

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 366

BY EDUCATION COMMITTEE

AN ACT

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-205, IDAHO CODE, TO  
REVISE PROVISIONS REGARDING PUBLIC EMPLOYMENT.

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

SECTION 1. That Section 72-205, Idaho Code, be, and the same is hereby  
amended to read as follows:

72-205. PUBLIC EMPLOYMENT GENERALLY -- COVERAGE. The following shall  
constitute employees in public employment and their employers subject to the  
provisions of this law:

(1) Every person in the service of the state or of any political sub-  
division thereof, under any contract of hire, express or implied, and every  
official or officer thereof, whether elected or appointed, while performing  
his official duties, except officials of athletic contests involving sec-  
ondary schools, as defined by section 33-119, Idaho Code.

(2) Every person in the service of a county, city, or any political sub-  
division thereof, or of any municipal corporation.

(3) Participants in the Idaho youth conservation project under the su-  
pervision of the Idaho state forester.

(4) Every person who is a volunteer emergency responder shall be  
deemed, for the purposes of this law, to be in the employment of the political  
subdivision or municipality where the department, agency or organization is  
organized.

(5) Every person who is a regularly enrolled volunteer member or  
trainee of the department of disaster and civil defense, or of a civil de-  
fense corps, shall be deemed, for the purposes of this law, to be in the  
employment of the state.

(6) Members of the Idaho national guard while on duty and employees of  
or persons providing voluntary service to an approved Idaho national guard  
morale, welfare, and recreational activity. No Idaho compensation benefits  
shall inure to any such member, employee or volunteer or their beneficiaries  
for any injury or death compensable under federal law.

(7) A community service worker, as that term is defined in section  
72-102, Idaho Code, is considered to be an employee in public employment for  
purposes of receiving worker's compensation benefits, which shall be the  
community service worker's exclusive remedy for all injuries and occupa-  
tional diseases as provided under chapters 1 through 8, title 72, Idaho Code.

(8) Every person who participates in a youth employment program funded  
in whole or in part by state or federal money and administered by a state or  
federal agency or a nonprofit corporation or entity.

(9) A work experience student, as that term is defined in section  
72-102, Idaho Code, who does not receive wages while participating in the  
school's work experience program shall be covered by the school district's

1 policy or by the Idaho higher education policy when the work experience  
2 student is not covered by the private or governmental entity that is the stu-  
3 dent's work experience employer.