

IN THE SENATE

SENATE BILL NO. 1258

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO STATE HOSPITALS AND TREATMENT FACILITIES; AMENDING SECTION  
2 36-401, IDAHO CODE, TO PROVIDE A REFERENCE TO STATE HOSPITAL WEST;  
3 AMENDING SECTION 56-203, IDAHO CODE, TO PROVIDE AUTHORITY TO MANAGE  
4 AND OPERATE STATE HOSPITALS TO THE STATE DEPARTMENT OF HEALTH AND WEL-  
5 FARE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-235, IDAHO  
6 CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS;  
7 AMENDING SECTION 56-1003, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY  
8 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-1004, IDAHO  
9 CODE, TO PROVIDE A REFERENCE TO STATE HOSPITAL WEST; AMENDING SECTION  
10 56-1408, IDAHO CODE, TO PROVIDE A REFERENCE TO STATE HOSPITAL WEST;  
11 AMENDING SECTION 67-5339, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
12 A LOAN REPAYMENT PROGRAM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
13 SECTION 67-5303, IDAHO CODE, TO REVISE PROVISIONS REGARDING MEDICAL  
14 DIRECTORS EMPLOYED BY THE DEPARTMENT OF HEALTH AND WELFARE AND TO MAKE  
15 TECHNICAL CORRECTIONS; REPEALING CHAPTER 1, TITLE 66, IDAHO CODE, RE-  
16 LATING TO STATE HOSPITALS; AMENDING SECTION 54-1761, IDAHO CODE, TO  
17 REMOVE A CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN  
18 EFFECTIVE DATE.  
19

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

21 SECTION 1. That Section 36-401, Idaho Code, be, and the same is hereby  
22 amended to read as follows:

23 36-401. HUNTING, TRAPPING, FISHING -- LICENSE REQUIREMENT -- EXCEP-  
24 TIONS. No person shall hunt, trap, or fish for or take any wild animal, bird  
25 or fish of this state, without first having procured a license as hereinafter  
26 provided. Provided that no license shall be required:

27 (a) 1. For children under the age of fourteen (14) years who are resi-  
28 dents of this state to fish during the open season therefor.

29 2. For nonresident children under the age of fourteen (14) years to fish  
30 during the open season therefor provided they are accompanied by the  
31 holder of a valid fishing license, and provided further that any fish  
32 caught by such nonresident children shall be included in the bag and  
33 possession limit of such license holder.

34 3. For resident children under the age of twelve (12) years to hunt,  
35 take or kill predatory, unprotected birds and animals by means other  
36 than with firearms.

37 4. For resident children under the age of fourteen (14) years to trap  
38 muskrats from irrigation ditches or property on which they live during  
39 the open season.

40 5. For children under the age of eighteen (18) years who are residents  
41 of a licensed foster home or a children's residential care facility to  
42 fish during the open season therefor, provided they are accompanied and

1 supervised by the director, officer, or other employee of the facility  
2 where the child resides.

3 6. For children with life-threatening medical conditions participat-  
4 ing in a hunt in association with a qualified organization as provided  
5 in section 36-408 (6), Idaho Code.

6 7. For military veterans with disabilities participating in a hunt  
7 in association with a qualified organization as provided in section  
8 36-408 (7), Idaho Code.

9 8. For mentored hunters participating in a mentored hunting program as  
10 prescribed by the commission such that a person may apply to the depart-  
11 ment for a special authorization to take wildlife while accompanied by a  
12 mentor who possesses a valid Idaho hunting license and who is eighteen  
13 (18) years of age or older. At such time as a mentored hunter's special  
14 authorization is no longer valid, nothing in this paragraph shall be  
15 construed as altering the requirements of section 36-411, Idaho Code,  
16 to obtain a valid hunting license.

17 (b) For any person to fish on a "free fishing day" as may be designated  
18 by the commission.

19 (c) State Long-term Care Facility Residents. For any resident of a  
20 state long-term care facility to fish during open seasons, provided said  
21 state long-term care facility has a permit therefor from the director. The  
22 director is authorized to issue such permits upon the request of the head  
23 of the respective state long-term care facility having custody of said res-  
24 ident upon a showing that the state long-term care facility recommends the  
25 issuance of such permit and will assume full responsibility for and control  
26 over any resident while using said permit. For purposes of this subsection  
27 only, "state long-term care facility" shall mean the state hospital north,  
28 state hospital south, state hospital west, southwest Idaho treatment cen-  
29 ter, and state veterans homes, and "resident" shall mean any individual re-  
30 siding and receiving treatment services at a state long-term care facility.

31 (d) State Juvenile Corrections Center Students. For students of the  
32 state juvenile corrections center, under the supervision of an officer of  
33 the center, to fish during the open season.

34 (e) Boy Scouts. For boy scouts who are official participants in at-  
35 tendance at national or international encampments at Farragut State Park to  
36 take fish during the encampment period from Lake Pend Oreille in such areas  
37 and such numbers as may be designated by the commission.

38 (f) Participants in Fish and Game Sponsored Functions. For persons who  
39 are official participants in attendance at official department sponsored  
40 functions including clinics, courses or other educational events, while  
41 under the supervision of a department approved instructor for the function,  
42 to fish during any open season, provided that the instructor has been issued  
43 an educational fishing permit by the director.

44 (g) Nothing contained herein shall be construed to prohibit citizens of  
45 the United States who are residents of the state of Idaho from carrying arms  
46 for the protection of life and property.

47 SECTION 2. That Section 56-203, Idaho Code, be, and the same is hereby  
48 amended to read as follows:

1           56-203.   POWERS OF STATE DEPARTMENT. The state department shall have  
2 the power to:

3           (1) Enter into contracts and agreements with the federal government  
4 through its appropriate agency or instrumentality whereby the state of Idaho  
5 shall receive federal grants-in-aid or other benefits for public assistance  
6 or public welfare purposes under any act or acts of congress heretofore or  
7 hereafter enacted;

8           (2) Cooperate with the federal government in carrying out the purposes  
9 of any federal acts pertaining to public assistance or welfare services, and  
10 in other matters of mutual concern;

11           (3) Cooperate with county governments and other branches of government  
12 and other agencies, public or private, in administering and furnishing pub-  
13 lic welfare services;

14           (4) Enter into reciprocal agreements with other states relative to the  
15 provisions of public assistance and welfare services to residents and non-  
16 residents;

17           (5) Initiate and administer public assistance and social services for  
18 persons with physical or mental disabilities;

19           (6) Establish such requirements of residence for public assistance un-  
20 der this ~~act~~ chapter as may be deemed advisable, subject to any limitations  
21 imposed in this ~~act~~ chapter;

22           (7) Define persons entitled to medical assistance in such terms as will  
23 meet requirements for federal financial participation in medical assistance  
24 payments;

25           (8) Accept the legal custody of children committed to it by district  
26 courts of this state under the ~~C~~h~~i~~l~~d~~ ~~P~~r~~o~~t~~e~~c~~ti~~ve ~~A~~a~~ct, to provide pro-  
27 tective supervision as defined therein, to place children for adoption  
28 when such children are in the legal custody of the state department and are  
29 legally available for adoption, and to exercise consent to adoption when  
30 the authority to do so is vested in the department by court order or legally  
31 authorized parental relinquishment;~~~~~~

32           (9) Determine the amount, duration and scope of care and services to be  
33 purchased as medical assistance on behalf of needy eligible individuals;

34           (10) Manage and operate the southwest Idaho treatment center at Nampa,  
35 Idaho; ~~and~~

36           (11) Manage and operate state hospital north at Orofino, Idaho; state  
37 hospital south at Blackfoot, Idaho; and state hospital west at Nampa, Idaho.

38           SECTION 3. That Section 56-235, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40           56-235.   SOUTHWEST IDAHO TREATMENT CENTER. The establishment by law of  
41 the southwest Idaho treatment center at Nampa, Idaho, is hereby ratified and  
42 affirmed, and its operation continued; provided, however, that on and after  
43 the effective date of this act, the treatment center shall be in the general  
44 supervision, control and government of the state department of health and  
45 welfare. All rights and title to property, real and personal, belonging to  
46 or vested in the state board of health and welfare are hereby transferred and  
47 vested in the state department of health and welfare. The state department  
48 is empowered to acquire, by purchase or exchange, any property ~~which~~ that in  
49 the judgment of the department is needful for the operation of the treatment

1 center, and to dispose of, by sale or exchange, any property ~~which~~ that in  
 2 the judgment of the department is not needful for the operation of the same.  
 3 The department of health and welfare shall have authority to administer the  
 4 treatment center, to employ and release such personnel as are required for  
 5 the operation of the treatment center, fix salaries, and to perform any other  
 6 necessary and proper functions in the efficient and beneficial operation of  
 7 the treatment center.

8 SECTION 4. That Section 56-1003, Idaho Code, be, and the same is hereby  
 9 amended to read as follows:

10 56-1003. POWERS AND DUTIES OF THE DIRECTOR. The director shall have  
 11 the following powers and duties:

12 (1) All of the powers and duties of the department of public health, the  
 13 department of health, the board of health and all nonenvironmental protec-  
 14 tion duties of the department of health and welfare are hereby vested to the  
 15 director of the department of health and welfare. ~~Provided, however, that~~  
 16 However, oversight of the department and rulemaking and hearing functions  
 17 relating to public health and licensure and certification standards shall  
 18 be vested in the board of health and welfare. Except when the authority is  
 19 vested in the board of health and welfare under law, the director shall have  
 20 all such powers and duties as may have been or could have been exercised by  
 21 his predecessors in law, including the authority to adopt, promulgate, and  
 22 enforce rules, and shall be the successor in law to all contractual obliga-  
 23 tions entered into by predecessors in law. All rulemaking proceedings and  
 24 hearings of the director shall be governed by the provisions of chapter 52,  
 25 title 67, Idaho Code.

26 (2) The director shall, pursuant and subject to the provisions of Idaho  
 27 Code, ~~and the provisions of this chapter~~, promulgate and recommend to the  
 28 board rules to administer statutes related to health, and licensure and cer-  
 29 tification requirements pertinent to health. Such rules may be of general  
 30 application across the state or may be limited in time, place, and circum-  
 31 stance as needed to address problems.

32 (3) The director, under rules adopted by the board, shall have general  
 33 supervision of the health and welfare of the people of this state. The powers  
 34 and duties of the director shall include but are not limited to the follow-  
 35 ing:

36 (a) The education of the people of this state using guidelines and rec-  
 37 ommendations for issues of health, safety, mental health, and wellness;

38 (b) The issuance of licenses and permits as prescribed by law and by the  
 39 rules of the board;

40 (c) The supervision and administration of laboratories and the super-  
 41 vision and administration of standards of tests for environmental pol-  
 42 lution, chemical analyses and communicable diseases. The director may  
 43 require that laboratories operated by any city, county, institution,  
 44 person, firm or corporation for health or environmental purposes con-  
 45 form to standards set by the board of health and welfare and the board of  
 46 environmental quality in rule;

47 (d) The supervision and administration of a mental health program,  
 48 which shall include services for the evaluation, screening, custody and

1 treatment of the mentally ill and those persons suffering from a mental  
2 defect or mental defects, and services for the prevention of suicide;

3 (e) The enforcement of minimum standards of health, safety, and sani-  
4 tation for all public swimming pools within the state as established in  
5 rule of the board;

6 (f) The supervision and administration of the various schools, hos-  
7 pitals, and institutions that were the responsibility of the board of  
8 health and welfare;

9 (g) The supervision and administration of services dealing with sub-  
10 stance abuse, including but not limited to treatment and rehabilita-  
11 tion;

12 (h) Communication and cooperation with other governmental depart-  
13 ments, agencies and boards in order to effectively assist with the  
14 planning for the control of or abatement of health problems. All of the  
15 rules adopted by the board shall apply to state institutions;

16 (i) The supervision and administration of an emergency medical ser-  
17 vices program, including but not limited to assisting other governmen-  
18 tal agencies and local governmental units, in providing first aid emer-  
19 gency medical services and for transportation of the sick and injured;

20 (j) The supervision of administrative units whose responsibility shall  
21 be to assist and encourage counties, cities, other governmental units,  
22 and industries in the control of and/or abatement of health problems;  
23 and

24 (k) The enforcement of all laws and rules relating to health.

25 (4) The director, when so designated by the governor, and any other time  
26 subject to the standard appropriations and approval process of the legisla-  
27 ture, shall have the power to apply for, receive on behalf of the state, and  
28 utilize any federal aid, grants, gifts, or moneys made available through the  
29 federal government.

30 (5) The director shall have the power to enter into and make contracts  
31 and agreements with any public agencies or municipal corporations for fa-  
32 cilities, land, and equipment when such use will have a beneficial, recre-  
33 ational, or therapeutic effect or be in the best interest in carrying out the  
34 duties imposed upon the department. The director shall also have the power  
35 to enter into contracts for the expenditure of state matching funds for local  
36 purposes. This subsection will constitute the authority for public agencies  
37 or municipal corporations to enter into such contracts and expend money for  
38 the purposes delineated in such contracts.

39 (6) The director is authorized to adopt an official seal to be used on  
40 appropriate occasions, in connection with the functions of the department or  
41 the board, and such seal shall be judicially noticed. Copies of any books,  
42 records, papers and other documents in the department shall be admitted in  
43 evidence equally with the originals thereof when authenticated under such  
44 seal.

45 (7) The director, under rules adopted by the board of health and welfare  
46 and approved by the legislature pursuant to section 67-5291, Idaho Code, and  
47 section 29, article III, of the constitution of the state of Idaho, shall  
48 have the power to impose and enforce orders of isolation, quarantine, or re-  
49 stricted access to protect the public from the spread of infectious or commu-  
50 nicable diseases or from contamination from chemical, nuclear, or biologi-

1 cal agents, whether naturally occurring or propagated by criminal or terror-  
2 ist act.

3 (a) An order of isolation may be issued only for a person diagnosed with  
4 an infectious or a communicable disease, presenting medically unknown  
5 symptoms, or contaminated from a chemical, nuclear, or biological agent  
6 and only while a person is infectious, displaying unknown symptoms, or  
7 contaminated.

8 (b) An order of quarantine may be issued only for a person exposed to:

9 (i) An infectious or a communicable disease;

10 (ii) A person displaying medically unknown symptoms; or

11 (iii) Contamination from a chemical, nuclear, or biological  
12 agent;

13 under circumstances likely to result in the spread of the disease, symp-  
14 toms, or contaminant to the person who had such contact and only for a  
15 reasonable period of time sufficient to determine whether ~~or not~~ the ex-  
16 posed person will become sick.

17 (c) If the director has reasonable cause to believe a chemical, nu-  
18 clear, or biological agent has been released in an identifiable place,  
19 including a building or structure, the director may impose an order of  
20 restricted access into or out of that place for the purpose of determin-  
21 ing whether that place has been contaminated with a chemical, nuclear,  
22 or biological agent that may create a substantial and immediate danger  
23 to the public. An order of restricted access shall be effective only  
24 until such time as the contamination has been remediated and the area  
25 of restricted access has been determined to no longer pose an immediate  
26 health risk.

27 (d) An order of isolation, quarantine, or restricted access issued pur-  
28 suant to this section shall not be subject to the Idaho administrative  
29 procedure act, chapter 52, title 67, Idaho Code, but shall be subject to  
30 judicial review as a final agency order. However, this shall not pre-  
31 vent the director from reconsidering, amending, or withdrawing the or-  
32 der. Judicial review of orders of isolation, quarantine, or restricted  
33 access shall be de novo. The court may affirm, reverse, or modify the  
34 order and shall affirm the order if the director shows by clear and con-  
35 vincing evidence that the order is reasonably necessary to protect the  
36 public from a substantial and immediate danger of the spread of an in-  
37 fectious or communicable disease or from contamination by a chemical,  
38 nuclear, or biological agent. A hearing on a request for review pur-  
39 suant to this paragraph shall be held as soon as practicable but no later  
40 than three (3) business days after the request is made. Notice of the  
41 request for review to the court must be provided to the director. The  
42 court may order the person who is the subject of or affected by the or-  
43 der of isolation, quarantine, or restricted access to appear remotely  
44 via technology approved by the Idaho supreme court. Upon conclusion of  
45 a hearing described in this subsection, the court conducting judicial  
46 review shall issue an order:

47 (i) Affirming or modifying the order of isolation, quarantine, or  
48 restricted access; or

49 (ii) Reversing the order and releasing an individual who is the  
50 subject of or affected by such order.

1 (e) Any person who violates an order of isolation, quarantine, or re-  
2 stricted access shall be guilty of a misdemeanor.

3 (8) The director shall develop safeguards necessary to ensure the se-  
4 curity of nonpublic personal information in the department's possession and  
5 to prevent undue disclosure of such information. The director shall estab-  
6 lish a process to authenticate requests made by a person, entity or jurisdic-  
7 tion arising under the 2007 Hague convention on the international recovery  
8 of child support and other forms of family maintenance. In the event the de-  
9 partment becomes aware of any improper disclosure, the director shall take  
10 all actions required under section 28-51-105, Idaho Code.

11 SECTION 5. That Section 56-1004, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 56-1004. DIRECTOR -- ADDITIONAL POWERS AND DUTIES. (1) The director  
14 shall exercise the following powers and duties in addition to all other pow-  
15 ers and duties inherent in the position:

16 (a) Prescribe such rules as may be necessary for the administration of  
17 the department, the conduct and duties of the employees, the orderly and  
18 efficient management of department business, and the custody, use and  
19 preservation of department records, papers, books and property belong-  
20 ing to the state;

21 (b) Employ such personnel as may be deemed necessary, prescribe their  
22 duties and fix their compensation within the limits provided by the  
23 state personnel system law;

24 (c) Administer oaths for all purposes required in the discharge of his  
25 duties;

26 (d) Prescribe the qualifications of all personnel of the department on  
27 a nonpartisan merit basis, in accordance with the Idaho personnel sys-  
28 tem law, provided however, that the administrators in charge of any di-  
29 vision of the department, and the administrators in charge of the state  
30 hospital north, state hospital south, state hospital west, and south-  
31 west Idaho treatment center shall serve at the pleasure of the director;

32 (e) Create such units, sections and subdivisions as are or may be neces-  
33 sary for the proper and efficient functioning of the department.

34 (2) The department is empowered to acquire, by purchase, lease or ex-  
35 change, any property which in the judgment of the department is needful for  
36 the operation of the facilities and programs for which it is responsible and  
37 to dispose of, by sale, lease or exchange, any property which in the judgment  
38 of the department is not needful for the operation of the same.

39 SECTION 6. That Section 56-1408, Idaho Code, be, and the same is hereby  
40 amended to read as follows:

41 56-1408. EXEMPTIONS. (1) State hospital south in Blackfoot, Idaho,  
42 ~~and~~ state hospital north in Orofino, Idaho, state hospital west in Nampa,  
43 Idaho, and the department of veterans affairs medical center in Boise,  
44 Idaho, are exempt from the assessment required by section 56-1404, Idaho  
45 Code.

46 (2) A private hospital that does not provide emergency services through  
47 an emergency department and is not categorized as "rehabilitation" or "psy-

1 chiatric" as provided in section II.C. of the "application for hospital li-  
 2 censes and annual report -- 2007" by the bureau of facility standards of the  
 3 department of health and welfare, is exempt from the assessment required by  
 4 section 56-1404, Idaho Code.

5 SECTION 7. That Section 67-5339, Idaho Code, be, and the same is hereby  
 6 amended to read as follows:

7 67-5339. LOAN REPAYMENT PROGRAM. (1) There is hereby created an edu-  
 8 cational loan repayment program for eligible physicians, psychologists, and  
 9 mid-level practitioners at state hospital north, ~~and~~ state hospital south,  
 10 and state hospital west.

11 (2) For purposes of this section, the following definitions shall ap-  
 12 ply:

13 (a) "Mid-level practitioner" means a position at a state hospital ~~north~~  
 14 ~~or state hospital south~~ that is licensed as a nurse practitioner pur-  
 15 suant to chapter 14, title 54, Idaho Code, or as a physician assistant  
 16 pursuant to chapter 18, title 54, Idaho Code.

17 (b) "Physician" means a physician at a state hospital ~~north or state~~  
 18 ~~hospital south that who~~ is licensed to practice medicine pursuant to  
 19 chapter 18, title 54, Idaho Code.

20 (c) "Psychologist" means a psychologist at a state hospital ~~north or~~  
 21 ~~state hospital south that who~~ is licensed to practice psychology pur-  
 22 suant to chapter 23, title 54, Idaho Code.

23 (3) The educational loan repayment program shall be subject to appro-  
 24 priation by the Idaho legislature.

25 (4) The educational loan repayment program shall be limited to the  
 26 repayment of outstanding loans accrued prior to employment in a qualifying  
 27 job class for undergraduate, graduate and medical school incurred by physi-  
 28 cians, psychologists or mid-level practitioners who are eligible for the  
 29 program under the provisions of this section.

30 (5) There is hereby created a state hospital governing body. The state  
 31 hospital governing body shall have the responsibility to oversee the educa-  
 32 tional loan repayment program and the authority to offer loan repayment dis-  
 33 bursements under the program and shall annually review each loan repayment  
 34 agreement entered into pursuant to subsection (6) of this section and deter-  
 35 mine whether continuation of the loan repayment program for each partici-  
 36 pating employee shall occur based ~~upon~~ on the number of program participants  
 37 and the availability of funds. The state hospital governing body shall con-  
 38 sist of the administrator of the division of behavioral health, the hospital  
 39 administrator of state hospital south, the president of the medical staff  
 40 at state hospital south, ~~and~~ the hospital administrator of state hospital  
 41 north, and the hospital administrator of state hospital west. The adminis-  
 42 trator of the division of behavioral health shall be the chair of the state  
 43 hospital governing body.

44 (6) Employees eligible for loan repayment under the provisions of this  
 45 section shall be required to enter into an agreement with the state hospi-  
 46 tal governing body each year a loan repayment disbursement is offered. The  
 47 agreement shall include, but not be limited to, the following:

48 (a) Disclosure of the employee's current student loan balance;



1 (b) Affirmation by the hospital that the employee has provided no less  
2 than two thousand eighty (2,080) credited state service hours prior to  
3 first disbursement and that the employee has obtained satisfactory per-  
4 formance standards during this time;

5 (c) Affirmation that any subsequent disbursements occur one (1) year  
6 or two thousand eighty (2,080) credited state service hours after the  
7 previous disbursement and that the employee has obtained satisfactory  
8 performance standards during this time; and

9 (d) Confirmation that any prior disbursements made under this program  
10 were used to pay outstanding student loans.

11 (7) Loan repayment disbursements made pursuant to this section shall be  
12 limited to a period of four (4) years.

13 (8) Loan repayment disbursements made pursuant to this section shall be  
14 made as follows:

15 (a) For physician reimbursements, a single yearly reimbursement may be  
16 made to or on behalf of an eligible physician, not to exceed:

17 (i) Fifteen thousand dollars (\$15,000) for the employee's first  
18 year of eligibility;

19 (ii) Fifteen thousand dollars (\$15,000) for the employee's second  
20 year of eligibility;

21 (iii) Twenty thousand dollars (\$20,000) for the employee's third  
22 year of eligibility; and

23 (iv) Twenty-five thousand dollars (\$25,000) for the employee's  
24 fourth year of eligibility.

25 (b) For psychologist reimbursements, a single yearly reimbursement may  
26 be made to or on behalf of an eligible psychologist, not to exceed:

27 (i) Ten thousand dollars (\$10,000) for the employee's first year  
28 of eligibility;

29 (ii) Ten thousand dollars (\$10,000) for the employee's second  
30 year of eligibility;

31 (iii) Fifteen thousand dollars (\$15,000) for the employee's third  
32 year of eligibility; and

33 (iv) Fifteen thousand dollars (\$15,000) for the employee's fourth  
34 year of eligibility.

35 (c) For mid-level practitioner reimbursements, a single yearly reim-  
36 bursement may be made to or on behalf of an eligible mid-level practi-  
37 tioner, not to exceed:

38 (i) Ten thousand dollars (\$10,000) for the employee's first year  
39 of eligibility;

40 (ii) Ten thousand dollars (\$10,000) for the employee's second  
41 year of eligibility;

42 (iii) Fifteen thousand dollars (\$15,000) for the employee's third  
43 year of eligibility; and

44 (iv) Fifteen thousand dollars (\$15,000) for the employee's fourth  
45 year of eligibility.

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

48 67-5303. APPLICATION TO STATE EMPLOYEES. All departments of the state  
49 of Idaho and all employees in such departments, except those employees

1 specifically defined as nonclassified, shall be classified employees, who  
2 are subject to this chapter and to the system of personnel administration  
3 which it prescribes. Nonclassified employees shall be:

4 (a) Members of the state legislature and all other officers of the state  
5 of Idaho elected by popular vote, and persons appointed to fill vacancies in  
6 elective offices, and employees of the state legislature.

7 (b) Members of statutory boards and commissions and heads of depart-  
8 ments appointed by and serving at the pleasure of the governor, deputy direc-  
9 tors appointed by the director and members of advisory boards and councils  
10 appointed by the departments.

11 (c) All employees and officers in the office, and at the residence, of  
12 the governor; and all employees and officers in the offices of the lieutenant  
13 governor, secretary of state, attorney general, state treasurer, state con-  
14 troller, and state superintendent of public instruction who are appointed on  
15 and after the effective date of this chapter.

16 (d) Except as otherwise provided by law, not more than one (1) declared  
17 position for each board or commission and/or head of a participating depart-  
18 ment, in addition to those declared to be nonclassified by other provisions  
19 of law.

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

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

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

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

27 (i) Assistant attorneys general attached to the office of the attorney  
28 general.

29 (j) Officers, members of the teaching staffs of state educational in-  
30 stitutions, the professional staff of the Idaho department of education  
31 administered by the board of regents and the board of education, and the  
32 professional staffs of the Idaho division of career technical education  
33 and vocational rehabilitation administered by the state board for career  
34 technical education. "Teaching staff" includes teachers, coaches, resident  
35 directors, librarians and those principally engaged in academic research.  
36 The word "officer" means presidents, vice presidents, deans, directors, or  
37 employees in positions designated by the state board who receive an annual  
38 salary of not less than step "A" of the pay grade equivalent to three hundred  
39 fifty-five (355) Hay points in the state compensation schedule. A nonclas-  
40 sified employee who is designated as an "officer" on July 5, 1991, but does  
41 not meet the requirements of this subsection, may make a ~~one (1) time~~ onetime  
42 irrevocable election to remain nonclassified. Such an election must be made  
43 not later than August 2, 1991. When such positions become vacant, these  
44 positions will be reviewed and designated as either classified or nonclassi-  
45 fied in accordance with this subsection.

46 (k) Employees of the military division.

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

48 (m) Persons employed in positions established under federal grants,  
49 which, by law, restrict employment eligibility to specific individuals or  
50 groups on the basis of nonmerit selection requirements. Such employees

1 shall be termed "project exempt" and the tenure of their employment shall  
2 be limited to the length of the project grant, or twenty-four (24) months,  
3 or four thousand one hundred sixty (4,160) hours of credited state service,  
4 whichever is of the shortest duration. No person hired on a project-exempt  
5 appointment shall be employed in any position allocated to the classified  
6 service.

7 (n) Temporary employees.

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

25 (p) All inspectors of the fresh fruit and vegetable inspection service  
26 of the Idaho department of agriculture, except those positions involved in  
27 the management of the program.

28 (q) All employees of correctional industries within the department of  
29 correction.

30 (r) All deputy administrators and wardens employed by the department of  
31 correction. Deputy administrators are defined as only the deputy adminis-  
32 trators working directly for the nonclassified division administrators un-  
33 der the director of the department of correction.

34 (s) All public information positions, with the exception of secretar-  
35 ial positions, in any department.

36 (t) Any division administrator.

37 (u) Any regional administrator or division administrator in the de-  
38 partment of environmental quality.

39 (v) All employees of the division of financial management, all employ-  
40 ees of the STEM action center, all employees of the office of species conser-  
41 vation, all employees of the office of drug policy, and all employees of the  
42 office of energy and mineral resources.

43 (w) All employees of the Idaho food quality assurance institute.

44 (x) The state appellate public defender, deputy state appellate public  
45 defenders and all other employees of the office of the state appellate public  
46 defender.

47 (y) All quality assurance specialists or medical investigators of the  
48 Idaho board of medicine.

49 (z) All pest survey and detection employees and their supervisors hired  
50 specifically to carry out activities under the Idaho plant pest act, chapter

1 20, title 22, Idaho Code, including but not limited to pest survey, detec-  
 2 tion, and eradication, except those positions involved in the management of  
 3 the program.

4 (aa) All medical directors employed by the department of health and  
 5 welfare who are engaged in the practice of medicine, as defined by section  
 6 54-1803, Idaho Code, ~~at an institution named in section 66-115, Idaho Code~~  
 7 a state hospital or other treatment facility managed and operated by the  
 8 department of health and welfare.

9 SECTION 9. That Chapter 1, Title 66, Idaho Code, be, and the same is  
 10 hereby repealed.

11 SECTION 10. That Section 54-1761, Idaho Code, be, and the same is hereby  
 12 amended to read as follows:

13 54-1761. DEFINITIONS. As used in sections 54-1760 through 54-1765,  
 14 Idaho Code:

15 (1) "Donation repository" means:

16 (a) A community health center as defined in section 39-3203, Idaho  
 17 Code;

18 (b) A free medical clinic as defined in section 39-7702, Idaho Code;

19 (c) A designated regional behavioral health center as identified in  
 20 chapter 31, title 39, Idaho Code; or

21 ~~(d) A state charitable institution as defined in chapter 1, title 66,~~  
 22 ~~Idaho Code; or~~

23 ~~(e) A drug outlet as defined in section 54-1705, Idaho Code.~~

24 (2) "Legend drug" has the same meaning as provided in section  
 25 54-1705(38), Idaho Code.

26 (3) "Medically indigent patient" means any person who is a resident of  
 27 Idaho and who meets one (1) of the following conditions:

28 (a) The person is not eligible for medicaid or medicare;

29 (b) The person cannot afford private prescription drug insurance; or

30 (c) The person does not have income and other resources available suf-  
 31 ficient to pay for a legend drug.

32 (4) "Qualified donor" means:

33 (a) Any entity that meets the definition of "donation repository" as  
 34 provided in this section; or

35 (b) Any member of the public in accordance with section 54-1762, Idaho  
 36 Code.

37 SECTION 11. An emergency existing therefor, which emergency is hereby  
 38 declared to exist, this act shall be in full force and effect on and after  
 39 July 1, 2022.