

Idaho Code Cleanup

Idaho Industrial Commission
August 2025

IDAHO
INDUSTRIAL COMMISSION



Deadlines

Identifying & Planning Legislation

- June 1: internal, preliminary report completed and submitted to reviewing attorney
- June 13: **DFM**, last day for DFM and governor's office contacts
- June 20: Internal, preliminary report reviewed by attorney/discussions with attorney completed
- June 27: Internal, agency head has completed review of preliminary report
- **June 30: EALS**, IDEA proposals submitted into EALS

Legislative Report and Bills

- August 1: **DFM**, draft legislative report submitted to DFM
- **August 8: EALS/LSO: submission of initial legislative drafts** of SOP, fiscal, and bill submitted
- **September 1: LSO: legislative report** submitted to LSO
- October 17: final changes to legislation must be complete
- **December 12: legislative sponsor** identified
- December 19: final changes to SOP and fiscal must be complete



LEGISLATIVE IDEAS

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Repeal

Section 72-101 – Idaho State Legislature

Proposal is to remove section as unnecessary.
The section names Title 72 and establishes that old terminology (workmen's compensation) means the same as new terminology (worker's compensation).

72-101. SHORT TITLE. (1) This law may be cited as the worker's compensation law.

(2) Wherever in title 72, Idaho Code, references appear to the term workmen's compensation this shall be deemed to mean worker's compensation.

History:

[72-101, added I.C., sec. 72-101, as added by 1971, ch. 124, sec. 3, p. 422; am. 1989, ch. 191, sec. 1, p. 473.]



Repeal

Section 72-101 – Idaho State Legislature

- **Draft Bill Language** - Repeal & Update
Reference in Idaho Code 6-2702 to chapter 1,
Title 72, Idaho Code rather than the repealed
section 72-101.
- **Fiscal Impact:** This legislation will have no
impact on the state's General Fund or any
dedicated fund or federal fund, as it simply
repeals unnecessary law and clarifies existing
law.



Repeal/Consolidation



Section 72-206 – Idaho State Legislature

72-206, providing coverage to participants in the Idaho youth conservation project is duplicative of two statutes:

72-206. IDAHO YOUTH CONSERVATION PROJECT – COVERAGE. The benefits secured by section 72-205[, Idaho Code,] of this act to members of the Idaho youth conservation project under the supervision of the Idaho state forester, while on duty, shall be in accordance with the provisions of section 56-609, Idaho Code.

History:

[72-206, added I.C., sec. 72-206, as added by 1971, ch. 124, sec. 3, p. 422.]

56-609. WORKER'S COMPENSATION BENEFITS. Participants shall, for the purpose of the administration of the worker's compensation law, be deemed to be civil employees of the state.

[56-609, added 1963, ch. 126, sec. 9, p. 370; am. 1991, ch. 330, sec. 3, p. 855; am. 2015, ch. 244, sec. 36, p. 1028.]

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

(3) Participants in the Idaho youth conservation project under the supervision of the Idaho state forester.

Repeal/Consolidation

Section 72-206 – Idaho State Legislature

- **Draft Bill Language** – Repeal Section 72-206 & Keep Section 72-205.
- **Fiscal Impact:** This legislation will have no impact on the state's General Fund or any dedicated fund or federal fund, as it simply repeals unnecessary law.



Repeal

Section 72-1102 – Idaho State Legislature

72-1102. SHORT TITLE. This chapter shall be known and may be cited as the "Peace Officer and Detention Officer Temporary Disability Act."

History:

[72-1102, added 2007, ch. 365, sec. 1, p. 1099.]

This code section identifies the short title of the Peace Officer and Detention Officer Temporary Disability Act as identical to the full name. While it seems standard to define a short title by statute, this section is redundant.



Repeal

Section 72-1102 – Idaho State Legislature

- **Draft Bill Language** – Repeal Section 72-1102.
- **Fiscal Impact:** This legislation will have no impact on the state's General Fund or any dedicated fund or federal fund, as it simply repeals unnecessary law.



Sections with More Research Needed:

- [72-314](#) *Payment of Liability of Public Employer*
- [72-319](#) *Penalty for Failure to Secure Compensation*
- [72-409\(1\)](#) *Maximum and Minimum Income Benefits for Total Disability*
- [72-602](#) *Employer's Reports*
- [72-711](#) *Compensation Agreements*
- [72-805](#) *Law Not Retroactive*
- Crime Victims Compensation Reconsideration Process – Double Process



Needs Additional Research

Section 72-314 – Idaho State Legislature

Currently trying to locate someone who knows/knew the statute's practical implementation.

72-314. PAYMENT OF LIABILITY OF PUBLIC EMPLOYER. Any sums necessary to be paid under the provisions of this law by any public or quasi-public employer, which exercises taxing power, for compensation premiums or compensation shall be considered to be ordinary and necessary expenses of such employer, and its governing body shall make appropriation of and pay such sums whenever necessary, notwithstanding that it may have failed to anticipate such ordinary and necessary expense in any budget, estimate of expense, appropriation, ordinance, or otherwise.

History:

[72-314, added I.C., sec. 72-314, as added by 1971, ch. 124, sec. 3, p. 422.]



Amendment – More Research Needed:

Section 72-319 – Idaho State Legislature

- Should the “inability to pay” part be removed?
- Should the penalty amount be increased?

(4) Any employer required to secure the payment of compensation under this law, who fails to do so, may be liable for a penalty of either two dollars (\$2.00) for each employee for each day or twenty-five dollars (\$25.00) for each day during which such failure continues, whichever is greater, and in cases where the employer is a corporation or limited liability company and is unable to pay the fine, any officer or employee of the corporation or manager of a limited liability company who had authority to secure payment of compensation on behalf of the corporation or a limited liability company and failed to do so, shall be liable for a like penalty, to be recovered for the time during which such failure continued, but for not more than three (3) consecutive years, in an action brought by the commission in the name of the state of Idaho; any amount so collected shall be paid into the industrial administration fund; for this purpose the district court of any county in which the employer carries on any part of its trade or occupation shall have jurisdiction. In determining whether penalties should be assessed or collected for the employer's failure to secure the payment of compensation, the commission may consider the following factors:

Editing - More Research Needed:

Section 72-409(1) – Idaho State Legislature

Proposal to edit for clarity.

72-409. Maximum and minimum income benefits for total disability. (1) The weekly income benefits provided for in section 72-408(1), Idaho Code, shall be subject to a maximum of ninety percent (90%) and a minimum of forty-five percent (45%) of the currently applicable average weekly state wage, not to exceed 90% of the employees average weekly wage. If 90% of the workers' average weekly wage is less than 15% of the currently applicable average weekly state wage, ~~the employee shall receive 15% of currently applicable average state wage, provided, however, that during the first fifty-two (52) weeks of total disability income benefits shall not in any case exceed ninety percent (90%) of the employee's average weekly wage, but~~ except as Benefits may be increased by reason of increases in the average weekly state wage as computed in subsection (2) ~~hereof, nor shall~~ Income benefits paid subsequent to the first fifty-two (52) weeks of total disability ~~shall not~~ exceed income benefits paid during the first fifty-two (52) weeks of total disability except as the same may be increased by reason of increases in the average weekly state wage: ~~provided, however, that w~~ Where an employee's benefit rate for the first fifty-two (52) week period was less than the minimums prescribed above, his benefit rate thereafter shall be not less than forty-five percent (45%) of the currently applicable average weekly state wage.

Section 72-409(1) – Idaho State Legislature

Current

- 72-409. Maximum and minimum income benefits for total disability. (1) The weekly income benefits provided for in section [72-408\(1\)](#), Idaho Code, shall be subject to a maximum of ninety percent (90%) and a minimum of forty-five percent (45%) of the currently applicable average weekly state wage, provided, however, that during the first fifty-two (52) weeks of total disability income benefits shall not in any case exceed ninety percent (90%) of the employee's average weekly wage, but if during the first fifty-two (52) weeks ninety percent (90%) of the employee's average weekly wage is less than fifteen percent (15%) of the currently applicable average weekly state wage, then the employee shall receive no less than fifteen percent (15%) of the currently applicable average weekly state wage, except as benefits may be increased by reason of increases in the average weekly state wage as computed in subsection (2) hereof, nor shall income benefits paid subsequent to the first fifty-two (52) weeks of total disability exceed income benefits paid during the first fifty-two (52) weeks of total disability except as the same may be increased by reason of increases in the average weekly state wage, provided, however, that where an employee's benefit rate for the first fifty-two (52) week period was less than the minimums prescribed above, his benefit rate thereafter shall be not less than forty-five percent (45%) of the currently applicable average weekly state wage.

Proposed Updates 72-409

- [72-409. Maximum and minimum income benefits for total disability. \(1\) The weekly income benefits provided for in section 72-408\(1\)](#), Idaho Code, shall be subject to a maximum of ninety percent (90%) and a minimum of forty-five percent (45%) of the currently applicable [average](#) weekly state wage, not to exceed 90% of the employees average weekly wage. If 90% of the workers' average weekly wage is less than 15% of the currently applicable average weekly state wage, **the employee shall receive 15% of currently applicable average state wage**, Benefits may be increased by reason of increases in the average weekly state wage as computed in subsection (2) **I**ncome benefits paid subsequent to the first fifty-two (52) weeks of total disability **shall not** exceed income benefits paid during the first fifty-two (52) weeks of total disability except as the same may be increased by reason of increases in the average weekly state wage. **W**here an employee's benefit rate for the first fifty-two (52) week period was less than the minimums prescribed above, his benefit rate thereafter shall be not less than forty-five percent (45%) of the currently applicable average weekly state wage.

Repeal/Amendment - More Research Needed:

Section 72-602

72-602. Employers' notice of injury and reports. (1) First report—Notice of injury or occupational disease. As soon as practicable but not later than ten (10) days after the occurrence of an injury or occupational disease, requiring treatment by a physician or resulting in absence from work for one (1) day or more, a report thereof shall be made ~~in writing~~ by the employer to the commission in the form prescribed by the commission. ~~the mailing to the commission of the written report within the time prescribed shall be compliance.~~

~~(2) Extended disability—Sixty (60) day supplemental and final reports. If the disability extends beyond a period of sixty (60) days, the employer shall make a supplemental report to the commission at the end of such period, in the form prescribed by the commission, that the employee is still disabled.~~

~~(3) Supplemental report on termination of disability. Upon termination of the disability of the employee, the employer shall make a final supplemental report to the commission, in the form prescribed by the commission.~~

~~(4) Summary of compensation and medical services, paid and payable. Within such time, and under such conditions, as the commission shall prescribe by rule or regulation, but not more often than sixty (60) days after the termination of the disability of the employee, the employer or other party liable to pay the compensation provided for by this act shall file with the commission a summary showing the total compensation payments made or to be made for such employee. The time prescribed by the commission for the filing of such summaries may be different for medical and related benefit cases only as over against cases in which monetary benefits have been made to any such employee.~~

Failure to file report a misdemeanor. An employer who willfully fails or refuses to make any report required by this section shall be guilty of a misdemeanor.

FROIs are no longer mailed to the Commission. These are transmitted by EDI.

Review for removal or updated language.

Repeal/Consolidation – More Research Needed:

Section 72-711 – Idaho State Legislature

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

CHAPTER 7
PROCEDURES

72-711. COMPENSATION AGREEMENTS. If the employer and the afflicted employee reach an agreement in regard to compensation under this law, a memorandum of the agreement shall be filed with the commission, and, if approved by it, thereupon the memorandum shall for all purposes be an award by the commission and be enforceable under the provisions of section 72-735, unless modified as provided in section 72-719. An agreement shall be approved by the commission only when the terms conform to the provisions of this law.

History:

[72-711, added I.C., sec. 72-711, as added by 1971, ch. 124, sec. 3, p. 422.]

Proposal is to remove 711 as outdated given amendments to 404, and transfer those sections which remain relevant to 404.



Continued: Possible Consolidation of Sections 711 and 404:

Section 72-711 – Idaho State Legislature

(3) In any case where one (1) or both parties are not represented by an attorney or in any case where a party is a minor child or legally incompetent person, the commission shall review compromise or settlement agreements. The commission shall approve such an agreement if it determines that approval is in the best interests of the parties. The terms of an agreement must conform to the provisions of this law. If the commission declines to approve a compromise or settlement agreement, it shall issue a written decision, including factual findings, conclusions of law, and an order declining to approve the agreement. Such decision and order shall be immediately appealable to the Idaho supreme court on grounds of abuse of discretion.

(4) If the commission requires a hearing as part of the settlement review and approval process pursuant to subsection (3) of this section, the commission shall, prior to such hearing, provide each party with written notice of the commission's specific issues to be addressed at the settlement review hearing.

(5) All compromise and settlement agreements shall be filed with the commission for recordkeeping purposes and for purposes of assessment under section 72-327, Idaho Code. A settlement agreement shall be effective on the date it is filed with the commission ~~and~~; unless modified as provided in section 72-719, it shall for all purposes constitute an adjudication of the claims resolved in the settlement agreement, be an award by the commission, and be enforceable under the provisions of section 72-735. All agreements filed with the commission pursuant to this section shall include, at a minimum, a

Repeal – More Research Needed:

Section 72-805 – Idaho State Legislature

72-805. LAW NOT RETROACTIVE. The provisions of this law shall not apply to injuries received and occupational diseases manifested or to the compensation payable therefor prior to the taking effect of this law, except as in this law otherwise provided.

History:

[72-805, added I.C., sec. 72-805, as added by 1971, ch. 124, sec. 3, p. 422.]

This section is outdated; it clarifies that the law does not apply to any injuries or occupational diseases contracted prior to 1971 except as otherwise provided.



HB 563 – Review of Administrative Rules

- In 2024, the Idaho Legislature passed House Bill 563 which adds requirements for ongoing rule review.
- The review schedule will be posted no later than January 1, 2026.
- Each rule chapter shall be reviewed on a staggered, periodic schedule between July 1, 2026, and June 30, 2034.
- The legislation requires agencies, when the chapter is up for review, to develop a report for the legislature on the necessity of existing rules, a rationale for the agency's determination of necessity, and whether the rules should be moved into statute.

