conditions of
30 using the permits or tags authorized under this subsection. Notwithstand-
31 ing any other provision of law, the commission shall issue five (5) free big
32 game permits or tags to disabled military veterans whose disability has been
33 certified eligible by the Idaho division of veterans services. All veterans
34 applying must be sponsored by a "qualified organization," which for purposes
35 of this subsection means a governmental agency that assists veterans or a
36 nonprofit organization that is qualified under section 501(c) (3), 501(c) (4)
37 or 501(c) (19) of the Internal Revenue Code and that affords opportunities,
38 experiences and assistance to disabled veterans. The Idaho division of vet-
39 erans services shall screen all applicants to ensure only the most deserving
40 disabled veterans shall be issued these permits or tags. A list of screened
41 applicants shall be provided to the commission in priority order for is-
42 suance. The commission shall issue one (1) permit or tag each to the top two
43 (2) candidates for a sponsored hunt as designated by the Idaho division of
44 veterans services and the three (3) remaining permits or tags to candidates
45 sponsored by a qualified organization as described in this subsection.

46 (8) Special Wolf Tags. The commission is hereby authorized to issue up
47 to ten (10) special auction or lottery tags for hunting wolves. Special wolf
48 tags will be auctioned off or made available through lottery by incorporated
49 nonprofit organizations dedicated to wildlife conservation and selected by
50 the director. No more than five percent (5%) of all proceeds for each tag

1 may be retained by the nonprofit organization for administrative costs in-
2 volved. Each wolf tag shall be issued by the department of fish and game and
3 awarded to the highest eligible bidder or winner of a lottery. Each tag will
4 be good for the harvest of one (1) wolf pursuant to commission rule. The pro-
5 ceeds from each tag will be sent to the director to be placed in the depart-
6 ment general license fund.

7 (9) Special Big Game Auction Tags -- Governor's Wildlife Partnership
8 Tags. The commission is hereby authorized to issue special big game auc-
9 tion tags hereafter named and referred to as "Governor's wildlife partner-
10 ship tags" for hunting designated species on dates and in areas designated by
11 the commission. To enhance and sustain the value of Idaho's wildlife, up to
12 three (3) tags per species per year may be issued for deer, elk and pronghorn
13 antelope, one (1) tag per year may be issued for moose, and one (1) tag per
14 species per year may be issued for mountain goat and bighorn sheep. Each tag
15 will be signed by the governor of Idaho prior to auction to the public and be
16 available to either residents or nonresidents of Idaho. Governor's wildlife
17 partnership tags issued for deer, elk, pronghorn antelope and moose pursuant
18 to this subsection shall be taken from the nonresident controlled hunt pro-
19 grams for these species adopted by the fish and game commission. Governor's
20 wildlife partnership tags issued for mountain goat and bighorn sheep shall
21 be taken from the nonresident mountain goat and bighorn sheep quota. Gover-
22 nor's wildlife partnership tags shall be auctioned off by incorporated non-
23 profit organizations dedicated to wildlife conservation and selected by the
24 director. No more than five percent (5%) of all proceeds from each tag sale
25 may be retained by the nonprofit organization for administrative costs in-
26 volved, including in the event a tag is redonated and reauctioned. Each tag
27 shall be issued by the department of fish and game and awarded to the high-
28 est eligible bidder. Each tag shall be good for the harvest of one (1) big
29 game animal pursuant to commission rule consistent with the provisions of
30 this subsection. The proceeds from each tag shall be sent to the director to
31 be allocated up to thirty percent (30%) for sportsmen access programs, such
32 as access yes, and the balance for wildlife habitat projects, wildlife man-
33 agement projects to increase the quantity and quality of big game herds, and
34 other research and management activities approved by the commission. Pro-
35 vided however, that none of the proceeds generated from the auctions pur-
36 suant to the provisions of this subsection shall be used to purchase or ac-
37 quire private property or federally managed grazing permits, nor shall any
38 proceeds generated be used for matching funds for the purchase of private
39 property or the retirement or the acquisition of federally managed grazing
40 permits. Moneys raised pursuant to this subsection may not be used to trans-
41 plant additional bighorn sheep into that portion of southwest Idaho south of
42 the Snake river and west of U.S. highway no. 93, nor for litigation or envi-
43 ronmental impact statements involving bighorn sheep.