

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 482

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO BOARDS; AMENDING SECTION 36-2106, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-203, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF ACCOUNTANCY; AMENDING SECTION 54-312, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF ARCHITECTURAL EXAMINERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-313, IDAHO CODE, TO PROVIDE FOR REMOVAL OF A BOARD MEMBER; AMENDING SECTION 54-314, IDAHO CODE, TO REVISE PROVISIONS REGARDING FILLING VACANCIES ON THE BOARD; AMENDING SECTION 54-521, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF BARBER EXAMINERS, TO PROVIDE FOR REMOVAL OF A BOARD MEMBER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-604, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF PODIATRY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-828, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF COSMETOLOGY; AMENDING SECTION 54-829, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF COSMETOLOGY; AMENDING SECTION 54-907, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF DENTISTRY; AMENDING SECTION 54-908, IDAHO CODE, TO AUTHORIZE THE GOVERNOR TO APPOINT CERTAIN PERSONS TO THE BOARD; AMENDING SECTION 54-1006, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE IDAHO ELECTRICAL BOARD AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1105, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF MORTICIANS; AMENDING SECTION 54-1203, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS; AMENDING SECTION 54-1204, IDAHO CODE, TO PROVIDE FOR A PUBLIC MEMBER OF THE BOARD; AMENDING SECTION 54-1206, IDAHO CODE, TO REVISE A PROVISION REGARDING REMOVAL OF BOARD MEMBERS; AMENDING SECTION 54-1403, IDAHO CODE, TO PROVIDE THAT ALL MEMBERS OF THE BOARD OF NURSING SHALL SERVE AT THE PLEASURE OF THE GOVERNOR; AMENDING SECTION 54-1503, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF OPTOMETRY; AMENDING SECTION 54-1603, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS; AMENDING SECTION 54-1709, IDAHO CODE, TO PROVIDE THAT THE GOVERNOR SHALL APPOINT CERTAIN PERSONS TO FILL VACANCIES ON THE BOARD OF PHARMACY; AMENDING SECTION 54-1712, IDAHO CODE, TO PROVIDE THAT BOARD MEMBERS SHALL SERVE AT THE PLEASURE OF THE GOVERNOR; AMENDING SECTION 54-1805, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF MEDICINE; AMENDING SECTION 54-1905, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2005, IDAHO CODE, TO PROVIDE THAT MEMBERS OF THE IDAHO REAL ESTATE COMMISSION SHALL BE APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR; AMENDING SECTION 54-2006, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE COMMISSION AND

TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2105, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF VETERINARY MEDICINE AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-2205, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE PHYSICAL THERAPY LICENSURE BOARD, TO REVISE A PROVISION REGARDING MEETINGS OF THE BOARD AND TO REMOVE A PROVISION REGARDING REMOVAL OF MEMBERS; AMENDING SECTION 54-2304, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF PSYCHOLOGIST EXAMINERS; AMENDING SECTION 54-2404, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS AND TO REMOVE A PROVISION REGARDING REMOVAL OF MEMBERS; AMENDING SECTION 54-2605, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE IDAHO PLUMBING BOARD; AMENDING SECTION 54-2803, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS; AMENDING SECTION 54-2804, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS; AMENDING SECTION 54-2806, IDAHO CODE, TO REMOVE A PROVISION REGARDING REMOVAL OF MEMBERS; AMENDING SECTION 54-3003, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF LANDSCAPE ARCHITECTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-3105, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE SHORTHAND REPORTERS BOARD; AMENDING SECTION 54-3203, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF SOCIAL WORK EXAMINERS; AMENDING SECTION 54-3307, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF DENTISTRY; AMENDING SECTION 54-3403, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS; AMENDING SECTION 54-3714, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE OCCUPATIONAL THERAPY LICENSURE BOARD AND TO REVISE A PROVISION REGARDING MEETINGS OF THE BOARD; AMENDING SECTION 54-4106, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE REAL ESTATE APPRAISERS BOARD, TO REVISE A PROVISION REGARDING MEETINGS OF THE BOARD AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-4204, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF EXAMINERS OF RESIDENTIAL CARE FACILITY ADMINISTRATORS; AMENDING SECTION 54-4704, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE BOARD OF ACUPUNCTURE; AMENDING SECTION 54-5004, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD; AMENDING SECTION 54-5206, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE IDAHO CONTRACTORS BOARD; AMENDING SECTION 54-5309, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE LIQUEFIED PETROLEUM GAS SAFETY BOARD AND TO REVISE PROVISIONS REGARDING MEETINGS OF THE BOARD; AMENDING SECTION 54-5606, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MEMBERS OF THE GENETIC COUNSELORS LICENSING BOARD; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Section 36-2106, Idaho Code, be, and the same is hereby amended to read as follows:

36-2106. APPOINTMENT AND QUALIFICATION OF MEMBERS -- ORGANIZATION OF BOARD. One (1) member shall be a member of the Idaho fish and game commission,

or a person selected by that body. Each appointment made by the fish and game commission shall be for a term of three (3) years. One (1) member shall be selected from the public. Three (3) members of the board shall be qualified and licensed outfitters and guides who have not had less than five (5) years' experience in the business of outfitting and guiding in the state of Idaho. Each appointment shall be for the term of three (3) years and each board member shall hold office for a term of three (3) years. Upon the death, resignation or removal of any but the member representing the fish and game commission, the governor shall appoint a member to fill out the unexpired term as provided in this section. Immediately upon the creation of a vacancy, one (1) of the positions held by an outfitter or guide, either through expiration of term, death, resignation or removal, the Idaho outfitters and guides association shall submit to the governor the names of two (2) qualified persons for each such vacancy created and the appointment to fill such vacancy shall be made by the governor ~~from the names submitted within thirty (30) days after the receipt by the governor of the names submitted~~ who may consider recommendations for appointment to the board from the association and from any individual residing in this state. All appointments to the board made after July 1, 1986, shall be subject to the advice and consent of the senate. Appointments to fill any vacancy other than that created by the expiration of a term shall be made for the unexpired term. All board members shall serve at the pleasure of the governor. A majority of said board shall constitute a quorum. The board shall meet at least four (4) times a year, and at least two (2) meetings shall be held in Boise, Idaho. Each member of the board shall be compensated as provided by section 59-509(h), Idaho Code. The member representing the fish and game commission shall be paid by the fish and game commission.

SECTION 2. That Section 54-203, Idaho Code, be, and the same is hereby amended to read as follows:

54-203. BOARD CREATED -- MEMBERSHIP -- APPOINTMENT -- VACANCIES. There is hereby created in the department of self-governing agencies a board of accountancy in and for the state of Idaho, to be known as the Idaho state board of accountancy. The board shall consist of seven (7) members, all of whom shall be residents of this state, appointed by the governor, five (5) of whom shall hold current certified public accountant licenses issued under the laws of this state, one (1) who shall be either a licensed public accountant or certified public accountant and one (1) public member not licensed under this chapter, who has professional or practical experience in the use of accounting services and financial statements. Board members shall be appointed for terms of five (5) years to commence on the first day of September and shall serve at the pleasure of the governor. ~~The existing Board members of the Idaho state board of accountancy as previously appointed,~~ shall continue in office with their terms expiring on August 31 of each member's final year. Whenever the term for a member of the board holding one (1) of the seats on the board originally appointed from nominations of the Idaho society of certified public accountants expires or becomes vacant for any cause, the governor may consider recommendations for appointment to the board from the Idaho society of certified public accountants shall ~~nominate two (2) persons with qualifications to become a member of the board~~

~~as herein specified, for each such vacancy. Whenever the term for a member holding the position on the board originally appointed from nominations of, the Idaho association of public accountants expires or becomes vacant for any cause, the Idaho association of public accountants shall nominate two (2) persons with qualifications to become a member of the board as herein specified, for each such vacancy. Nominations shall be forwarded to the governor who shall appoint from such nominees the requisite number of persons to be members of the board to fill such vacancy or vacancies. Whenever the term for the public member on the board expires or becomes vacant for any cause, the governor shall appoint a nonlicensed person to become a member of the board without receiving official nominees from any source and from any individual residing in this state. Vacancies occurring during the term shall be filled by appointment by the governor for the unexpired term. Upon expiration of the term of office, a member shall continue to serve until a successor shall have been appointed and shall have qualified.~~

SECTION 3. That Section 54-312, Idaho Code, be, and the same is hereby amended to read as follows:

54-312. ARCHITECTS -- BOARD OF EXAMINERS -- POWERS AND DUTIES -- COMPENSATION. (1) The board of architectural examiners is hereby created in the department of self-governing agencies. The board of architectural examiners shall consist of six (6) members, to be appointed by the governor and to serve at the pleasure of the governor, each five (5) of whom shall be an architect, and shall have been a residents of and a lawfully practicing architects within the state of Idaho for a period of at least five (5) years next before his appointment and one (1) of whom shall be a member of the public with an interest in the rights of the consumers of architectural services. At all times the board shall have at least one (1) member who is engaged primarily in professional architectural education.

(2) The board shall have, in addition to the powers conferred elsewhere in this chapter, the following powers and duties:

(a) To authorize, by written agreement, the bureau of occupational licenses to act as its agent in its interest.

(b) To adopt, pursuant to the administrative procedure act, such rules as the board, in its discretion, deems necessary for the administration and enforcement of this chapter.

(c) To conduct investigations into violations of this chapter.

(d) The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding under this chapter, to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and may apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records, and papers as it deems necessary. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases, which fees and mileage shall be paid in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of any district court in this state

on application by the board to compel compliance with the subpoena by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The licensed person accused in such proceedings shall have the same right of subpoena.

(e) To adopt rules requiring annual continuing education as a condition for the renewal of licenses issued under this chapter.

(3) Each member of the board of architectural examiners shall be compensated as provided by section 59-509(i), Idaho Code.

SECTION 4. That Section 54-313, Idaho Code, be, and the same is hereby amended to read as follows:

54-313. BOARD OF ARCHITECTURAL EXAMINERS -- CONTINUANCE OF PRESENT BOARD. The members of the board of architectural examiners in office at the date this act becomes effective shall continue in office until the expiration of their respective terms, subject to the provisions of this act.

The regular term of office of a member shall begin as of the first Monday immediately following the date of his appointment, and, for terms commencing after February 1, 1971, shall continue for five (5) years thereafter and until his successor shall have been appointed and accepted such appointment. A member appointed to fill a vacancy occasioned otherwise than by expiration of a term shall serve the unexpired term of his predecessor. No members shall be appointed for a period exceeding two (2) consecutive terms. Any member who has served two (2) consecutive terms may be reappointed after a lapse of five (5) years from the termination date of his last term.

A vacancy in membership shall occur and be declared by the chief of the bureau of occupational licenses whenever the regular term of a member expires or whenever a member dies, resigns, or is mentally or physically incapable of acting, or neglects or refuses to act, or is removed or otherwise ceases to have the qualifications of a member.

SECTION 5. That Section 54-314, Idaho Code, be, and the same is hereby amended to read as follows:

54-314. FILLING VACANCIES ON BOARD. Prior to the expiration of the regular term of a member of or upon the occurrence or declaration of a vacancy in membership upon the board of architectural examiners, ~~the chief of the bureau of occupational licenses shall in writing notify the officers of the professional society thereof, and request said society, within sixty (60) days thereafter, to recommend three (3) architects with the qualifications for membership for each appointment to be made to said board or for each vacancy. Said recommended architects shall be selected by the officers or members of said society in such manner as shall be determined by the society and shall be certified by the secretary of the society to the governor within such sixty (60) days. The governor shall appoint one (1) of the recommended architects~~ a qualified individual to fill the membership of or vacancy on the board of architectural examiners; ~~provided, however, that if no recommendation be made within the time aforesaid, the governor may appoint any architect qualified for membership and may consider recommendations for appointment from any organization and from any individual residing in this~~

1 state. The governor shall notify the appointee of his appointment and the
 2 appointee shall qualify by filing his acceptance with the governor.

3 SECTION 6. That Section 54-521, Idaho Code, be, and the same is hereby
 4 amended to read as follows:

5 54-521. BOARD OF BARBER EXAMINERS -- POWERS AND DUTIES -- DESIGNATION
 6 OF PERSONS TO REPORT TO BOARD. There is hereby created, and established in
 7 the department of self-governing agencies, the board of barber examiners.
 8 The board may, by written agreement, authorize the bureau of occupational
 9 licenses as agent to act in the board's interest. In addition to the powers
 10 otherwise conferred by this chapter, it shall be the duty of the board:

11 (1) To conduct or approve examinations to ascertain the qualifications
 12 and fitness of applicants for licenses hereunder and to pass upon the quali-
 13 fications of all applicants for licenses.

14 (2) To conduct hearings and proceedings in accordance with the provi-
 15 sions of chapter 52, title 67, Idaho Code, to revoke licenses issued under
 16 this chapter and to revoke such licenses subject to the provisions of this
 17 chapter.

18 (3) To designate what schools of barbering within and without the state
 19 are approved schools, and from time to time, to change such designations and
 20 to keep public records thereof.

21 (4) To prescribe rules in accordance with the provisions of chapter 52,
 22 title 67, Idaho Code, for a fair and wholly impartial method of examination
 23 of applicants for licenses hereunder and, subject to the provisions of chap-
 24 ter 52, title 67, Idaho Code, for conducting hearings for the revocation of
 25 licenses, defining the qualifications of an approved school of barbering and
 26 for the administration of this chapter in general.

27 Excepting the regulation of schools under section 54-507, Idaho Code,
 28 ~~hereof~~, and the issuance of licenses under section 54-511, Idaho Code, none
 29 of the powers and duties specified in subsections (1) through (4) of this
 30 section, shall be exercised by the bureau except on the action of the board
 31 of barber examiners. When vacancies occur on the board, the governor shall
 32 appoint new members who shall serve at the pleasure of the governor, but not
 33 more than a total of three (3) members, each two (2) of whom shall be a reg-
 34 istered barbers, and shall have been a residents of, and lawfully practicing
 35 barbering within the state of Idaho for a period of at least five (5) years
 36 next before ~~his~~ their appointment, and who ~~is~~ are neither directly nor indi-
 37 rectly in any way connected with or interested in the barber supply business
 38 nor in any institution offering instruction in barbering and one (1) of whom
 39 shall be a member of the public with an interest in the rights of consumers of
 40 barber services. In appointing the members of the board the governor shall
 41 give consideration to all nominations. The board and all assistants shall be
 42 compensated as provided by section 59-509(n), Idaho Code.

43 The regular term of office of a member of the board shall begin as of the
 44 first Monday of July of the year in which he is appointed and shall continue
 45 for three (3) years thereafter. A member appointed to fill a vacancy occa-
 46 sioned otherwise than by expiration of a term shall serve the unexpired term
 47 of his predecessor.

48 A vacancy in membership in the board shall occur, and be declared by the
 49 governor, whenever the regular term of a member expires, or whenever a member

1 dies, resigns, or is found by the governor to be mentally or physically inca-
 2 pable of acting, or to be neglecting or refusing to act, or to cease to have
 3 the qualifications of a member, or to have acquired disqualifications of a
 4 member, or to have been absent without reasonable cause from two (2) succes-
 5 sive meetings of the board, or is removed.

6 The board of barber examiners shall select from its members a chairman
 7 and vice chairman who shall serve at the pleasure of the board.

8 The action and report in writing of the board so designated shall be suf-
 9 ficient authority upon which the bureau may act.

10 Whenever the board is satisfied that substantial justice has not been
 11 done, either in examination or in revocation of a license or otherwise, it
 12 may order a reexamination or rehearing of the matter.

13 SECTION 7. That Section 54-604, Idaho Code, be, and the same is hereby
 14 amended to read as follows:

15 54-604. ESTABLISHMENT OF STATE BOARD OF PODIATRY. (1) There is hereby
 16 established in the department of self-governing agencies a state board of
 17 podiatry to be composed of five (5) members to be appointed by the governor
 18 in the manner hereinafter set forth. Four (4) members shall be podiatrists,
 19 duly licensed under the laws of the state of Idaho, and who ~~shall~~ have been
 20 continuously engaged in the practice of podiatry for a period of not less
 21 than five (5) years prior to ~~his~~ their appointment. The fifth member of the
 22 board shall be a layman, ~~a~~ and resident of the state of Idaho for a period of
 23 not less than five (5) years prior to his appointment. All appointments to
 24 the board shall be made for terms of four (4) years, and all board members
 25 shall serve at the pleasure of the governor. Vacancies on the board, occur-
 26 ring for any reason, shall be filled by the governor. The governor in making
 27 appointments shall give consideration to but shall not be bound by the recom-
 28 mendations received from the Idaho podiatric medical association.

29 (2) The board shall select a chairman and a vice chairman annually.
 30 The chairman shall be a podiatrist. The board shall meet at least annually
 31 for the purpose of transacting any business which may lawfully come before
 32 it. The board may meet in special session at the call of the chairman, or at
 33 the call of not less than two-thirds (2/3) of the membership of the board.
 34 The members of the board shall each be compensated as provided by section
 35 59-509(m), Idaho Code.

36 (3) Examinations of applicants may be conducted by the board or by des-
 37 ignated representatives of the board.

38 (4) A quorum will consist of at least three (3) members of the board.
 39 The chairman, or person acting as such, will vote only in the case of a tie.

40 SECTION 8. That Section 54-828, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 54-828. IDAHO BOARD OF COSMETOLOGY -- APPOINTMENT -- TERM. There is
 43 hereby created in the department of self-governing agencies a board to be
 44 known as the "Idaho Board of Cosmetology." It shall consist of three (3) reg-
 45 istered cosmetologists, one (1) from the northern section of the state, one
 46 (1) from the south central section of the state, and one (1) from the south-
 47 eastern section of the state, one (1) electrologist/esthetician ~~and~~, one (1)

1 currently active cosmetology school representative, and one (1) member of
 2 the public with an interest in the rights of the consumers of cosmetology
 3 services, all appointed by the governor from among ~~nominees~~ persons recom-
 4 mended by any organized and generally recognized group of cosmetologists in
 5 this state and from any individual residing in this state. The members of
 6 the board shall be appointed for terms of three (3) years and shall serve at
 7 the pleasure of the governor. On the expiration of the term of any member,
 8 his successor shall be appointed in like manner by the governor for a term of
 9 three (3) years. Vacancies shall be filled in like manner for the unexpired
 10 portion of the term. Members of the board shall hold office until their suc-
 11 cessors have been appointed and have qualified. The board may, by written
 12 agreement, authorize the bureau of occupational licenses as agent to act in
 13 its interest.

14 The action and report in writing of a majority of the board with ref-
 15 erence to the violation of any of the provisions of this chapter shall be
 16 the basis for the board to proceed according to the provisions of sections
 17 54-816, 54-817, and 54-821, Idaho Code.

18 SECTION 9. That Section 54-829, Idaho Code, be, and the same is hereby
 19 amended to read as follows:

20 54-829. BOARD -- QUALIFICATIONS OF MEMBERS. Members of the board shall
 21 be at least twenty-five (25) years of age and residents of this state for
 22 at least five (5) years prior to their appointment, ~~and they.~~ Members who
 23 are licensed under the provisions of this chapter shall have been engaged in
 24 the practice of cosmetology for at least three (3) years immediately preced-
 25 ing their appointment, ~~and shall be licensed cosmetologists under the pro-~~
 26 ~~vision of this chapter.~~ No member of the board shall be affiliated with a
 27 company selling cosmetic supplies while in office, and no two (2) members of
 28 the board can be graduates of the same school of cosmetology except that the
 29 qualifications for the cosmetology school representative and the electrolo-
 30 gists shall be established by board rules.

31 SECTION 10. That Section 54-907, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 54-907. STATE BOARD OF DENTISTRY ESTABLISHED. There is hereby estab-
 34 lished in the department of self-governing agencies a state board of den-
 35 tistry to be composed of eight (8) members, five (5) of whom shall be den-
 36 tists, two (2) of whom shall be dental hygienists, and one (1) of whom shall
 37 be a ~~consumer person familiar with health care occupations~~ member of the pub-
 38 lic with an interest in the rights of consumers of dental services. Board
 39 members shall be appointed by the governor and shall serve at the pleasure of
 40 the governor. Upon appointment by the governor, the term of office of a mem-
 41 ber of the board shall commence on the first Monday of February following his
 42 appointment and shall continue for five (5) years, or until his successor has
 43 been named, whichever is later. A vacancy in membership of the board shall
 44 occur whenever the regular term of a member expires or when a member dies, re-
 45 signs or is removed from office by the governor. Appointments to fill a va-
 46 cancy occurring for some reason other than expiration of term of office shall
 47 be made for the unexpired term which is being filled. ~~The governor may remove~~

1 ~~any member of the board from membership on the board who is found by the gov-~~
 2 ~~ernor to be mentally or physically incapable of acting, or to be neglecting~~
 3 ~~or refusing to act, or who ceases to have the qualifications of a member or~~
 4 ~~who has failed to attend, without reasonable cause, two (2) successive meet-~~
 5 ~~ings of the board.~~

6 SECTION 11. That Section 54-908, Idaho Code, be, and the same is hereby
 7 amended to read as follows:

8 54-908. STATE BOARD OF DENTISTRY -- ~~NOTICE OF VACANCY~~ VACANCIES --
 9 NOMINEES. (1) ~~Prior to the expiration of the regular term of a dentist member~~
 10 ~~of the board or upon the occurrence or declaration of a vacancy in the dentist~~
 11 ~~membership of the board, tThe governor shall notify may consider recommenda-~~
 12 ~~tions for appointment to the board from the Idaho state dental association~~
 13 ~~of that fact in writing and the association shall, within sixty (60) days~~
 14 ~~thereafter, nominate three (3) persons licensed to practice dentistry to~~
 15 ~~fill the vacancy and shall forward the nominations to the governor, who shall~~
 16 ~~appoint from among the nominees, a person to be a member of the board to fill~~
 17 ~~the vacancy. The nominees shall be selected in a manner as shall be deter-~~
 18 ~~mined by the rules and regulations of the association and from any individual~~
 19 ~~residing in this state. For the purposes of nominations and appointments,~~
 20 ~~the state shall be divided by the association into four (4) components and~~
 21 ~~nominations and appointments to the board shall be made in such a manner that~~
 22 ~~each component shall be represented on the board by one (1) dentist member.~~
 23 ~~The fifth dentist member of the board shall be a member at large who may~~
 24 ~~reside in any of the four (4) components. If the association shall fail to~~
 25 ~~furnish to the governor the names of nominees to fill vacancies within the~~
 26 ~~time provided, the governor may appoint any dentist qualified for membership~~
 27 ~~to fill the vacancy. If the vacancy is in the term of a member from one of the~~
 28 ~~four (4) components, the appointee shall reside within the component.~~

29 (2) ~~Prior to the expiration of the regular term of a dental hygienist~~
 30 ~~member of the board or upon the occurrence or declaration of a vacancy in~~
 31 ~~the dental hygienist membership of the board, tThe governor shall notify may~~
 32 ~~also consider recommendations for appointment to the board from the Idaho~~
 33 ~~dental hygienists' association of that fact in writing and the association~~
 34 ~~shall within sixty (60) days thereafter, nominate three (3) persons licensed~~
 35 ~~to practice dental hygiene to fill the vacancy and shall forward the nomi-~~
 36 ~~nations to the governor, who shall appoint one (1) of the nominees to be a~~
 37 ~~member of the board. The nominees shall be selected in a manner as shall be~~
 38 ~~determined by the rules and regulations of the dental hygienists' associ-~~
 39 ~~ation and from any individual residing in this state. For the purposes of~~
 40 ~~nominations and appointments, the state shall be divided by the Idaho den-~~
 41 ~~tal hygienists' association into two (2) components and nominations and ap-~~
 42 ~~pointments to the board shall be made in such a manner that each component~~
 43 ~~shall be represented on the board by one (1) dental hygienist member. If the~~
 44 ~~dental hygienists' association fails to furnish the names of nominees within~~
 45 ~~the time provided, the governor may appoint any qualified dental hygienist~~
 46 ~~to fill the vacancy. If the vacancy is in the term of a member from one (1) of~~
 47 ~~the two (2) components, the appointee shall reside within the component.~~

48 (3) ~~The governor shall appoint any qualified person as a consumer mem-~~
 49 ~~ber to the board, prior to the first Monday of February in the year the term~~

~~of office of the consumer member shall expire or upon the vacancy of office of the consumer member.~~

SECTION 12. That Section 54-1006, Idaho Code, be, and the same is hereby amended to read as follows:

54-1006. IDAHO ELECTRICAL BOARD. (1) The Idaho electrical board, hereinafter known as the board, is hereby created and made a part of the division of building safety. It shall be the responsibility and duty of the administrator of the division of building safety to administer and enforce the provisions of this act, and to serve as secretary to the Idaho electrical board.

(2) The board shall consist of nine (9) members to be appointed by the governor ~~with power of removal for cause and who shall serve at the pleasure of the governor.~~ Two (2) members shall be licensed journeymen or master electricians; two (2) members shall be employees or officers of licensed electrical contractors; one (1) member shall be a licensed specialty journeyman or contractor; one (1) member shall be an employee or officer of an electrical power provider; one (1) member shall be an employee or officer of a manufacturing plant or other large power user; one (1) member shall be an employee or director of a manufacturer or distributor of electrical supplies or materials; and one (1) member shall be from the public at large not directly associated with the electrical industry. Board members shall be appointed for a term of four (4) years. Members of the board shall hold office until expiration of the term to which the member was appointed and until his successor has been duly appointed and qualified. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(3) All members of the board shall be citizens of the United States, residents of this state for not less than two (2) years and shall be qualified by experience, knowledge and integrity in formulating rules for examinations, in passing on the fitness and qualifications of applicants for electrical contractor and journeyman electrician licenses and in establishing standards for electrical products to be used in electrical installations coming under the provisions of this act.

(4) The members of the board shall, ~~at their first regular meeting following the effective date of this act and~~ every two (2) years thereafter, elect by majority vote of the members of the board, a chairman who shall preside at meetings of the board and a vice chairman who shall preside at any board meeting in the event the chairman is not present. A majority of the members of the board shall constitute a quorum.

(5) The board is authorized and directed to prescribe and amend rules consistent with this act for the administration of this chapter and to effectuate the purpose thereof, and for the examination and licensing of electrical contractors, journeyman electricians, master electricians, specialty electricians, specialty electrical contractors, specialty electrical trainees and apprentice electricians. The board shall also establish the classifications for specialty electrician and specialty electrical contractor licensing and the fees to be charged for permits and inspections of electrical systems. The board shall establish by administrative rule the fines to be paid for citations issued and shall hear appeals regarding the

1 imposition of civil penalties for violations of this chapter and the rules
 2 of the Idaho electrical board. The board is authorized to affirm, reject,
 3 decrease or increase the penalty imposed by the administrator. However,
 4 in no case shall the penalty exceed one thousand dollars (\$1,000) for each
 5 offense.

6 (6) Each member of the board not otherwise compensated by public moneys
 7 shall be compensated as provided by section 59-509(n), Idaho Code.

8 SECTION 13. That Section 54-1105, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 54-1105. BOARD OF MORTICIANS. There is hereby established in the de-
 11 partment of self-governing agencies a state board of morticians to be com-
 12 posed of three (3) members who shall be appointed by the governor and who
 13 shall serve at the pleasure of the governor in the manner hereinafter set
 14 forth. Each Two (2) members of the board shall be a duly licensed morticians
 15 under the laws of the state of Idaho and a resident of the state of Idaho for
 16 a period of at least five (5) years next preceding his appointment, during
 17 which time he shall have been continuously engaged in the practice as a mor-
 18 tician as defined in this chapter. One (1) member of the board shall be a
 19 member of the public with an interest in the rights of the consumers of mor-
 20 tuary services. No person shall be eligible for appointment to the board of
 21 morticians who is financially interested, directly or indirectly, in any em-
 22 balming college, wholesale funeral supply business, or casket manufacturing
 23 business.

24 The governor ~~shall appoint the~~ may consider recommendations for members
 25 of the board from a list of qualified morticians of triple the number of per-
 26 sons to be appointed, who shall be proposed and submitted to him by the Idaho
 27 funeral service association, or other statewide organization or association
 28 of licensed morticians whose membership is composed of a majority of all li-
 29 censed morticians of the state or from any individual residing in this state.

30 All members of the board of morticians shall be appointed to serve for a
 31 term of three (3) years, to expire on May 1 of the year of termination of their
 32 term, and until their successors have been appointed and qualified; provided
 33 however, the governor is hereby granted the power to alter the term of office
 34 of the members of the board first appointed hereunder so that the term of of-
 35 fice of not more than one (1) member of the board shall terminate in any one
 36 (1) year. In case of a vacancy occurring on said board of morticians ~~by rea-~~
 37 ~~son of the death of any member, or his resignation, incapacity, neglect or~~
 38 ~~refusal to act, or in any other way,~~ the governor shall appoint a qualified
 39 member for the remainder of the unexpired term of the vacant office ~~from a~~
 40 ~~list of duly qualified morticians prepared and submitted in the manner pre-~~
 41 ~~scribed herein for the initial appointment of members to the board. Any mem-~~
 42 ~~ber of the board of morticians who willfully fails to properly discharge his~~
 43 ~~duties may be removed by the governor.~~

44 The board shall meet, not less than annually, to elect a chairman, vice
 45 chairman and secretary and take official board action on pending matters by
 46 majority vote of all the members of the board of morticians, and in doing so
 47 a majority of the members of said board shall at all times constitute a quo-
 48 rum. Notice of any meeting shall be given by the chairman to all members of

1 the board at least ten (10) days in advance of each meeting unless such notice
2 is waived in writing by all of the members of the board.

3 Each member of the board of morticians shall be compensated as provided
4 by section 59-509(m), Idaho Code.

5 SECTION 14. That Section 54-1203, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 54-1203. IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PRO-
8 FESSIOAL LAND SURVEYORS. A board to be known as the "Idaho board of licen-
9 sure of professional engineers and professional land surveyors" is a divi-
10 sion of the Idaho department of self-governing agencies and shall adminis-
11 ter the provisions of this chapter. It shall consist of seven (7) persons
12 ~~duly licensed as provided by this chapter,~~ appointed by the governor who may
13 consider recommendations for appointment to the board from among nominees
14 ~~recommended by~~ any organized and generally recognized state engineering so-
15 ciety in this state ~~for the professional engineer members or,~~ any organized
16 and generally recognized state land surveying society in this state ~~for the~~
17 ~~professional land surveyor members~~ and from any individual residing in this
18 state. The board shall be comprised of ~~five~~ four (54) persons licensed as
19 professional engineers ~~and,~~ two (2) persons licensed as professional land
20 surveyors ~~and one (1) person who shall be a member of the general public with~~
21 an interest in the rights of consumers of engineering and land surveying ser-
22 vices. The members of the board shall have the qualifications required by
23 section 54-1204, Idaho Code. ~~The members of the present board shall continue~~
24 ~~to serve for the balance of their respective terms of appointment.~~ Each mem-
25 ber of the board shall take, subscribe and file the oath required by chap-
26 ter 4, title 59, Idaho Code, before entering upon the duties of the office.
27 On the expiration of the term of any member, a successor shall be appointed
28 in like manner by the governor for a term of five (5) years. Any appoint-
29 ment to complete a term that has not expired, because of resignation, removal
30 or inability of a member to serve for any reason, shall be for the unexpired
31 portion of the term. A member of the board shall hold office until the ex-
32 piration of the term for which he was appointed and until his successor has
33 been appointed and qualified. A member, after serving two (2) consecutive
34 full terms in addition to any unexpired portion of a term, shall not be reap-
35 pointed for a period of two (2) years. The board, on its own initiative, may
36 appoint any former member as an emeritus member for special assignment to as-
37 sist the board in the administration of this chapter.

38 SECTION 15. That Section 54-1204, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 54-1204. QUALIFICATION OF MEMBERS OF BOARD. Members of the board shall
41 be citizens of the United States and residents of this state; and except for
42 the public member, they shall have been engaged for at least twelve (12)
43 years in the practice of engineering for the professional engineer members
44 or land surveying for the professional land surveyor members, shall have
45 been in responsible charge for at least five (5) years of important pro-
46 fessional engineering or professional land surveying work, and shall be
47 licensed under the provisions of this chapter. Responsible charge of engi-

neering or land surveying teaching may be construed as responsible charge of important professional engineering or professional land surveying work.

SECTION 16. That Section 54-1206, Idaho Code, be, and the same is hereby amended to read as follows:

54-1206. REMOVAL OF BOARD MEMBERS AND FILLING VACANCIES. ~~The Board members shall serve at the pleasure of the governor may remove any member of the board for misconduct, incompetency, neglect of duty, or for any reason prescribed in the Idaho Code for removal of state officials.~~ Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor as provided in section 54-1203, Idaho Code.

SECTION 17. That Section 54-1403, Idaho Code, be, and the same is hereby amended to read as follows:

54-1403. BOARD OF NURSING. (1) Appointment, Removal and Term of Office. There is hereby created within the department of self-governing agencies the board of nursing for the state of Idaho composed of nine (9) members appointed by the governor. Membership of the board shall consist of the following:

- (a) Five (5) persons licensed to practice registered nursing in Idaho, of whom three (3) shall be educated at the associate degree level provided that one (1) of these may be a diploma nurse, and two (2) of whom shall be educated at the baccalaureate, master's or doctoral level;
- (b) Two (2) persons licensed to practice practical nursing in Idaho;
- (c) One (1) person licensed as an advanced practice registered nurse; and
- (d) One (1) person who is a lay person to health care occupations.

In making appointments to the board, consideration shall be given to the board's responsibility in areas of education and practice. Persons may be reappointed to the board so long as they meet the qualifications of the position to which they were originally appointed. In the event that a member has attained an additional degree of education, they may not be reappointed to represent the board position designated for another specific degree of education. Members of the board shall hold office until expiration of the term to which the member was appointed and until his successor has been duly appointed and qualified. Upon expiration of any term or creation of any vacancy, the board shall notify the governor thereof, who then shall make such appointment or fill such vacancy within sixty (60) days. Appointments shall be for terms of four (4) years except appointments to vacancies which shall be for the unexpired term being filled. No member shall be appointed for more than three (3) consecutive terms. ~~The All board members shall serve at the pleasure of the governor may remove any member from the board for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.~~

(2) Qualifications of Members. No person is qualified for appointment hereunder unless that person is a citizen of the United States and a resident of the state of Idaho. Members required to be licensed hereunder shall not be qualified for appointment to the board unless actively engaged in some field of nursing in Idaho at the time of appointment. No person is qualified for

1 appointment as the lay member of the board if the person or his spouse is li-
 2 censed in any health occupation; is an employee, officer or agent of or has
 3 any financial interest in any health care facility, institution, or associ-
 4 ation or any insurance company authorized to underwrite health care insur-
 5 ance; or is engaged in the governance and administration of any health care
 6 facility, institution or association.

7 (3) Conduct of Business. The board shall meet at such times as required
 8 to conduct the business of the board and shall annually elect from its mem-
 9 bers a chairman, vice chairman and such other officers as may be desirable.
 10 Five (5) members shall constitute a quorum and the vote of a majority of mem-
 11 bers present at a meeting wherein a quorum is present shall determine the ac-
 12 tion of the board. Each member of the board shall be compensated as provided
 13 by section 59-509(h), Idaho Code.

14 SECTION 18. That Section 54-1503, Idaho Code, be, and the same is hereby
 15 amended to read as follows:

16 54-1503. STATE BOARD OF OPTOMETRY ESTABLISHED -- QUALIFICATIONS. (1)
 17 There is hereby established in the department of self-governing agencies a
 18 state board of optometry composed of five (5) members who shall be appointed
 19 by the governor. The governor may consider recommendations for appointment
 20 to the board from any optometric association or any individual residing in
 21 this state. Members will serve staggered terms of five (5) years each after
 22 the effective date of this act unless otherwise provided in this chapter. A
 23 vacancy in membership on the board shall occur when the regular term of a mem-
 24 ber expires or when a member dies, resigns or is removed from office by the
 25 governor. Appointments to fill a vacancy because of the expiration of a reg-
 26 ular term shall be filled by the governor by appointment of a member for a
 27 five (5) year term. Appointments to fill a vacancy occurring for some reason
 28 other than expiration of a term of office shall be made for the unexpired term
 29 which is being filled. The members of the board shall serve at the pleasure
 30 of the governor.

31 (2) ~~Each Four (4) members~~ of the state board of optometry shall be a li-
 32 censed optometrists in the state of Idaho and shall ~~have been a~~ be residents
 33 of and lawfully practicing optometry within the state of Idaho for a period
 34 of not less than five (5) years immediately preceding ~~his~~ their appointment.
 35 One (1) member shall be a member of the public with an interest in the rights
 36 of consumers of optometric services.

37 SECTION 19. That Section 54-1603, Idaho Code, be, and the same is hereby
 38 amended to read as follows:

39 54-1603. BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS. (1) There
 40 is hereby created in the department of self-governing agencies a board of ex-
 41 aminers of nursing home administrators, which board shall consist of five
 42 (5) members, and composed of two (2) public or private nursing home admin-
 43 istrators, duly licensed and registered under this act, and three (3) other
 44 members as hereinafter described, except that such members of the initial
 45 board shall be required only to possess the qualifications and be eligible
 46 for licensure as required under this act, one (1) member shall be selected
 47 from any other profession, agency, or institution concerned with the care of

1 chronically ill and infirm patients; one (1) licensed nurse from the nursing
 2 profession; and one (1) member representative of the public at large; but no
 3 more than two (2) of the members of the board shall be officials or full-time
 4 employees of state or local governments, except that they may be administra-
 5 tors of publicly owned nursing homes. All members of the board shall be citi-
 6 zens of the United States or shall have declared their intent to become citi-
 7 zens of the United States and shall be residents of this state.

8 ~~(2) One (1) member of the initial board shall be appointed for a one (1)-~~
 9 ~~year term of office, two (2) members of the initial board shall be appointed~~
 10 ~~for a two (2) year term of office, and two (2) members of the initial board~~
 11 ~~shall be appointed for a three (3) year term of office. Thereafter, t~~The term
 12 ~~of office for each member of the board shall be three (3) years.~~

13 (3) (a) Appointments to the board shall be made by the governor ~~after~~
 14 ~~consultation with the executive board of,~~ who may consider recommenda-
 15 tions for appointment to the board from any organized and generally rec-
 16 ognized group concerned with nursing home administration and from any
 17 individual residing in this state. Each member of the board shall hold
 18 office until his successor is duly appointed and qualified. ~~Dismissals~~
 19 ~~Board members shall be by~~ serve at the pleasure of the governor, for rea-
 20 ~~sonable cause.~~

21 (b) ~~The two (2) nursing home administrators who are members must be ap-~~
 22 ~~pointed from a list of three (3) submitted by any organized and gener-~~
 23 ~~ally recognized group concerned with nursing home administration.~~

24 ~~(c)~~ Members of the board shall be compensated as provided by section
 25 59-509(1), Idaho Code.

26 (4) The board shall elect annually from its membership a chairman and
 27 vice chairman. The board shall hold two (2) or more meetings each year. A
 28 majority of the board membership shall constitute a quorum.

29 (5) The board shall exercise its powers and perform its duties and func-
 30 tions specified by this act.

31 (6) The board may appoint an executive secretary. He shall be the exec-
 32 utive officer to the board but shall not be a member of the board. He shall
 33 have such powers and shall perform such duties as are prescribed by law and
 34 the rules of the board. A clerk and sufficient deputy clerks to adequately
 35 assist the board and the executive secretary in the keeping of the records
 36 and in the performance of their duties may be appointed by the board. All
 37 employees of the board shall be appointed, and serve in accordance with the
 38 provisions of law.

39 (7) The board may, by written agreement, authorize the bureau of occu-
 40 pational licenses as agent to act in its interest.

41 SECTION 20. That Section 54-1709, Idaho Code, be, and the same is hereby
 42 amended to read as follows:

43 54-1709. APPOINTMENT OF BOARD MEMBERS -- NOTICE OF VACANCY -- NOMI-
 44 NEES. Prior to the expiration of the regular term of a member of the board
 45 or upon the occurrence of declaration of a vacancy in the membership of the
 46 board, the governor shall ~~notify in writing the Idaho State Pharmacy Asso-~~
 47 ~~ciation, Inc. thereof, and the association shall, within thirty (30) days~~
 48 ~~thereafter, nominate three (3) qualified persons to fill such vacancy and~~
 49 ~~shall forthwith forward the nominations to the governor, who may thereupon~~

~~appoint from such nominees, the person to be a member of the board to fill such vacancy. If the association shall fail to furnish to the governor the names of nominees to fill a vacancy within the time herein provided, the governor may appoint any a qualified person otherwise qualified to fill said the vacancy. The governor may consider recommendations for appointment to the board from the Idaho state pharmacy association and from any individual residing in this state.~~

SECTION 21. That Section 54-1712, Idaho Code, be, and the same is hereby amended to read as follows:

54-1712. REMOVAL OF BOARD MEMBERS. ~~The governor may remove any member of the All board from membership on the board who is found by members shall serve at the pleasure of the governor to be mentally or physically incapable of acting, or to be neglecting or refusing to act, or who ceases to have the qualifications of a member as provided in this act.~~

SECTION 22. That Section 54-1805, Idaho Code, be, and the same is hereby amended to read as follows:

54-1805. THE STATE BOARD OF MEDICINE ESTABLISHED. (1) There is hereby established in the department of self-governing agencies a state board of medicine to be composed of ten (10) members. The membership of the state board of medicine as it exists on the effective date of this act is hereby confirmed as members of the board for the terms to which they were originally appointed.

(2) (a) The board shall consist of ten (10) members. The director of the Idaho state police or the director's designated agent shall be a member of the board. Seven (7) members shall be physicians who are residents of this state and engaged in the active practice of medicine in this state, and two (2) members shall be public members.

(b) All physician appointments to the board shall be for six (6) year terms. The physician members shall consist of six (6) members who are licensed to practice medicine and surgery in this state and one (1) member who is licensed to practice osteopathic medicine or osteopathic medicine and surgery in this state. Whenever a term of a member of the board who is licensed to practice medicine and surgery expires or becomes vacant, the Idaho medical association shall ~~nominate~~ recommend three (3) persons licensed to practice medicine and surgery for each such vacancy, and forward such ~~nominations~~ recommendations to the governor who shall ~~appoint from among such nominees, one (1) person to be a member of the board to fill such vacancy~~ consider them for appointment, as well as recommendations from any individual residing in this state. Whenever a term of the member of the board who is licensed to practice osteopathic medicine or osteopathic medicine and surgery expires or becomes vacant, the Idaho osteopathic association shall ~~nominate~~ recommend three (3) persons licensed to practice osteopathic medicine or osteopathic medicine and surgery for such vacancy, and shall forward ~~the nominations~~ their names to the governor who shall ~~appoint from among such nominees one (1) person to be a member of the board to fill such~~

1 ~~vacancy~~ consider them for appointment, as well as recommendations from
 2 any individual residing in this state.

3 (c) All public members shall be appointed by the governor for three (3)
 4 year terms. Public members must reside in the state and be persons of
 5 integrity and good reputation who have lived in this state for at least
 6 five (5) years immediately preceding their appointment, who have never
 7 been authorized to practice a healing art, and who have never had a sub-
 8 stantial personal, business, professional, or pecuniary connection
 9 with a healing art or with a medical education or health care facility,
 10 except as patients or potential patients.

11 (3) Appointments to fill vacancies occurring from some other reason
 12 than expiration of a term for which a member was appointed, shall be made in
 13 the same manner as hereinabove set forth for the unexpired term. The All
 14 board members shall serve at the pleasure of the governor ~~may remove any~~
 15 ~~member of the board from the membership of the board, who is guilty of malfea-~~
 16 ~~sance, misfeasance or nonfeasance.~~

17 (4) The board shall elect a chairman from its membership. The members
 18 of the board except for state employees shall be compensated as provided by
 19 section 59-509(n), Idaho Code. Five (5) members of the board shall consti-
 20 tute a quorum, and the board may act by virtue of a majority vote of members
 21 present at a meeting.

22 SECTION 23. That Section 54-1905, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 54-1905. PUBLIC WORKS CONTRACTORS LICENSE BOARD CREATED -- QUALIFI-
 25 CATIONS OF APPOINTEES -- TERM -- REMOVALS. There is hereby created and made
 26 part of the division of building safety in the department of self-governing
 27 agencies a public works contractors license board. It shall be the respon-
 28 sibility and duty of the administrator of the division of building safety
 29 to administer and enforce the provisions of this chapter, and to serve as
 30 secretary to the board. The board shall be composed of ~~seven~~ eight (78)
 31 members, who shall be appointed by the governor. One (1) member of the board
 32 shall be a person whose primary business is that of a "heavy construction"
 33 contractor, one (1) member shall be a person whose primary business is that
 34 of a "highway construction" contractor, one (1) member shall be a person
 35 whose primary business is that of a "building construction" contractor, one
 36 (1) member shall be a person whose primary business is that of a "specialty
 37 construction" contractor, as such construction terms are defined in this
 38 chapter, one (1) member shall be a subcontractor with a license no higher
 39 than a class "A-," one (1) member shall be a "construction manager," ~~and~~ one
 40 (1) member shall be a registered professional engineer, and one (1) member
 41 shall be a member of the general public with an interest in the rights of con-
 42 sumers of public works contracting services. All contractor members of the
 43 board shall be contractors holding a current unrevoked license at the time
 44 of their appointment, actively engaged in the contracting business and have
 45 been so engaged for a period of not less than five (5) years preceding the
 46 date of their appointment, and who shall so continue in the contracting busi-
 47 ness during their term of office. Each member of the board next preceding his
 48 appointment shall have been a citizen and resident of the state of Idaho for
 49 at least five (5) years. The governor shall appoint a member to said board

1 for a term of three (3) years, ~~and~~ no member shall be appointed to more than
 2 two (2) consecutive terms. All members shall serve at the pleasure of the
 3 governor. Each member shall hold office after the expiration of their own
 4 term until their successor has been duly appointed and qualified. Vacancies
 5 on the board for any cause shall be filled by appointment by the governor
 6 for the balance of the unexpired term. ~~The governor may remove any member~~
 7 ~~of the board for misconduct, incompetence or neglect of duty.~~ Each member
 8 of the board shall receive a certificate of appointment from the governor,
 9 and before entering upon the discharge of their duties, shall file with the
 10 secretary of state the constitutional oath of office.

11 SECTION 24. That Section 54-2005, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 54-2005. THE IDAHO REAL ESTATE COMMISSION. There is hereby created in
 14 the department of self-governing agencies the Idaho real estate commission,
 15 for the purpose of administering this chapter. The commission shall consist
 16 of ~~four~~ five (45) members who shall be appointed by the governor and who shall
 17 serve at the pleasure of the governor. Members who are licensed under this
 18 chapter shall be appointed as follows: one (1) from the northern district
 19 consisting of Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Bound-
 20 ary, Shoshone, Kootenai and Bonner counties; one (1) from the southeastern
 21 district consisting of Lemhi, Butte, Clark, Fremont, Jefferson, Madison,
 22 Teton, Bonneville, Bingham, Caribou, Bear Lake, Franklin, Oneida, Power
 23 and Bannock counties; one (1) from the southwestern district consisting of
 24 Owyhee, Elmore, Ada, Canyon, Boise, Gem, Payette, Washington, Adams and
 25 Valley counties; and one (1) from the south central district consisting of
 26 Blaine, Camas, Cassia, Custer, Gooding, Jerome, Lincoln, Minidoka and Twin
 27 Falls counties.

28 SECTION 25. That Section 54-2006, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 54-2006. QUALIFICATIONS OF COMMISSIONERS, TERM AND ORGANIZATION. (1)
 31 ~~Each~~ Four (4) members of the commission shall be ~~an~~ actively licensed Idaho
 32 designated real estate brokers or associate brokers ~~who has~~ have had at least
 33 five (5) years active license experience as a designated broker or associate
 34 broker in the real estate business in Idaho. One (1) member shall be a member
 35 of the public from the state at large with an interest in the rights of con-
 36 sumers of real estate services.

37 (2) Each regular appointment, other than an appointment to fill an un-
 38 expired term, shall commence on July 1 of the year of appointment and be for a
 39 term of four (4) years. Each commissioner shall hold office until a quali-
 40 fied successor is appointed. Upon the death, resignation or removal of any
 41 member of the commission, the governor shall appoint a qualified ~~licensed~~
 42 ~~real estate broker or associate broker person~~ to fill out the unexpired term.
 43 ~~The governor may remove any member from the commission for neglect of duty~~
 44 ~~required by law, for incompetency, or for unprofessional or dishonorable~~
 45 ~~conduct.~~

46 Each year, within thirty (30) days after the appointment of the members
 47 of the commission, the commission shall call a meeting and elect a chair, a

1 vice chair, and a commissioner to serve on the Idaho real estate education
 2 council. Thereafter, the chair may call meetings of the commission whenever
 3 he or she deems it advisable, but if the chair refuses to call a meeting upon
 4 written demand of the other three (3) members of the commission, then such
 5 members may call the meeting.

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

11 SECTION 26. That Section 54-2105, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

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

25 Whenever the occasion arises for an appointment of a veterinary member
 26 under this section, the ~~state veterinary medical association or one (1)~~
 27 ~~of the regional veterinary medical associations may nominate three (3) or~~
 28 ~~more qualified persons and forward the nominations to the governor at least~~
 29 ~~thirty (30) days before the date set for the appointment. The governor shall~~
 30 ~~appoint one (1) of the persons so nominated may consider recommendations for~~
 31 appointment to the board from the state veterinary medical association, one
 32 (1) of the regional veterinary medical associations, and from any individual
 33 residing in this state. Vacancies due to death, resignation or removal shall
 34 be filled for the remainder of the unexpired term in the same manner as regu-
 35 lar appointments. No person shall serve two (2) consecutive terms, except
 36 in the case of a person appointed for less than a full term. Each of the five
 37 (5) veterinarians shall be qualified to serve as a member of the board if a
 38 graduate of an accredited or approved school of veterinary medicine or, if
 39 a graduate of a nonaccredited or nonapproved school, a letter from the ed-
 40 ucational commission for foreign veterinary graduates (ECFVG) certifying
 41 completion of the ECFVG program or a copy of their ECFVG certificate, or
 42 verification of successful completion of any educational equivalency pro-
 43 gram established for the purpose of evaluating an individual's educational
 44 knowledge and clinical skills as they relate to the practice of veterinary
 45 medicine, as approved and outlined by the rules of the board. In addition
 46 to verification of graduation from an accredited or nonaccredited school of
 47 veterinary medicine, each of the five (5) veterinary members shall be a resi-
 48 dent of this state, and have been licensed to practice veterinary medicine in
 49 this state for the five (5) years immediately preceding the time of appoint-

1 ment. The public member shall be at least twenty-one (21) years of age and a
 2 resident of this state for five (5) years immediately preceding appointment.
 3 No person may serve on the board who is, or was, during the two (2) years
 4 preceding appointment, a member of the faculty or trustees of an accredited
 5 school of veterinary medicine.

6 (2) Each member of the board and certified euthanasia task force shall
 7 be compensated as provided by section 59-509(n), Idaho Code.

8 (3) Any member of the board may be removed by the governor at his discre-
 9 tion.

10 (4) The board shall meet at least once each year at the time and place
 11 fixed by rule of the board. Other necessary meetings may be called by the
 12 president of the board by giving notice as may be required by state statute or
 13 rule. Except as may otherwise be provided, a majority of the board consti-
 14 tutes a quorum. Meetings shall be open and public except as otherwise pro-
 15 vided by the open meeting law, chapter 23, title ~~67~~ 74, Idaho Code.

16 (5) The board member serving the fourth year of appointment shall be the
 17 president of the board and shall serve as chairman at the board meetings.

18 (6) The veterinary board member serving the fifth year of appointment
 19 shall be the liaison officer of the board and shall render advice, review and
 20 mediate complaints, and perform other tasks assigned by the board.

21 (7) All revenues received under this chapter shall be paid to the state
 22 board of veterinary medicine account created in section 54-2121, Idaho Code,
 23 and shall be subject to and administered in accordance with the provisions of
 24 this chapter.

25 (8) The responsibility for enforcement of the provisions of this chap-
 26 ter is hereby vested in the board. The board shall have all of the duties,
 27 powers and authority specifically granted by or necessary for the enforce-
 28 ment of this chapter and the rules made pursuant thereto, as well as such
 29 other duties, powers and authority as it may be granted from time to time by
 30 applicable law. The powers vested in the board shall include, but are not
 31 limited to:

32 (a) Establish qualifications and prescribe the application format for
 33 issuance or renewal of a license to practice as a veterinarian and cer-
 34 tification to practice as a veterinary technician, euthanasia agency
 35 or euthanasia technician, review each application for compliance with
 36 the licensure and certification requirements, issue, renew or deny li-
 37 censes and certifications. Upon a showing of good cause by a licensee
 38 or certificate holder to the board, the board may grant an extension of
 39 time for submission of the required application or renewal documenta-
 40 tion, including the required number of continuing education hours, as
 41 set forth by this chapter or the rules of the board.

42 (b) Examine and determine the qualifications and fitness of applicants
 43 for a license to practice veterinary medicine, or certification to
 44 practice veterinary technology or as a euthanasia technician or operate
 45 as a certified euthanasia agency in the state.

46 (c) Issue, renew, reinstate, deny, suspend, sanction, reprimand, re-
 47 strict, limit, place on probation, require voluntary surrender of,
 48 or revoke any licenses, certifications or temporary permits or certi-
 49 fications to practice veterinary medicine, veterinary technology or
 50 euthanize animals in the state, and may fine and impose other forms of

discipline, and enter into consent agreements and negotiated settlements with licensed veterinarians, certified veterinary technicians, certified euthanasia technicians and certified euthanasia agencies consistent with the provisions of this chapter and the rules adopted hereunder. Whenever it appears that grounds for discipline exist under this chapter and the board finds that there is an immediate danger to the public health, safety or welfare, the board is authorized to commence emergency proceedings for revocation or other action. Such proceedings shall be promptly instituted and processed under the applicable provisions of chapter 52, title 67, Idaho Code.

(d) Establish a schedule of fees for licensing, certifying and registering veterinarians, veterinary technicians, euthanasia agencies and euthanasia technicians, as well as for the review, approval and administration of national licensing and certification examinations.

(e) In addition to the fees specifically provided for herein, the board may assess additional reasonable fees for services rendered to carry out its duties and responsibilities as required or authorized by this chapter or rules adopted hereunder. Such services rendered shall include, but not be limited to, the following:

- (i) Issuance of duplicate licenses or certificates;
- (ii) Mailing lists or reports of data maintained by the board;
- (iii) Copies of any documents;
- (iv) Verification of license or certification status;
- (v) Examination review, approval and administration; and
- (vi) Examination materials.

(f) Upon its own motion or upon any complaint, to initiate and conduct investigations on all matters relating to the practice of veterinary medicine or veterinary technology or the euthanizing of animals. Complaints not filed within one (1) year after the alleged unlawful conduct occurs will not be investigated. If the alleged unlawful conduct is of a continuing nature, the date of the occurrence of such conduct shall be deemed to be any date subsequent to the commencement of the unlawful conduct up to and including the date on which the complaint is filed so long as the alleged unlawful conduct continues.

(g) Initiate and conduct disciplinary hearings or proceedings on its own or through its designated hearing officer, provided such hearings and proceedings shall be held in conformance with the provisions of chapter 52, title 67, Idaho Code, and in connection thereto, to administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and may commission depositions. The board may designate one (1) or more of its members or a person appointed by the state board of veterinary medicine to serve as its hearing officer.

(h) Employ an executive director who shall be responsible for the performance of the administrative functions of the board and such other duties as the board may direct. The board may also employ or contract with other individuals to provide professional, clerical or other services deemed necessary by the board to effectuate the provisions of this chap-

1 ter and the rules of the board, and purchase or rent necessary office
 2 space, equipment and supplies. The compensation of the executive di-
 3 rector and other personnel shall be determined by the board and the ex-
 4 ecutive director shall be exempt from the provisions of chapter 53, ti-
 5 tle 67, Idaho Code.

6 (i) Appoint from its own membership one (1) or more members to act as
 7 representatives of the board at any meeting within or outside the state
 8 where such representation is deemed desirable.

9 (j) Bring proceedings in the courts for the enforcement of this chapter
 10 or any rules made pursuant thereto.

11 (k) For purposes of enforcement of the provisions of this chapter and
 12 any rules duly promulgated hereunder, including the levying of civil
 13 penalties, assessment and collection of fines, and recovery of costs
 14 and paralegal, hearing officer and attorney's fees incurred by the
 15 board in investigation and prosecution of complaints, the board shall
 16 maintain jurisdiction over individuals, irrespective of their license
 17 or certification status (i.e., active, inactive, expired, lapsed, sur-
 18 rendered or disciplined) relative to acts, omissions, complaints and
 19 investigations which occurred during the licensure or certification
 20 period. Jurisdiction of the board shall also extend to all individuals
 21 engaged in the practice of veterinary medicine, veterinary technology
 22 or practicing as a certified euthanasia agency or certified euthanasia
 23 technician in this state as defined in section 54-2103, Idaho Code. It
 24 is the intent of this subsection that the board's jurisdiction should
 25 extend to all licensed or unlicensed or certified or uncertified in-
 26 dividuals and that licensees and certification holders cannot divest
 27 the board of jurisdiction by changing, surrendering or relinquishing
 28 licensure or certification status.

29 (l) Establish a certified euthanasia task force for the purposes of
 30 training, examining, licensing and certifying euthanasia agencies and
 31 euthanasia technicians and assess application, training workshop and
 32 certification fees. The fees so assessed are continuously appropriated
 33 to the board to support the activities of the task force.

34 (m) Adopt, amend or repeal all sections of this chapter and rules neces-
 35 sary for its government and all rules necessary to carry into effect the
 36 provisions of this chapter pursuant to the Idaho administrative proce-
 37 dure act, chapter 52, title 67, Idaho Code, including the establishment
 38 and publication of standards of professional conduct for the practice
 39 of veterinary medicine.

40 (n) Conduct probationary or other practice and facility inspections
 41 necessary for enforcement of this chapter or the rules duly promul-
 42 gated hereunder or any order, negotiated settlement or probationary
 43 agreement of the board and issue administrative citations to alleged
 44 violators.

45 SECTION 27. That Section 54-2205, Idaho Code, be, and the same is hereby
 46 amended to read as follows:

47 54-2205. PHYSICAL THERAPY LICENSURE BOARD. (1) There is hereby es-
 48 tablished in the department of self-governing agencies a physical therapy
 49 licensure board. The board shall consist of five (5) members appointed by

1 the governor and who shall serve at the pleasure of the governor, three (3) of
 2 whom shall be licensed physical therapists, one (1) of whom may be a licensed
 3 physical therapist assistant or a licensed physical therapist, and one (1)
 4 of whom shall be a member of the public with an interest in the rights of the
 5 consumers of health services. All members of the board shall be residents
 6 of Idaho at the time of their appointment and for their term of service. The
 7 persons appointed to the board who are required to be licensed under this
 8 chapter shall have been engaged in rendering physical therapy or physical
 9 therapy assistant care services, respectively, to the public, in teaching,
 10 or in research in physical therapy or physical therapy assistant care ser-
 11 vices, respectively, for at least three (3) years immediately preceding
 12 their appointments. These members, excepting the public member, shall at
 13 all times be holders of valid licenses and be in good standing without re-
 14 striction upon such license for the practice of physical therapy or physical
 15 therapy assistant, respectively, in Idaho.

16 (2) ~~The governor, within sixty (60) days after the effective date of~~
 17 ~~this act,~~ shall appoint ~~two (2) board members for a term of one (1) year;~~
 18 ~~two (2) members for a term of two (2) years; and one (1) member for a term of~~
 19 ~~three (3) years. Appointments made thereafter shall be for three (3) year~~
 20 ~~terms,~~ but no person shall be appointed to serve more than two (2) consecu-
 21 tive terms. Terms shall begin on the first day of the calendar year and end
 22 on the last day of the calendar year or until successors are appointed, ex-
 23 cept for the first appointed members who shall serve through the last calen-
 24 dar day of the year in which they are appointed, before commencing the terms
 25 prescribed in this section.

26 (3) ~~The members of the board shall be selected by the governor after~~
 27 ~~considering a list of three (3) qualified applicants for each such vacancy~~
 28 ~~submitted by~~ may consider recommendations for appointment to the board from
 29 the Idaho physical therapy association and from any individual residing in
 30 this state.

31 (4) ~~The board, within sixty (60) days after the effective date of this~~
 32 ~~act, and annually thereafter,~~ shall hold a meeting annually and elect a
 33 chairman who shall preside at meetings of the board. In the event the chair-
 34 man is not present at any board meeting, the board may by majority vote of the
 35 members present appoint a temporary chairman. A majority of the members of
 36 the board shall constitute a quorum. Other meetings may be convened at the
 37 call of the chairman or upon the written request of any two (2) board members.

38 (5) Each member of the board shall be compensated as provided in section
 39 59-509(n), Idaho Code.

40 (6) Members of the board shall disqualify themselves and, upon the mo-
 41 tion of any interested party may, upon proper showing, be disqualified in any
 42 proceeding concerning which they have an actual conflict of interest or bias
 43 that interferes with their fair and impartial service.

44 ~~(7) The governor may remove any member of the board from the membership~~
 45 ~~of the board who is guilty of malfeasance, misfeasance or nonfeasance.~~

46 SECTION 28. That Section 54-2304, Idaho Code, be, and the same is hereby
 47 amended to read as follows:

1 54-2304. ESTABLISHMENT OF BOARD OF PSYCHOLOGIST EXAMINERS. There is
 2 hereby created in the department of self-governing agencies, an Idaho state
 3 board of psychologist examiners as follows:

4 (1) Said board shall consist of four (4) licensed psychologist members
 5 and one (1) public member who is not a practitioner or spouse of a practi-
 6 tioner in any health care field and who is not a convicted felon and who has
 7 not been an applicant for licensure as a psychologist, who are citizens of
 8 the United States, residents of the state of Idaho, and appointed by the
 9 governor for four (4) year terms. The psychologist members' terms shall be
 10 staggered such that only one (1) term expires June 30 of each year.

11 (2) Each psychologist board member shall be licensed under this chap-
 12 ter.

13 (3) When the term of each psychologist member of the board ends, the
 14 governor shall appoint his successor for a term of four (4) years ~~from a list~~
 15 ~~of eligible candidates for board membership submitted to.~~ The governor by
 16 ~~the president of~~ may consider recommendations for appointment to the board
 17 from the Idaho psychological association and from any individual residing in
 18 this state. Any vacancy occurring on the board shall be filled by the gover-
 19 nor, ~~from a list of all eligible candidates for board membership,~~ by appoint-
 20 ment for the unexpired term. ~~The governor may give consideration to recom-~~
 21 ~~mendations from any source in making appointments of the public member to a~~
 22 ~~full or unexpired term. The governor may remove any board member for mis-~~
 23 ~~conduct, incompetency, or neglect of duty after giving the b~~ Board members a
 24 written statement of the charges and an opportunity to be heard thereon shall
 25 serve at the pleasure of the governor.

26 (4) At all times, the board shall have at least one (1) member who is en-
 27 gaged primarily in rendering services in psychology and at least one (1) mem-
 28 ber who is engaged primarily in teaching, training, or research in psychol-
 29 ogy.

30 (5) No board member shall serve more than two (2) consecutive terms.

31 (6) Each board member shall be compensated as provided by section
 32 59-509(n), Idaho Code.

33 (7) The board shall annually in the month of July, hold a meeting, and
 34 elect a chairman and vice chairman. The board shall meet at such other times
 35 as deemed necessary and advisable by the chairman, or by a majority of its
 36 members, or by the governor. Reasonable notice of all meetings shall be
 37 given as required by law. A majority of the board shall constitute a quorum
 38 at any meeting or hearing.

39 SECTION 29. That Section 54-2404, Idaho Code, be, and the same is hereby
 40 amended to read as follows:

41 54-2404. STATE BOARD ESTABLISHED -- MANNER OF APPOINTMENT -- QUALIFI-
 42 CATIONS -- TERMS OF OFFICE -- REMOVAL FROM OFFICE. (1) In order to safeguard
 43 the environment and protect the public health and establish the minimum com-
 44 petency requirements of persons whose duties are identified in this chapter,
 45 there is hereby established in the department of self-governing agencies a
 46 board of drinking water and wastewater professionals for drinking water and
 47 wastewater operators and backflow assembly testers, hereinafter called the
 48 board.

1 (2) ~~The governor shall, within thirty (30) days after the effective~~
2 ~~date of this chapter, appoint~~ board shall consist of seven (7) members ~~to the~~
3 ~~board,~~ two (2) of whom shall be drinking water system operators, two (2) of
4 whom shall be wastewater system operators, and one (1) who shall be a back-
5 flow assembly tester, all of whom shall be citizens of the United States,
6 residents of the state of Idaho and licensed under the provisions of this
7 chapter, and one (1) who shall be lawfully entitled to reside in the United
8 States and be a resident of the state of Idaho and ~~not be licensed under the~~
9 ~~provisions of this chapter or otherwise affiliated with water or wastewater~~
10 ~~operations within five (5) years of the time of appointment~~ a member of the
11 public with an interest in the rights of consumers of water and wastewater
12 services, and one (1) who shall be the director of the Idaho department of
13 environmental quality or the director's designated agent.

14 (3) ~~The members of the first board shall serve for the following terms:~~
15 ~~one (1) drinking water member and one (1) wastewater member shall serve for~~
16 ~~one (1) year; one (1) drinking water member and one (1) wastewater member~~
17 ~~shall serve for two (2) years; and the backflow assembly tester and the pub-~~
18 ~~lic member shall serve for three (3) years from the effective date of ap-~~
19 ~~pointment or until a successor is duly appointed and qualified. Upon the ex-~~
20 ~~piration of the term of any member of the board, the governor shall appoint~~
21 ~~each member to the board for a term of three (3) years. Each member shall hold~~
22 ~~office until the expiration of the term for which said member is appointed.~~
23 ~~Each member serve at the pleasure of the governor and shall serve until a suc-~~
24 ~~cessor is appointed. No member shall be appointed for more than two (2) suc-~~
25 ~~cessive terms or a total of two (2) terms during the life of the board or mem-~~
26 ~~ber.~~

27 ~~(4) The governor may remove any member of the board for misconduct, in-~~
28 ~~competence, neglect of duty, or for any other cause.~~

29 SECTION 30. That Section 54-2605, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 54-2605. IDAHO PLUMBING BOARD. (1) The Idaho plumbing board, referred
32 to as the board, is hereby created and made a part of the division of build-
33 ing safety. It shall be the responsibility and duty of the administrator of
34 the division of building safety to administer and enforce the provisions of
35 this act; and the board shall make, promulgate and publish such rules as may
36 be necessary for carrying out the provisions of this act in order to effec-
37 tuate the purposes thereof and for the orderly and efficient administration
38 thereof, and except as may be limited or prohibited by law and the provi-
39 sions of this act, such rules so made and promulgated shall have the force of
40 statute.

41 (2) The board shall consist of five (5) members. The members shall be
42 appointed at large by the governor, ~~with power of removal for cause and shall~~
43 serve at the pleasure of the governor. Members shall be appointed for a term
44 of three (3) years. Whenever a vacancy occurs the governor shall forthwith
45 appoint a qualified person to fill the vacancy for the unexpired portion of
46 the term.

47 (3) All members of the board shall be United States citizens, residents
48 of this state for not less than two (2) years, and qualified by knowledge, in-
49 tegrity and experience to properly execute the functions of the board. Two

(2) members shall be ~~qualified persons representing~~ members of the public at large with an interest in the rights of consumers of plumbing services; one (1) member shall be an active plumbing contractor with not less than five (5) years experience in the plumbing contracting business; one (1) member shall be an active plumbing contractor with not less than five (5) years in the plumbing contracting business with an additional background of experience in gas piping installations in buildings; and one (1) member shall be a journeyman plumber. All members of the board shall take, subscribe and file with the secretary of state an oath of office in the form, manner and time prescribed by chapter 4, title 59, Idaho Code.

(4) The board shall meet within thirty (30) days after the appointment of all its members and thereafter at such other times as may be expedient and necessary for the proper performance of its duties. At the board's first meeting, the members shall elect one (1) of their number to be chairman. A majority of the board shall constitute a quorum for the transaction of business and not less than two (2) quorum meetings shall be held each year. The board may delegate to any member, or its chairman or other employees, the power to make investigations and hold hearings at any place it may deem proper, and to report findings to it; and may delegate to its chairman and employees the performance of ministerial functions.

(5) Each member of the board shall be compensated as provided by section 59-509(h), Idaho Code.

SECTION 31. That Section 54-2803, Idaho Code, be, and the same is hereby amended to read as follows:

54-2803. STATE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS -- CREATION -- TERMS OF MEMBERS -- OATH. A state board of registration for professional geologists is hereby created in the department of self-governing agencies whose duty it shall be to administer the provisions of this chapter. The board shall consist of five (5) members, who shall be appointed by and shall serve at the pleasure of the governor and, four (4) of whom shall have the qualifications required by section 54-2804, Idaho Code, and one (1) of whom shall be a member of the public with an interest in the rights of the consumers of geologist services.

The board shall be comprised of members representing at least three (3) of the following categories: academic geologists, government geologists, salaried company geologists and independent or consultant geologists.

Each member of the board shall take, subscribe and file the oath required by chapter 4, title 59, Idaho Code, before entering upon the duties of his office. On the expiration of the term of any member his successor shall be appointed in like manner by the governor for a term of five (5) years.

Members of the board shall hold office until the expiration of the term for which they were appointed and until their successors have been appointed and qualified.

SECTION 32. That Section 54-2804, Idaho Code, be, and the same is hereby amended to read as follows:

54-2804. QUALIFICATIONS FOR BOARD MEMBERSHIP. All mMembers of the board shall be citizens of the United States and residents of this state, ~~and~~

1 ~~they.~~ Members who are licensed under the provisions of this chapter shall
 2 have been engaged in the practice of geology for at least seven (7) years and
 3 shall never have been the subject of a disciplinary action under the provi-
 4 sions of this chapter.

5 SECTION 33. That Section 54-2806, Idaho Code, be, and the same is hereby
 6 amended to read as follows:

7 54-2806. ~~REMOVAL BY GOVERNOR FOR CAUSE VACANCIES.~~ ~~The governor may~~
 8 ~~remove any member of the board for misconduct, incompetence, neglect of~~
 9 ~~duty, or any other sufficient cause.~~ Vacancies in the membership of the
 10 board shall be filled for the unexpired term by appointment by the governor
 11 as provided in section 54-2803, Idaho Code.

12 SECTION 34. That Section 54-3003, Idaho Code, be, and the same is hereby
 13 amended to read as follows:

14 54-3003. QUALIFICATIONS -- EXAMINATIONS -- BOARD -- LICENSES -- FEES
 15 -- ENDORSEMENT -- EXEMPTIONS -- INDIVIDUALS, PARTNERSHIPS AND CORPORATIONS
 16 -- RESTRICTION ON USE OF NAME -- SEAL. (1) Application and practice. In or-
 17 der to safeguard human health and property, and to promote the public wel-
 18 fare, any person in either public or private capacity practicing or offer-
 19 ing to practice landscape architecture, shall be required to submit evidence
 20 of qualifications to practice and shall be issued a license under the provi-
 21 sions of this chapter.

22 (2) Qualifications. For licensure as a landscape architect, evidence
 23 must be submitted to the board that the applicant:

24 (a) Is eighteen (18) years of age or older;

25 (b) Has graduated from a college or school of landscape architecture
 26 approved by the board. In lieu of graduation from an approved college or
 27 school of landscape architecture, an applicant may present evidence of
 28 at least eight (8) years of actual, practical experience in landscape
 29 architecture of a grade and character satisfactory to the board, as
 30 established by rule, that the applicant is competent to practice land-
 31 scape architecture; and

32 (c) Has successfully passed an examination approved by the board.

33 (3) Examinations. The board shall adopt rules covering the subjects
 34 and scope of the examinations. Every applicant for license as a landscape
 35 architect shall be required, in addition to all other requirements, to es-
 36 tablish by written examination his competency to plan, design, specify and
 37 supervise the installation and construction of landscape architectural
 38 projects. Each written examination may be supplemented by such oral exami-
 39 nations as the board may determine.

40 (4) The board.

41 (a) There is hereby created in the department of self-governing agen-
 42 cies an Idaho state board of landscape architects. The board shall
 43 consist of three two (32) landscape architects and one (1) member of
 44 the public with an interest in the rights of the consumers of landscape
 45 architect services. Members of the board shall be appointed by and
 46 shall serve at the pleasure of the governor and must be residents of this
 47 state, ~~have the qualifications of landscape architects required by this~~

~~chapter, and after the initial board is organized be licensed hereun-~~
~~der.~~ The terms of the members of the board shall be for four (4) years.
 Each member shall hold office until the appointment and qualification
 of his successor. Vacancies occurring prior to the expiration of the
 term shall be filled by appointment in like manner for the unexpired
 term.

(b) The board shall have, in addition to the powers set forth elsewhere
 in this chapter, the following powers and duties:

(i) To authorize, by written agreement, the bureau of occupa-
 tional licenses to act as agent in its interest, and to make such
 rules as shall be necessary in the performance of its duties;

(ii) To adopt rules of professional responsibility;

(iii) To adopt rules requiring the completion of continuing educa-
 tion by each licensee on an annual basis;

(iv) The board, or its duly appointed hearing officer, shall have
 the power in any disciplinary proceeding against a licensee under
 this chapter, to administer oaths, take depositions of witnesses
 within or outside of the state in the manner provided by law in
 civil cases, and to apply to any district court of this state for
 a subpoena to require the attendance of such witnesses and the pro-
 duction of such books, records and papers as the board deems neces-
 sary in a disciplinary proceeding against a licensee. The fees and
 mileage of the witnesses shall be the same as that allowed in the
 district courts in criminal cases, which fees and mileage shall
 be paid in the same manner as other board expenses. In any case
 of disobedience to, or neglect of, any subpoena or subpoena duces
 tecum served upon any person, or refusal of any witness to tes-
 tify to any matter about which he may lawfully be interrogated, it
 shall be the duty of any district court in this state on applica-
 tion by the board to compel compliance with the subpoena by con-
 ducting proceedings for contempt, as in the case of disobedience
 of the requirements of a subpoena issued from such court or for re-
 fusals to testify therein. The licensed person accused in such pro-
 ceedings shall have the same right of subpoena.

(c) The board shall elect, at its first meeting of every calendar year,
 a chairman from its members. In carrying out the provisions of this
 chapter, all members of the board shall be compensated as provided by
 section 59-509(m), Idaho Code. Payment of travel and other expenses
 shall be made from the occupational licenses fund.

(5) Renewal and reinstatement -- Revenue.

(a) All licenses issued under the provisions of this chapter shall be
 subject to annual renewal and shall expire unless renewed in the manner
 prescribed by the board regarding applications for renewal, continuing
 education, and fees. License renewal and reinstatement shall be in ac-
 cordance with section 67-2614, Idaho Code.

(b) Amounts. The amount of fees shall be as determined by the board
 within the following stated limits:

(i) The application fee not to exceed one hundred dollars (\$100).

(ii) The fee for examination to be established by board rule not to
 exceed that charged by the council of landscape architectural reg-

istration boards plus a fifty dollar (\$50.00) processing fee. The board may recover the actual costs associated with an applicant's review of a failed examination.

(iii) The fee for an original license and the annual license fee not to exceed two hundred dollars (\$200).

(c) Refund. Fees shall be nonrefundable.

(d) Deposit. All fees received under the provisions of this chapter shall be deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from said fund for such purposes, and the funds collected hereunder shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding. In no instance will the occupational licenses fund be obligated to pay any claims that in aggregate with claims already paid exceed the income to the occupational licenses fund which has been derived by the application of this chapter.

(e) Appropriation. The money paid into the occupational licenses fund is continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and in carrying out and enforcing the provisions of this chapter.

(6) Endorsement provisions. The board may approve for licensure:

(a) An individual with a current council of landscape ~~architecture~~ architectural registration boards (CLARB) certification; or

(b) With limited examination an applicant who is legally registered or licensed as a landscape architect in any other state or country whose requirements for registration or licensure are at least substantially equivalent to the requirements of this state.

(7) Exemptions.

(a) None of the provisions of this chapter shall prevent employees of those lawfully practicing as landscape architects from acting under the instruction, control or supervision of their employers.

(b) None of the provisions of this chapter shall apply to the business conducted in this state by any land use planner, horticulturist, nurseryman, or landscape nurseryman, gardener, landscape gardener, landscape designer, or landscape contractor, as these terms are generally used, or any other person, including, but not limited to, their right to plan and supervise in connection therewith, except that no such person shall use the designation "landscape architect," "landscape architecture," or any description tending to convey the impression that they are a licensed landscape architect unless they are registered as provided in this chapter.

(c) This chapter shall not apply to architects, professional engineers, geologists, and land surveyors, licensed to practice their respective professions.

(8) This chapter applies to individuals only.

(a) All licenses shall be issued to individuals only but nothing contained in this chapter shall prevent a duly licensed landscape architect from rendering professional services for a corporation, firm, partnership or association.

1 (b) Partners. Each partner in a partnership of landscape architects
2 shall be licensed to practice landscape architecture or to provide al-
3 lied professional services as defined in section 30-21-901, Idaho Code.
4 Subject to this requirement, a partnership of landscape architects may
5 use a partnership name if such name consists of:

6 (i) The names of two (2) or more landscape architects.

7 (ii) The names of one (1) or more landscape architects and one (1)
8 or more professional engineers or architects.

9 (c) Any person applying to the official of any county or city for a
10 business license to practice landscape architecture shall at the time
11 of such application exhibit to such official satisfactory evidence that
12 such applicant possesses a current Idaho license. The business license
13 shall not be granted until such evidence is presented, any contrary pro-
14 vision of any special act or general act notwithstanding.

15 (9) Qualifications for practice -- Seal:

16 (a) No person shall use the designation "landscape architect" or "land-
17 scape architecture" or advertise any title or description tending to
18 convey the impression that the person is a landscape architect, or
19 practicing landscape architecture, unless such person is a licensed
20 landscape architect. Every holder of a license shall display it in the
21 principal office, place of business or place of employment.

22 (b) Every landscape architect shall have a seal approved by the board,
23 which shall contain the name of the landscape architect and the words
24 "Licensed Landscape Architect, State of Idaho," and such other words or
25 figures as the board may deem necessary and prescribe.

26 (i) The seal may be a rubber stamp or an electronically applied
27 seal. Whenever the seal is applied, the licensee's written sig-
28 nature and the date shall be adjacent to or across the seal. The
29 seal, signature and date shall be placed on all final reports,
30 drawings and title pages of specifications, design information
31 and calculations. Whenever presented to a client or to the public,
32 such documents that are not final and do not contain a seal, signa-
33 ture and date, shall be clearly marked as "preliminary," "draft,"
34 "not for construction" or similar words to distinguish the docu-
35 ments from a finished product.

36 (ii) The application of the licensee's seal, signature and the
37 date shall constitute certification that the work thereon was pre-
38 pared by such landscape architect or under the supervision of such
39 landscape architect. Each plan or drawing sheet shall be sealed
40 and signed by the licensee or the licensee's agent responsible for
41 each sheet. The principal landscape architect in charge shall
42 sign and seal the title or first sheet. Copies of electronically
43 produced documents listed in paragraph (b) (i) of this subsection
44 that are distributed for informational use, such as for bidding
45 purposes or working copies, may be issued with the licensee's
46 seal and a notice that the original document is on file with the
47 licensee's signature and date. The words "original signed by:"
48 and "date signed:" shall be placed adjacent to or across the seal
49 of the electronic original. The storage location of the original
50 documents shall also be provided. Only the title page of reports,

specifications and like documents need bear the seal and signature of the licensee and the date.

(iii) Nothing contained herein shall be construed to permit a landscape architect to practice as a licensed architect, a licensed professional engineer or a licensed land surveyor as these professions are defined by Idaho Code; provided however, nothing contained herein shall be construed to prevent a landscape architect from practicing landscape architecture.

SECTION 35. That Section 54-3105, Idaho Code, be, and the same is hereby amended to read as follows:

54-3105. CERTIFIED SHORTHAND REPORTERS BOARD -- MEMBERS -- TERM -- APPOINTMENT. (1) There is hereby created a state certified shorthand reporters board of the state of Idaho which shall consist of five (5) members. ~~Three~~ Two (32) members of the board shall be ~~persons who have been nominated by the Idaho court reporters association. Nominees must possess a current license as a certified shorthand reporters and who have had at least five (5) years continuous experience immediately prior to their nomination as a freelance shorthand reporter or official court reporter. One (1) other member of the board shall be an Idaho district judge nominated by the Idaho supreme court. The One (1) other member of the board shall be a member of the Idaho state bar and nominated by the Idaho state bar association. At least two (2) nominees for each position must be nominated by the nominating body~~ One (1) other member shall be a member of the public with an interest in the rights of consumers of shorthand reporter services.

(2) The members of the board shall hold office for terms of three (3) years each. Appointments to fill vacancies shall be for the unexpired term of such vacancies.

(3) ~~Appointments to the b~~Board members shall be ~~made~~ appointed by and serve at the pleasure of the governor from the nominees set forth in this section and. The governor may consider recommendations for appointment to the board from the Idaho court reporters association and from any individual residing in this state. Each member of the board shall hold office for the specified term and until a successor is duly appointed by the governor.

SECTION 36. That Section 54-3203, Idaho Code, be, and the same is hereby amended to read as follows:

54-3203. STATE BOARD OF SOCIAL WORK EXAMINERS -- CREATED -- APPOINTMENTS -- TERMS. (1) A state board of social work examiners is hereby created and made a part of the department of self-governing agencies. It shall be the duty of the board to administer the provisions of this chapter pursuant to the provisions of chapters 26 and 52, title 67, Idaho Code. The board shall consist of six (6) members, three (3) of which shall be masters social workers, and two (2) of which shall be social workers, and one (1) of which shall be a lay member and all of whom shall be appointed by and serve at the pleasure of the governor. Board members shall be appointed by the governor after reviewing and considering nominations for each position to be filled that have been submitted to him. All terms shall be for a period of five (5) years. Whenever a board member's term expires or a vacancy occurs, the gov-

~~ernor shall appoint a qualified person to fill the vacancy may consider recommendations for the appointment to the board for a new term or for an unexpired term after reviewing and considering nominations that have been submitted to him from any Idaho organization and from any individual residing in this state.~~

(2) Each social work member of the board shall:

(a) Be a resident of this state;

(b) Be currently licensed and in good standing to engage in the practice of social work in this state;

(c) At the time of appointment, have been actively engaged in the practice of social work for at least one (1) out of the last five (5) years; and

(d) Have at least three (3) years of experience in the practice of social work.

(3) Each fiscal year, the chairmanship will rotate to the person who is in the fourth year of their five (5) year term. The chairman shall preside at all meetings of the board. If this person is unable to serve, an election by a majority vote of the board shall determine the person who will serve as chair for that fiscal year. In the event the chairman is not present at any board meeting, the board may by majority vote of the members present appoint a temporary chairman. A majority of the members of the board shall constitute a quorum.

(4) Each member of the board shall be compensated as provided by section 59-509(b), Idaho Code.

SECTION 37. That Section 54-3307, Idaho Code, be, and the same is hereby amended to read as follows:

54-3307. BOARD -- MEMBERS -- VACANCIES. (a) There is hereby created a state board of denturitry of the state of Idaho, which shall consist of five (5) members. Three (3) members of the board shall be persons who have been nominated by the association of Idaho denturists, inc. and by any individual residing in this state, who have had at least five (5) years continuous experience immediately prior to their nomination in the practice of denturitry. Two (2) other members of the board shall be lay persons nominated by the director of the Idaho department of health and welfare or by any individual residing in this state. ~~At least two (2) nominees for each position must be nominated by the nominating body.~~

(b) ~~The members of the board shall hold office for terms of three (3) years each; provided, of the initial board, the three (3) members to be appointed from nomination of the association of Idaho denturists shall serve for terms of one (1) year, two (2) years, and three (3) years, respectively, as designated in their appointment, and of the initial board the two (2) lay members shall serve for terms of two (2) and three (3) years, respectively, as designated in their appointment. Thereafter m~~Members shall be appointed to the board for terms of three (3) years each, except that and shall serve at the pleasure of the governor. Appointments to fill vacancies shall be for the unexpired term of such vacancies.

(c) Appointments to the board shall be made by the governor ~~from the nominees set forth in this section,~~ and each member of the board shall hold

1 office for his term and until his successor is duly appointed by the gover-
2 nor.

3 SECTION 38. That Section 54-3403, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 54-3403. BOARD -- ORGANIZATION AND MEETINGS. There is hereby created
6 in the department of self-governing agencies an Idaho state licensing board
7 of professional counselors and marriage and family therapists as follows:

8 (1) The board shall consist of six (6) members, residents of the state
9 of Idaho, who shall be appointed by and serve at the pleasure of the gover-
10 nor. In making appointments, the governor shall give consideration to rec-
11 ommendations submitted by the Idaho counseling association in consultation
12 with other state counselor organizations, and the Idaho association for mar-
13 riage and family therapy in consultation with other state marriage and fam-
14 ily therapy organizations, and any individual residing in this state. ~~If~~
15 ~~recommendations are not made within sixty (60) days of notification and re-~~
16 ~~quest, the governor may make appointments of any qualified individual.~~

17 (2) ~~Initial appointments to the board shall be for the following terms:~~
18 ~~one (1) member for a term ending in one (1) year; one (1) member for a term~~
19 ~~ending in two (2) years; one (1) member for a term ending in three (3) years;~~
20 ~~and one (1) member for a term ending in four (4) years. Upon the effective~~
21 ~~date of this act, the governor shall also initially appoint to the board one~~
22 ~~(1) person eligible for licensure as a marriage and family therapist for a~~
23 ~~term of four (4) years, and one (1) person eligible for licensure as both a~~
24 ~~professional counselor and a marriage and family therapist for a term of four~~
25 ~~(4) years.~~

26 ~~(3) When the term of each member ends, the governor shall appoint the~~
27 ~~successor for a term of four (4) years from qualified candidates. Any va-~~
28 ~~cancy occurring on the board shall be filled by the governor by appointment~~
29 ~~for the unexpired term. The governor may remove any board member for miscon-~~
30 ~~duct, incompetency, or neglect of duty after giving the board member written~~
31 ~~notice of the charges and an opportunity to be heard thereon.~~

32 (43) At all times, the board shall have two (2) members who are licensed
33 as clinical professional counselors or professional counselors and who are
34 engaged primarily in rendering counseling service; one (1) member who is
35 engaged or has been engaged primarily in teaching, training or research
36 in higher education in counseling or marriage and family therapy; one (1)
37 member who is licensed or is eligible for licensure as both a professional
38 counselor and a marriage and family therapist and who is engaged primarily
39 in rendering marriage and family therapy or marriage and family counseling;
40 one (1) member who is licensed as a marriage and family therapist and who
41 is engaged primarily in rendering marriage and family therapy; and one (1)
42 member from the general public with an interest in the rights of consumers
43 of counseling and therapy services. Except for the initial appointment,
44 all members of the board except the member from the general public shall be
45 licensed under this chapter.

46 (54) No board member shall serve more than two (2) full consecutive
47 terms.

48 (65) The members of the board shall be compensated as provided in sec-
49 tion 59-509(m), Idaho Code.

(76) The board shall annually hold a meeting and elect a chairman and vice chairman from among its members. The board shall meet at such other times as deemed necessary and advisable by the chairman, or by a majority of its members, or by the governor. Notice of all meetings shall be given in the manner prescribed by law. A majority of the board shall constitute a quorum at any meeting or hearing.

SECTION 39. That Section 54-3714, Idaho Code, be, and the same is hereby amended to read as follows:

54-3714. LICENSURE BOARD. (1) The occupational therapy licensure board of Idaho shall consist of five (5) members who shall be appointed by and serve at the pleasure of the governor, three (3) of whom shall be appointed from recommendations of licensees submitted by the association, except the first licensure board appointments whose members shall be registered occupational therapists (OTR's) or, one (1) of whom shall be a certified occupational therapy assistants (COTA's) eligible to become licensed under this chapter, and one (1) of whom shall be a member of the public with an interest in the rights of consumers of occupational therapy services. All of whom members of the board shall be residents of Idaho at the time of their appointment. If recommendations are not made within sixty (60) days of notification and request, the governor may make consider recommendations for appointments of any qualified to the board from the association and from any individual residing in this state. The persons appointed to the licensure board who are required to be licensed under this chapter shall have been engaged in rendering occupational therapy services to the public, teaching, or research in occupational therapy for at least five (5) years immediately preceding their appointments and shall at all times be holders of a valid license and be in good standing without restriction upon such license. At least three (3) licensure board members shall be occupational therapists and one (1) of those members may be an occupational therapy assistant. These members shall at all times be holders of valid licenses for the practice of occupational therapy in Idaho, except for the members of the first board, all of whom shall fulfill the requirements for licensure of this chapter. The remaining members shall be members of health professions or members of the public with an interest in the rights of the consumers of health services.

(2) The governor, within sixty (60) days following the effective date of this chapter, shall appoint two (2) licensure board members for a term of one (1) year; two (2) for a term of two (2) years; and one (1) for a term of three (3) years. Appointments made thereafter shall be for three (3) year terms, but no person shall be appointed to serve more than two (2) consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed in this section.

(3) Within thirty (30) days after the effective date of this chapter, and annually thereafter, the association may submit at least three (3) and not more than five (5) names for each of the five (5) board positions. In the event of a vacancy in one (1) of the positions the association may recommend, as soon as practical, at least two (2) and not more than three (3) persons to

1 ~~fill that vacancy. The governor shall appoint, as soon as practical, one (1)~~
 2 ~~person, who shall fill the unexpired term. If the association does not pro-~~
 3 ~~vide a recommendation, the governor shall appoint a person to the unexpired~~
 4 ~~term. The governor may remove any licensure board member for misconduct, in-~~
 5 ~~competency, or neglect of duty after giving the board member a written state-~~
 6 ~~ment of the charges and an opportunity to be heard thereon.~~

7 ~~(4) The licensure board shall within sixty (60) days after the effec-~~
 8 ~~tive date of this chapter, and annually thereafter, hold a meeting and elect~~
 9 ~~a chairman who shall preside at meetings of the licensure board. In the event~~
 10 ~~the chairman is not present at any licensure board meeting, the licensure~~
 11 ~~board may by majority vote of the members present appoint a temporary chair-~~
 12 ~~man. A majority of the members of the licensure board shall constitute a quo-~~
 13 ~~rum. Other meetings may be convened at the call of the chairman or the writ-~~
 14 ~~ten request of any two (2) licensure board members.~~

15 ~~(5) Each member of the licensure board shall be compensated as pro-~~
 16 ~~vided in section 59-509(n), Idaho Code.~~

17 SECTION 40. That Section 54-4106, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 54-4106. REAL ESTATE APPRAISERS -- REAL ESTATE APPRAISER BOARD -- POW-
 20 ERS AND DUTIES -- COMPENSATION. (1) There is hereby created in the department
 21 of self-governing agencies, a real estate appraiser board, hereinafter re-
 22 ferred to as the "board," which shall administer the provisions of this chap-
 23 ter. The board shall consist of five (5) members to be appointed by and to
 24 serve at the pleasure of the governor as follows:

25 (a) One (1) real estate appraiser from the northern district consisting
 26 of the counties of Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah,
 27 Boundary, Shoshone, Kootenai and Bonner; one (1) real estate appraiser
 28 from the southeastern district consisting of the counties of Lemhi,
 29 Butte, Clark, Fremont, Jefferson, Madison, Teton, Bonneville, Bingham,
 30 Caribou, Bear Lake, Franklin, Oneida, Power and Bannock; one (1) real
 31 estate appraiser from the southwestern district consisting of the coun-
 32 ties of Owyhee, Elmore, Ada, Canyon, Boise, Gem, Payette, Washington,
 33 Adams and Valley; one (1) real estate appraiser from the south central
 34 district consisting of the counties of Blaine, Camas, Cassia, Custer,
 35 Gooding, Jerome, Lincoln, Minidoka and Twin Falls; and one (1) public
 36 member from the state at large;

37 (b) ~~On July 1, 1990, t~~The governor shall appoint the members of the
 38 board, ~~each~~ four (4) of whom shall be a real estate appraisers with not
 39 less than five (5) years' experience in the real estate appraisal busi-
 40 ness in Idaho and one (1) of whom shall be a member of the public with an
 41 interest in the rights of consumers of real estate appraisal services.
 42 ~~As of July 1, 1999, the board appointment from the state at large is~~
 43 ~~extended for a period of two (2) years and the board appointment from~~
 44 ~~the south central district is extended for a period of one (1) year.~~
 45 Each regular appointment ~~thereafter~~, other than an appointment to fill
 46 an unexpired term, shall be for a term of four (4) years and each board
 47 member shall hold office until a successor is appointed and qualified.
 48 Upon the death, resignation or removal of any member of the board, the
 49 governor shall appoint a ~~state licensed or state certified real estate~~

1 ~~appraiser~~ qualified person to fill the unexpired term. Appointments
 2 to fill any vacancy other than that resulting from the expiration of a
 3 term shall be made for the unexpired term. ~~After July 1, 1991, new board~~
 4 ~~members shall be required to be state licensed or certified real estate~~
 5 ~~appraisers with not less than five (5) years' experience in the real~~
 6 ~~estate appraisal business in Idaho;~~

7 (c) ~~Within fifteen (15) days after the appointment of the members of the~~
 8 ~~board, t~~The board shall call a meeting and not less than one (1) time an-
 9 ~~nually to organize by the election of and elect~~ a chairman. Thereafter,
 10 the chairman may call meetings of the board whenever he deems it advis-
 11 able but if he refuses to call a meeting upon written demand of the other
 12 four (4) members of the board, then such members may call such meeting.
 13 Reasonable notice shall be given in writing by mail of such meeting.

14 (2) The board shall have, in addition to the powers conferred elsewhere
 15 in this chapter, the following powers and duties:

16 (a) To authorize, by written agreement, the bureau of occupational li-
 17 censes to act as its agent in its interest;

18 (b) To adopt, pursuant to the administrative procedure act, such rules
 19 as the board, in its discretion, deems necessary for the administra-
 20 tion and enforcement of this chapter, and any such rules deemed neces-
 21 sary by the board to keep the Idaho real estate appraisers act in compli-
 22 ance with federal law, rule, regulation or policy;

23 (c) To conduct investigations into violations of the provisions of this
 24 chapter;

25 (d) To receive applications for and issue licenses or certificates to
 26 real estate appraisers pursuant to this chapter;

27 (e) To hold meetings, hearings and examinations at such places and at
 28 such times as it shall designate;

29 (f) To collect, deposit and disburse application and other fees, as re-
 30 quired by this chapter or federal law;

31 (g) To maintain a register of all state licensed or certified residen-
 32 tial and state certified general real estate appraisers;

33 (h) To censure a state licensed or certified appraiser or suspend or
 34 revoke appraisal licenses or certificates as provided in this chapter,
 35 subject to the provisions of the Idaho administrative procedure act,
 36 chapter 52, title 67, Idaho Code;

37 (i) To adopt rules governing the registration and limitations of real
 38 estate appraiser trainees; and

39 (j) To require new applicants to submit to a satisfactory finger-
 40 print-based criminal history check of the Idaho central criminal data-
 41 base and the federal bureau of investigation criminal history database
 42 and to collect fees from applicants for the costs of such background
 43 check.

44 (3) Each member of the board of real estate appraisers shall be compen-
 45 sated as provided in section 59-509(m), Idaho Code.

46 SECTION 41. That Section 54-4204, Idaho Code, be, and the same is hereby
 47 amended to read as follows:

48 54-4204. BOARD OF EXAMINERS OF RESIDENTIAL CARE FACILITY ADMINISTRA-
 49 TORS. (1) There is hereby created in the department of self-governing agen-

1 cies a board of examiners of residential care facility administrators that
 2 shall consist of five (5) members and be composed of two (2) residential care
 3 facility administrators, duly licensed and registered under this chapter,
 4 one (1) member shall be selected from any other profession or agency or in-
 5 stitution concerned with the care of persons requiring assistance with the
 6 daily activities of living, one (1) licensed nurse from the nursing profes-
 7 sion and one (1) member representative of the public at large; but no more
 8 than two (2) of the members of the board shall be officials or full-time em-
 9 ployees of state or local governments. All members of the board shall be cit-
 10 izens of the United States or shall have declared their intent to become cit-
 11 izens of the United States and shall be residents of this state.

12 (2) The term of office for each member of the board shall be three (3)
 13 years, and all board members shall serve at the pleasure of the governor.

14 (3) (a) Appointments to the board shall be made by the governor ~~after~~
 15 ~~consultation with the executive board of~~ who may consider recommenda-
 16 ~~tions for appointment to the board from any organized and generally rec-~~
 17 ~~ognized group concerned with residential care facility administration~~
 18 ~~and from any individual residing in this state.~~ Each member of the board
 19 shall hold office until his successor is duly appointed and qualified.
 20 Dismissals shall be by the governor, for reasonable cause.

21 (b) ~~The two (2) residential care facility administrators must be ap-~~
 22 ~~pointed from a list of three (3) submitted by any organized and gener-~~
 23 ~~ally recognized group concerned with residential care facility admin-~~
 24 ~~istration.~~

25 ~~(c)~~ Members of the board shall be compensated as provided in section
 26 59-509(1), Idaho Code.

27 (4) The board shall elect annually from its membership a chairman and
 28 vice chairman. The board shall hold two (2) or more meetings each year. A
 29 majority of the board membership shall constitute a quorum.

30 (5) The board shall exercise its powers and perform its duties and func-
 31 tions specified by this chapter.

32 (6) The board may, by written agreement, authorize the bureau of occu-
 33 pational licenses, or other appropriate body as provided by law, as agent to
 34 act in its interest.

35 SECTION 42. That Section 54-4704, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 54-4704. BOARD OF ACUPUNCTURE CREATED -- APPOINTMENT -- TERMS. (1)
 38 There is hereby established in the department of self-governing agencies a
 39 state board of acupuncture and the members thereof shall be appointed by the
 40 governor within sixty (60) days following the effective date of this chap-
 41 ter.

42 (2) The board shall consist of five (5) members, three (3) of whom shall
 43 be licensed pursuant to this chapter, one (1) of whom shall be certified pur-
 44 suant to this chapter, and one (1) of whom shall be a member of the public with
 45 an interest in the rights of the consumers of acupuncture services.

46 (3) In making appointments to the board of acupuncture, consideration
 47 shall be given to recommendations made by the Idaho acupuncture association,
 48 other similar professional organizations and any individual acupuncturists
 49 ~~and physicians~~ residing in this state.

(4) All members of the board shall be current residents of the state of Idaho and have been residents of the state of Idaho for a minimum of three (3) years immediately preceding appointment.

~~(5) The initial three (3) licensed acupuncturist members of the board shall be persons who are eligible to become licensed pursuant to this chapter, and who shall, within thirty (30) days of their appointment, become licensed pursuant to this chapter. The certified acupuncturist member shall be a person with sufficient qualification to be eligible for certification pursuant to this chapter and shall, within thirty (30) days of appointment, become certified.~~

~~(6) The initial board shall be appointed for staggered terms, the longer of which shall not exceed four (4) years. After the initial appointments, a~~All terms shall be four (4) years, and a member may be reappointed. In the event of death, resignation, or removal of any member before the expiration of the term to which appointed, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.

~~(7) Board members shall serve at the pleasure of t~~The governor may remove any member of the board for cause, prior to the expiration of the member's term.

(8) The board shall, within thirty (30) days after its appointment, and at least annually thereafter, hold a meeting and elect a chairman. The board may hold additional meetings on the call of the chairman or at the written request of any two (2) members of the board. The board may appoint such committees as it considers necessary to carry out its duties. A majority of the members of the board shall constitute a quorum.

(9) Each member of the board shall be compensated as provided in section 59-509(n), Idaho Code.

SECTION 43. That Section 54-5004, Idaho Code, be, and the same is hereby amended to read as follows:

54-5004. IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD. (1) The Idaho heating, ventilation and air conditioning board, referred to as the board, is hereby created and made part of the division of building safety. It shall be the responsibility and duty of the administrator of the division of building safety to administer and enforce the provisions of this chapter, and the board shall make, promulgate and publish such rules as may be necessary to carry out the provisions of this chapter. Except as may be limited or prohibited by law, such rules so made and promulgated shall have the force of statute.

(2) The board shall consist of seven (7) members appointed by the governor, ~~with power of removal for cause who shall serve at the pleasure of the governor. Members appointed to fill positions that expire in 2011 and members appointed to fill the two (2) HVAC contractor positions that expire in 2012 shall be appointed for a term of two (2) years. All other members appointed to fill positions that expire in 2012 shall be appointed for a term of three (3) years. Thereafter, a~~All board members shall be appointed for a term of three (3) years. Whenever a vacancy occurs, the governor shall forthwith appoint a qualified person to fill the vacancy for the unexpired portion of the term. All members of the board shall be United States citizens, residents of this state for not less than two (2) years, and qualified

1 by knowledge, integrity and experience to properly perform the functions of
 2 the board. All members of the board shall take, subscribe and file with the
 3 secretary of state an oath of office in the form, manner and time as pre-
 4 scribed by chapter 4, title 59, Idaho Code.

5 (3) Of the seven (7) board members, ~~three~~ two (32) members shall be ac-
 6 tive HVAC contractors with not less than five (5) years' experience in the
 7 HVAC contracting business; one (1) member shall be a city official; one (1)
 8 member shall be a county official; one (1) member shall be a private sector
 9 mechanical engineer with experience in mechanical system design; ~~and~~ one (1)
 10 member shall be an HVAC specialty contractor; and one (1) member shall be a
 11 member of the general public with an interest in the rights of consumers of
 12 HVAC services.

13 (4) The board shall meet within thirty (30) days after the appointment
 14 of all its members and thereafter at such other times as may be expedient and
 15 necessary for the proper performance of its duties. At the board's first
 16 meeting, and every two (2) years thereafter, the members shall elect one (1)
 17 of their number to be chairman and one (1) of their number to be vice chair-
 18 man. A majority of the board shall constitute a quorum for the transaction of
 19 business and not less than two (2) quorum meetings shall be held each year.
 20 The board may delegate to any member, or its chairman or other employees,
 21 the power to make investigations and hold hearings at any place it may deem
 22 proper, and to report findings to it; and may delegate to its chairman and em-
 23 ployees the performance of ministerial functions.

24 (5) Each member of the board shall be compensated as provided in section
 25 59-509(n), Idaho Code.

26 SECTION 44. That Section 54-5206, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 54-5206. IDAHO CONTRACTORS BOARD. (1) The Idaho contractors board is
 29 hereby created and made a part of the bureau of occupational licenses. It
 30 shall be the responsibility and duty of the bureau chief to administer this
 31 chapter, and the bureau chief shall exercise such powers and duties as are
 32 reasonably necessary to enforce the provisions of this chapter. The board
 33 may promulgate such rules as may be necessary to carry out the provisions of
 34 this chapter in order to effectuate the purposes herein and for the orderly
 35 and efficient administration thereof, except as may be limited or prohibited
 36 by law and the provisions of this chapter.

37 (2) The board shall consist of four (4) members who are contractors,
 38 and one (1) member of the public at large, all of whom shall be appointed
 39 by the governor as follows: one (1) contractor from the northern district
 40 consisting of Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Bound-
 41 ary, Shoshone, Kootenai and Bonner counties; one (1) contractor from the
 42 southeastern district consisting of Lemhi, Butte, Clark, Fremont, Jeffer-
 43 son, Madison, Teton, Bonneville, Bingham, Caribou, Bear Lake, Franklin,
 44 Oneida, Power and Bannock counties; one (1) contractor from the southwestern
 45 district consisting of Owyhee, Elmore, Ada, Canyon, Boise, Gem, Payette,
 46 Washington, Adams and Valley counties; one (1) contractor from the south
 47 central district consisting of Blaine, Camas, Cassia, Custer, Gooding,
 48 Jerome, Lincoln, Minidoka and Twin Falls counties; ~~and~~. The one (1) member
 49 of the public at large who shall ~~resides~~ reside in the state of Idaho and ~~is~~ be a

1 person of integrity and good reputation who has lived in this state for at
 2 least five (5) years immediately preceding appointment, who has never been
 3 registered as a contractor in this or another state, and who has never had a
 4 substantial personal, business, professional or pecuniary connection with a
 5 contractor except as a purchaser or owner of real property.

6 (3) Each member of the board who is a contractor shall serve a term of
 7 four (4) years and ~~such terms shall be staggered. The initial board shall~~
 8 ~~have one (1) member whose term expires July 1, 2007; one (1) member whose term~~
 9 ~~expires July 1, 2008; one (1) member whose term expires July 1, 2009; and one~~
 10 ~~(1) member whose term shall expire July 1, 2010. The member of the board who~~
 11 ~~is a member of the public at large shall serve a four (4) year term, which~~
 12 ~~initial term shall expire on July 1, 2008. No member of the board may be ap-~~
 13 ~~pointed to more than two (2) consecutive terms, and all board members shall~~
 14 ~~serve at the pleasure of the governor.~~

15 (4) The board shall meet within thirty (30) days after the appointment
 16 of all its members and thereafter at such other times as may be expedient
 17 and necessary for the proper performance of its duties, but not less than
 18 once during each calendar quarter. At the board's first meeting, the members
 19 shall elect one (1) of their number to be chairman. The chairman may serve in
 20 such capacity for a one (1) year term and may not serve in such capacity for
 21 more than two (2) consecutive terms. A majority of the board shall consti-
 22 tute a quorum for the transaction of business.

23 (5) The board may delegate to the bureau chief:

24 (a) The power to perform ministerial functions, investigate and disci-
 25 pline, hold hearings, appoint hearing officers, summon witnesses to ap-
 26 pear, administer oaths and take affirmations of witnesses at any formal
 27 proceeding or before a duly appointed hearing officer;

28 (b) The power to appoint competent persons to issue subpoenas, adminis-
 29 ter oaths and take testimony; and

30 (c) The power to enforce orders of the board.

31 (6) Each member of the board shall be compensated as provided by section
 32 59-509(n), Idaho Code.

33 (7) On and after January 1, 2006, each member of the board who is a con-
 34 tractor shall be registered in accordance with this chapter and shall be in
 35 good standing.

36 SECTION 45. That Section 54-5309, Idaho Code, be, and the same is hereby
 37 amended to read as follows:

38 54-5309. IDAHO LIQUEFIED PETROLEUM GAS SAFETY BOARD. (1) There is
 39 hereby established in the department of self-governing agencies the Idaho
 40 liquefied petroleum gas safety board and the members thereof shall be ap-
 41 pointed by the governor. In making appointments, the governor shall give
 42 consideration to recommendations submitted by the rocky mountain propane
 43 association and ~~other such nominations as may be received. If recommenda-~~
 44 ~~tions are not made within sixty (60) days of notification and request, the~~
 45 ~~governor may make appointments of any qualified individual from any individ-~~
 46 ~~ual residing in this state.~~

47 (2) The board shall consist of five (5) members, two (2) of whom shall
 48 be licensed dealers pursuant to the provisions of this chapter; and one (1)
 49 of whom shall be a volunteer firefighter in a rural area of the state; and one

1 (1) of whom shall be a firefighter employed by a city fire department in the
 2 state; and one (1) of whom shall be a representative of the general public not
 3 employed or otherwise connected with the practices or operations regulated
 4 pursuant to this chapter.

5 (3) The members of the first board shall serve for the following terms:
 6 one (1) dealer member shall serve for one (1) year; one (1) firefighter mem-
 7 ber shall serve for two (2) years; one (1) dealer member shall serve for three
 8 (3) years; and one (1) firefighter member and the public member shall each
 9 serve for four (4) years. Each member shall serve from the effective date of
 10 appointment or until a successor is duly appointed and qualified. Upon the
 11 expiration of the term of any member of the board, the governor shall appoint
 12 the subsequent member for a term of four (4) years. No member shall be ap-
 13 pointed for more than two (2) successive terms.

14 (4) Board members shall serve at the pleasure of t~~The governor may re-~~
 15 ~~move any member of the board for misconduct, incompetence, neglect of duty,~~
 16 ~~or for any other cause.~~

17 (5) Three (3) members of the board shall constitute a quorum, and may
 18 exercise all the power and authority conferred on the board.

19 (6) ~~Within thirty (30) days of the appointment of the first board and~~
 20 ~~annually thereafter, t~~The members shall meet annually and elect from among
 21 the members by majority vote of those present a chairman who shall serve for
 22 one (1) year.

23 (7) The board shall meet ~~thereafter~~ no less than annually at such times
 24 and at such places as may be specified by the chairman or by the written re-
 25 quest of at least two (2) members.

26 (8) Each member of the board shall be compensated as provided in section
 27 59-509(n), Idaho Code.

28 SECTION 46. That Section 54-5606, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 54-5606. BOARD -- ORGANIZATION AND MEETINGS. (1) There is hereby es-
 31 tablished in the department of self-governing agencies, bureau of occupa-
 32 tional licenses, the genetic counselors licensing board.

33 (2) The board shall consist of ~~three~~ four (34) members, two (2) of whom
 34 shall be fully licensed genetic counselors ~~and~~, one (1) of whom shall be a
 35 licensed physician ~~and one (1) of whom shall be a member of the public with~~
 36 an interest in the rights of consumers of genetic counseling services. All
 37 board members shall be residents of this state.

38 (3) Initial appointments to the board shall be for the following terms:
 39 one (1) genetic counselor member shall serve a term of one (1) year; one (1)
 40 genetic counselor member shall serve a term of two (2) years; and the physi-
 41 cian member shall serve a term of three (3) years. Thereafter, the term of
 42 office for each member of the board shall be three (3) years.

43 (4) Board members shall be appointed by the governor and shall serve at
 44 the pleasure of the governor.

45 (5) Each genetic counselor member of the board shall:

46 (a) Except for the initial appointments, be currently licensed and in
 47 good standing to engage in the practice of genetic counseling in this
 48 state. The initial genetic counselor members of the board must meet the
 49 qualifications for licensure under this act;

1 (b) At the time of appointment have been actively engaged in the prac-
2 tice of genetic counseling for at least one (1) year of the last five (5)
3 years; and

4 (c) Be certified by the ABGC, ABMG or NSGC.

5 (6) In the event of the death, resignation or removal of any board mem-
6 ber before the expiration of the term to which the member is appointed, the
7 vacancy shall be filled for the unexpired portion of the term in the same man-
8 ner as the original appointment.

9 (7) The board shall meet annually and at such times as deemed neces-
10 sary and advisable by the chairman, or by a majority of its members, or by
11 the governor. Notice of all meetings shall be given in the manner prescribed
12 by rule. A majority of the board shall constitute a quorum at any meeting or
13 hearing.

14 (8) Members of the board shall be reimbursed for expenses as provided in
15 section 59-509(b), Idaho Code.

16 SECTION 47. SEVERABILITY. The provisions of this act are hereby de-
17 clared to be severable and if any provision of this act or the application
18 of such provision to any person or circumstance is declared invalid for any
19 reason, such declaration shall not affect the validity of the remaining por-
20 tions of this act.