AN ACT
AMENDING CHAPTER 13, TITLE 30, IDAHO CODE, RELATING TO PROFESSIONAL SERVICE CORPORATIONS, BY ADDING A NEW SECTION 30-1315, IDAHO CODE, PROVIDING THAT PROFESSIONAL CORPORATIONS WITH LESS THAN THREE SHAREHOLDERS MAY HAVE LESS THAN THREE DIRECTORS AND PROVIDING FOR THE SELECTION OF CORPORATION OFFICERS.

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

SECTION 1. That Chapter 13, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 30-1315, Idaho Code, and to read as follows:

30-1315. OFFICERS, DIRECTORS AND SHAREHOLDERS. — No person may be simultaneously an officer, director, or shareholder of more than one (1) professional corporation. A professional corporation which has only one (1) shareholder need have only one (1) director, who shall be such shareholder. He shall also serve as the president and treasurer of the corporation. The other officers of the corporation need not be licensed or otherwise legally authorized in the same field of endeavor as the president. A professional corporation which has only two (2) shareholders need have only
two (2) directors, who shall be such shareholders. The two (2) shareholders shall fill all of the general offices of the corporation between them. A retired person may not continue as a director, officer or shareholder of a professional corporation.

Approved February 4, 1970.

CHAPTER 2
(H. B. No. 410)

AN ACT
AMENDING SECTION 39-253, IDAHO CODE, RELATING TO FEES FOR COPIES OF AND SEARCHES FOR VITAL STATISTICS RECORDS BY INCREASING THE FEE FOR SUCH COPIES AND SEARCHES FROM ONE DOLLAR TO TWO DOLLARS.

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

SECTION 1. That Section 39-253, Idaho Code, be, and the same is hereby amended to read as follows:

39-253. FEES FOR COPIES AND SEARCHES. The state registrar shall be entitled to receive a fee, not to exceed one dollar ($1.00) two dollars ($2.00) for the making of certified copies of records or for a search of the files when no copies are made: provided that, the national agency in charge of vital statistics may obtain copies or certifications of data from records without payment of fees, provided that the state incurs no expense in connection therewith.

Approved February 4, 1970.

CHAPTER 3
(H. B. No. 411)

AN ACT
AMENDING SECTION 70-1903, IDAHO CODE, RELATING TO INDUSTRIAL DEVELOPMENT DISTRICTS OF PORT DISTRICTS, BY PROVIDING THAT NEITHER PORT DISTRICTS NOR INDUSTRIAL DEVELOPMENT DISTRICTS SHALL HAVE POWER
TO ACQUIRE BY EMINENT DOMAIN PROCEEDINGS ANY EXISTING AND OPERATING RAILROAD FACILITIES WITHOUT FIRST SECURING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM IDAHO PUBLIC UTILITIES COMMISSION; AND AMENDING CHAPTER 5 OF TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 61-530, IDAHO CODE, GRANTING POWER TO IDAHO PUBLIC UTILITIES COMMISSION TO ISSUE UPON HEARING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO PORT DISTRICTS OR INDUSTRIAL DEVELOPMENT DISTRICTS IN PROCEEDINGS TO ACQUIRE BY EMINENT DOMAIN EXISTING AND OPERATING RAILROAD FACILITIES.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 70-1903, Idaho Code, be, and the same is hereby amended to read as follows:

70-1903. PRIVATE LANDS. - Port districts may acquire privately owned property within such industrial development district and, if necessary, exercise the right of eminent domain in securing the same, in the same manner as in this act provided for the acquisition by port districts of other properties by eminent domain, provided, however, that such right of eminent domain for such industrial development district purposes shall not be exercised as to lands lying further than three-quarters of one mile from the water edge of the slack water pool within such port district, created by any downriver dam; provided, further, that notwithstanding any other provisions of the port district law, neither a port district nor an industrial development district shall have power to acquire by eminent domain any existing and operating railroad facilities, without first securing from the public utilities commission a certificate that such acquisition is necessary for the public convenience and necessity.

SECTION 2. That Chapter 5, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 61-530, Idaho Code, and to read as follows:

61-530. CERTIFICATE OF CONVENIENCE AND NECESSITY PORT DISTRICTS AND INDUSTRIAL DEVELOPMENT DISTRICTS. - No port district or industrial development district within a port district shall acquire by eminent domain any existing and operating railroad facilities, without first having secured from the commission, after hearing, a certificate that such acquisition is necessary for the public convenience and necessity.

Approved February 4, 1970.
CHAPTER 4
(H. B. No. 424)

AN ACT
AMENDING SECTION 33-2202, IDAHO CODE, BY PROVIDING THAT INCIDENT TO THE POWERS CONFERRED TO THE BOARD OF VOCATIONAL EDUCATION, THE BOARD MAY HOLD TITLE TO REAL PROPERTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-2202, Idaho Code, be, and the same is hereby amended to read as follows:

33-2202. STATE BOARD FOR VOCATIONAL EDUCATION — POWERS AND DUTIES. — The state board of education is hereby designated as the state board for vocational education for the purpose of carrying into effect the provisions of the federal act, known as the Smith-Hughes Act, amendments thereto and any subsequent acts now or in the future enacted by the Congress affecting vocational education, and is hereby authorized to cooperate with the United States office of education, vocational division, or any other agency of the United States designated to administer such legislation, in the administration and enforcement of the provisions of said act, or acts, and to exercise such powers and perform such acts, as are necessary to entitle the state of Idaho to receive the benefits of the same, and to execute the laws of the state of Idaho relative to vocational education; to administer the funds provided by the federal government and the state of Idaho under the provisions of this chapter for promotion of education in agricultural subjects, trade and industrial subjects, and home economics subjects. Incident to the other powers and duties of the board of vocational education, the board of vocational education may hold title to real property.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 6, 1970.
CHAPTER 5
(S. B. No. 1403)

AN ACT
AMENDING SECTION 39-3302, IDAHO CODE, RELATING TO MINIMUM STANDARDS FOR THE OPERATION OF SHELTER HOME CARE FACILITIES, BY PROVIDING THAT THE OWNER OF EACH SHELTER HOME AND ANY PERSON EMPLOYED IN SUCH SHELTER HOME SHALL OBTAIN AN ANNUAL HEALTH CERTIFICATE FROM A LICENSED PHYSICIAN VERIFYING THAT SUCH INDIVIDUAL DOES NOT HAVE A COMMUNICABLE DISEASE; AMENDING SECTION 39-3303, IDAHO CODE, RELATING TO THE LICENSING OF SHELTER HOME CARE FACILITIES, BY PROVIDING THAT THE PROCEDURE FOR OBTAINING LICENSES, AND THE GRANTING AND REVOKING THEREOF SHALL BE UNDER THE ADMINISTRATION OF THE DEPARTMENT OF HEALTH, AND BY PROVIDING THAT UNDER CERTAIN CONDITIONS A TEMPORARY LICENSE VALID FOR NOT MORE THAN SIX MONTHS MAY BE ISSUED; AMENDING SECTION 39-3305, IDAHO CODE, BY PROVIDING THAT THE STATE BOARD OF HEALTH SHALL HAVE THE AUTHORITY TO ADOPT RULES AND REGULATIONS CONSISTENT WITH THE PROVISIONS OF THE ACT.

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

SECTION 1. That Section 39-3302, Idaho Code, be, and the same is hereby amended to read as follows:

39-3302. MINIMUM STANDARDS. — The minimum standards for the operation of a shelter home care facility shall be: (1) the owner of each shelter home and any person employed in such shelter home shall obtain an annual health certificate from a licensed physician verifying that such individual does not have a communicable disease;

(2) The flooring in all rooms in which food or drink for human consumption is stored, prepared, or served shall be constructed of material that is easily cleaned.

(3) Cots, beds, and soiled linen shall not be stored in a room in which food is stored, cooked or served.

(4) There shall be no laundry work done in any room in which food is stored, cooked or served.

(5) There shall be no sleeping quarters placed in any room in which...
food is stored, cooked, or served.

(6) A flush toilet shall be provided for every eight (8) individuals residing in the shelter home.

(7) A tub or shower shall be provided for every ten (10) individuals residing in the shelter home.

(8) There shall be a lavatory for each toilet.

(9) Every room in which a sanitation facility is placed shall be equipped with a safety lock or no lock, and each toilet compartment shall have at least thirty (30) inches of clear space.

(10) Every room shall have outside windows of at least five per cent (5%) of the floor area; one-half (½) of all windows in any room shall be in workable condition or, in lieu thereof, mechanical ventilation may be provided.

(11) Adequate lighting shall be provided in every room.

(12) There shall be required a minimum floor space of seventy-five (75) square feet for each resident, with an allowance of three (3) feet between beds.

(13) Separate beds shall be provided for every resident of a shelter home care facility.

(14) Sleeping rooms shall not be in an attic, cellar, stair, hall or any room commonly used for other than bedroom purposes.

(15) Each resident must be within call of an attendant at night; and the staff must at all times of the day or night be present in sufficient number to provide for the safety of the residents in the event of an emergency.

(16) There shall be no freezing, canning or processing of foods and/or vegetables unless such process is both safe and sanitary.

(17) Any furnace system existent in a shelter home care facility must conform to local ordinances.

(18) All wiring existent in a shelter home care facility shall be certified in accordance with the Idaho electrical certification and inspection law.

(19) All buildings comprising a shelter home care facility shall be kept free from the accumulation of combustible materials.

(20) The water supply for each shelter home care facility shall be secured from a city water system or other source approved by the department of public health.

(21) Rooms which are used for the storage of food shall not be used for any other purpose; provided, kitchen supplies may also be stored in such rooms.

(22) All dishes, utensils and glassware used on the premises of a shelter
home care facility shall be maintained in a sanitary manner.

(23) There shall be two (2) exits from all floors including the cellar and they shall be clearly marked and at least one (1) will lead directly to the outside or to an outside stairway. Exits on the same floor shall be on different sides of the building, and outside stairways must be as far removed from inside stairways as possible and practical.

(24) The owner of the shelter home care facility shall conduct monthly fire drills to acquaint each resident with emergency procedure.

(25) Any individual resident requiring assistance to move shall reside on the ground floor of any wood frame building.

(26) Every building which is a shelter home care facility shall have an adequate fire alarm system.

(27) All fire extinguishers shall be inspected each year and recharged after each use. The extinguisher must be clearly visible, easily accessible at all times, and personnel trained in its use must be present in each shelter home care facility at any time.

(28) Residents of shelter home care facilities shall not be permitted to smoke in their individual rooms; provided, a resident shall be able to smoke if an attendant is present in the room with such resident.

(29) Each resident shall designate the physician of his choice to be contacted in the event of an emergency; provided, the shelter home care facility shall have authority to secure services of any licensed physician in an emergency.

(30) Any non-communicable, temporary illness may be cared for in the facility.

SECTION 2. That Section 39-3303, Idaho Code, be, and the same is hereby amended to read as follows:

39-3303. LICENSE — APPLICATION — ISSUANCE — RENEWAL — REVOCATION — HEARING — APPEAL. — Any shelter home as herein defined, operating or proposing to operate, shall apply for a license upon forms provided therefor by the state board department of health, giving thereon such information as the board department shall require. For such applicants as appear to the board department to have met the minimum requirements, a license valid for one (1) year shall be issued. Should any shelter home which was in operation at the date of such application appear to be deficient in some minor respect in meeting said standards, a temporary license valid for not more than six (6) months may be issued pending the satisfaction of all requirements. The state board department, when in its judgment, such action is required, may refuse to issue a license. A license
shall be renewable annually, upon application in form prescribed by the board department.

The board department may revoke any license when persuaded by evidence that such conditions exist as to endanger the health or safety of any resident. Before such revocation, the board department shall provide opportunity for a hearing at which the owner or sponsor of the shelter home under question may appear and show cause why the license should not be revoked.

Any action of the board department in refusing, or revoking, a license may be appealed to the district court in the county in which the facility is situated. The pleadings and other papers shall be filed not more than sixty (60) days after notice of the order appealed, and service of two (2) copies thereof shall be made upon the administrator of health.

SECTION 3. That Section 39-3305, Idaho Code, be, and the same is hereby amended to read as follows:

39-3305. RULES AND REGULATIONS. – The administrator state board of health shall have the authority to adopt rules and regulations consistent with the provisions of this act.

Approved February 6, 1970.

CHAPTER 6
(S. B. No. 1406)

AN ACT
AMENDING SECTION 61-1114, IDAHO CODE, TO CORRECT A TYPOGRAPHICAL ERROR BY PROVIDING THE ENFORCEMENT PROVISIONS OF CHAPTER 7, TITLE 61, AND NOT TITLE 6, SHALL APPLY TO THE IDAHO AIR CARRIER ACT.

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

SECTION 1. That Section 61-1114, Idaho Code, be, and the same is hereby amended to read as follows:

61-1114. CEASE AND DESIST – ENFORCEMENT. – When the commission, upon complaint or its own motion, has reason to believe that any aircraft is being operated without a certificate of public convenience and necessity as required by this act, or that this act is being violated, or that an air carrier is engaged in any other illegal activity, the commission shall
investigate such activity and may, after a hearing, make its order requiring
the owner or operator of the aircraft to cease and desist from any such
unlawful activity. The commission shall enforce compliance with such order
under the powers vested in the commission by law, including, but not
limited to, the provisions of chapter 7, title 61, Idaho Code.

Approved February 6, 1970.

CHAPTER 7
(S. B. No. 1407)

AN ACT
AMENDING CHAPTER 7 OF TITLE 61, IDAHO CODE, BY ADDING A
NEW SECTION FOLLOWING SECTION 61-712 TO BE
DESIGNATED AS SECTION 61-712A, TO PROVIDE THAT ANY
PERSON VIOLATING ANY PROVISION OF TITLE 61, IDAHO
CODE, OR ORDER OF THE IDAHO PUBLIC UTILITIES
COMMISSION, GOVERNING THE SAFETY OF PIPELINE
FACILITIES AND THE TRANSPORTATION OF GAS, SHALL BE
SUBJECT TO A CIVIL PENALTY NOT TO EXCEED $2,000 FOR
EACH VIOLATION FOR EACH DAY THE VIOLATION PERSISTS,
WITH A MAXIMUM CIVIL PENALTY NOT TO EXCEED $200,000;
AMENDING CHAPTER 7 OF TITLE 61, IDAHO CODE, BY ADDING
A NEW SECTION FOLLOWING SECTION 61-712A TO BE
DESIGNATED AS SECTION 61-712B, TO PROVIDE THAT ANY
CIVIL PENALTY IMPOSED BY SECTION 61-712A MAY BE
COMPROMISED BY THE IDAHO PUBLIC UTILITIES COMMISSION
AND THE AMOUNT OF THE PENALTY MAY BE DEDUCTED
FROM ANY SUMS OWING BY THE STATE OF IDAHO TO THE
PERSON CHARGED OR MAY BE RECOVERED IN A CIVIL
ACTION IN THE STATE COURTS.

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

SECTION 1. That Chapter 7, Title 61, Idaho Code, be, and the same is
hereby amended by the addition thereto of a new section, to be known and
designated as Section 61-712A, Idaho Code, and to read as follows:

61-712A. CIVIL PENALTY FOR VIOLATION. — Any person who
violates or fails to comply with, or who procures, aids or abets any violation
of title 61, Idaho Code, governing safety of pipeline facilities and the transportation of gas, or of any order, decision, rule or regulation duly issued by the Idaho public utilities commission governing the safety of pipeline facilities and the transportation of gas, shall be subject to a civil penalty of not to exceed two thousand dollars ($2,000) for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed two hundred thousand dollars ($200,000) for any related series of violation.

SECTION 2. That Chapter 7, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 61-712B, Idaho Code, and to read as follows:

61-712B. COMPROMISE OF CIVIL PENALTY. Any civil penalty may be compromised by the Idaho public utilities commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the state to the person charged or may be recovered in a civil action in the state courts.

Approved February 6, 1970.

CHAPTER 8
(S. B. No. 1412)

AN ACT
AMENDING SECTION 22-416, IDAHO CODE, RELATING TO PROHIBITIONS AS TO SALE OF SEED IN IDAHO, SO AS TO ALLOW THE COMMISSIONER OF AGRICULTURE AFTER FINDING THE PROPER CONDITIONS TO REGULATE THE TIME AND CONDITIONS UNDER WHICH SEED MAY BE SOLD WHEN SUCH SEED HAS BEEN SPECIALLY TREATED OR PACKAGED SO AS TO EXTEND ITS VIABILITY, AND GIVING THE COMMISSIONER OF AGRICULTURE THE POWER TO PRESCRIBE BY REGULATION THE CONDITIONS AND METHODS OF
TREATMENT AND/OR PACKAGING AND LABELING REQUIREMENTS FOR SUCH SEED.

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

SECTION I. That Section 22-416, Idaho Code, be, and the same is hereby amended to read as follows:

22-416. PROHIBITIONS. — (a) It shall be unlawful for any person to sell, offer for sale, expose for sale, or deliver under a contract any agricultural or vegetable seed within the state—

(1) Unless the test to determine the percentage of germination required by section 22-415, shall have been completed within a 9—month period, exclusive of the calendar month in which the test was completed immediately prior to sale, exposure for sale, offering for sale or transportation or delivered under a contract for seeding purposes. Provided, that if any agricultural or vegetable seed is treated or packaged under conditions which the commissioner finds will prolong the viability of such seed, such as hermetically sealed containers, the commissioner may by regulation prescribe a longer period than otherwise stated herein, and the conditions and methods of treatment and/or packaging and labeling which he deems to be necessary to maintain the identification and viability of such seed.

(2) Not labeled in accordance with the provisions of this act, or having false or misleading labeling.

(3) Pertaining to which there has been a false or misleading advertisement.

(4) Containing primary noxious weed seeds.

(5) Containing secondary noxious weed seeds singly or collectively in excess of—

(A) Five (5) seeds in 50 grams of Agrotis species, Poa species, Rhodes grass, Bermudagrass, timothy, celery, and other agricultural or vegetable seed of similar size and weight, or mixtures within this group;

(B) Five (5) seeds in each 50 grams of Dallis grass, ryegrass, fescue species, foxtail millets, alfalfa, red clover, sweet clover, lespedeza, bromegrass, crested wheatgrass, Brassica species, carrot, onion, and other agricultural or vegetable seeds of similar size and weight or mixtures within this group, or mixtures of this group with those in group A;

(C) Five (5) seeds in 50 grams of alsike clover, white clover and other agricultural or vegetable seeds of similar size and weight, or mixtures of this group with those in group A or group B;
(D) Five (5) seeds in each 150 grams of Proso millet, Sudan grass, and seeds of similar size and weight, or mixtures of seeds within this group;

(E) Five (5) seeds in each 500 grams of wheat, oats, rye, barley, buckwheat, sourghums, vetches, field peas, and other seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group.

(6) Containing more than 1 per cent by weight of weed seeds inclusive of secondary noxious weed seeds referred to in section 22-414 (f) (2), Provided, That 5 per cent of cheat, chess or downy brome shall be allowed in grass seed in which these weeds are found.

(b) It shall be unlawful for any person within this state—

(1) To detach, alter, deface, or destroy any label provided for in this act or the rules and regulations made and promulgated thereunder, or to alter or substitute seed, in a manner that may defeat the purposes of this act.

(2) To disseminate any false or misleading advertisement concerning agricultural or vegetable seed in any manner or by any means.

(3) To hinder or obstruct in any way any authorized person in the performance of his duties under this act.

(4) To fail to comply with a "stop-sale" order.

(5) To ship, deliver, transport, or sell agricultural or vegetable seeds treated with any substance likely to be poisonous to human beings or animals unless there is conspicuously shown in red letters on the analysis tag or label, or on a separate tag or container, the words "poison treated" or other appropriate warning adequate to protect the public. It is unlawful to sell or divert seed so treated for use or for processing either for human or animal consumption.

(6) To transport away from the place where cleaning occurred any screenings removed during the process of cleaning field, flower, or garden seeds which contain any seeds of noxious weeds as described in this act unless such screenings have been treated by grinding or other means so as to prevent the germination of the noxious weed seeds: Provided, That the commissioner may give written permission for removal of screenings to another point for grinding or processing by other means to prevent germination of noxious weed seed contained therein.

Approved February 6, 1970.
AN ACT

REPEALING SECTION 49-1102, IDAHO CODE; AMENDING CHAPTER 11, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1102, IDAHO CODE, RELATING TO THE OPERATION OF MOTOR VEHICLES BY PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR OF DRUGS; PROVIDING A STANDARD FOR THE DETERMINATION OF INTOXICATION BASED UPON GRAMS OF ALCOHOL PER ONE HUNDRED CUBIC CENTIMETERS OF BLOOD; PROVIDING A CRIMINAL PENALTY THEREFOR; PROVIDING FOR A MANDATORY SUSPENSION OF AN IDAHO OPERATOR’S LICENSE OR PERMIT AND A MANDATORY SUSPENSION OF A NON-RESIDENT OPERATOR’S DRIVING PRIVILEGES WITHIN THE STATE OF IDAHO UPON CONVICTION OF A VIOLATION OF THIS SECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-1102, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 11, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 49-1102, Idaho Code, and to read as follows:

49-1102. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR OF DRUGS. – (a) It is unlawful and punishable as provided in paragraph (d) of this section for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any motor vehicle within this state.

(b) In any criminal prosecution for a violation of paragraph (a) of this section relating to driving a motor vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant’s blood at the time of the alleged offense as shown by chemical analysis of the defendant’s blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

1. If there was at that time 0.10 per cent or less by weight of alcohol in the defendant’s blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence
in determining the guilt or innocence of the defendant:

2. If there was at that time more than 0.10 per cent by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor;

3. Per cent by weight of alcohol in blood shall be based upon grams of alcohol per 100 cubic centimeters of blood;

4. The foregoing provisions of paragraph (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

(c) It is unlawful and punishable as provided in paragraph (d) of this section for any person who is a habitual user of, or under the influence of any narcotic drug, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle to drive a motor vehicle within this state. The fact that any person charged with a violation of this paragraph is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this paragraph.

(d) Every person who is convicted of a violation of this section shall be punished by imprisonment in the county or municipal jail for not more than six (6) months or by fine of not more than three hundred dollars ($300) or by both such fine and imprisonment. On a second or subsequent conviction he shall be imprisoned in the state penitentiary for not more than five (5) years.

The commissioner shall suspend the Idaho operator's license or permit to drive and any non-resident's driving privileges in the state of Idaho of any person convicted of a violation of this section for a period of ninety (90) days upon the first conviction, six (6) months upon the second conviction occurring within a two (2) year period from the time of the first conviction, and a one (1) year suspension upon a third conviction occurring within a three (3) year period of the time from the first conviction.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 6, 1970.
CHAPTER 10
(H. B. No. 403)

AN ACT
AMENDING SECTION 58-307, IDAHO CODE, EXPANDING THE TIME LIMITS DURING WHICH A PERSON MAY FILE AN APPLICATION TO LEASE STATE LANDS.

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

SECTION 1. That Section 58-307, Idaho Code, be, and the same is hereby amended to read as follows:

58-307. TERM OF LEASE — APPLICATION FOR RENEWAL — ALLOWANCE FOR IMPROVEMENTS. — No lease of state lands, other than those valuable for stone, coal, oil, gas or other minerals, shall be for longer term than ten years. The annual rental therefor must be paid from January first of the year in which the lease is issued. All applications to lease or to renew a lease which expires December thirty-first of any year, shall be filed in the office of the state land commissioner between the first day of October and before the thirtieth day of November preceding the date of such expiration. Such applications will be considered by the state land board after January first following and be disposed of in the manner provided by law. Where conflicts appear such applications filed between said dates shall be considered as having been filed simultaneously. However, nothing herein shall be construed to prevent the state board of land commissioners from accepting and considering applications for new leases at any time: provided, in case improvements have been made on land while under lease which is expiring, and the former lessee is not the successful bidder, but the land is leased to another, the amount of such improvements shall be paid to the former lessee. The following shall be considered improvements: Plowing done within one year, provided no crop has been raised on the plowed land after such plowing. fencing, buildings, cisterns, wells, growing crops and any other asset which shall be considered an improvement by the state land commissioner.

Approved February 6, 1970.
CHAPTER 11
(H. B. No. 406)

AN ACT
AMENDING SECTION 11-205, IDAHO CODE, RELATING TO PROPERTY EXEMPT FROM EXECUTION BY STRIKING SUBSECTION 7 CONCERNING EXEMPT EARNINGS; AMENDING CHAPTER 2, TITLE 11, IDAHO CODE, RELATING TO PROPERTY SUBJECT TO EXECUTION AND EXEMPTIONS, BY THE ADDITION OF A NEW SECTION KNOWN AS SECTION 11-206, IDAHO CODE, DEFINING THE TERMS "EARNINGS", "DISPOSABLE EARNINGS" AND "GARNISHMENT"; AMENDING CHAPTER 2, TITLE 11, IDAHO CODE, RELATING TO PROPERTY SUBJECT TO EXECUTION AND EXEMPTIONS BY THE ADDITION OF A NEW SECTION KNOWN AS SECTION 11-207, IDAHO CODE, RESTRICTING THE AMOUNT OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT, AND PROVIDING EXCEPTIONS FROM RESTRICTIONS IN SPECIFIED CASES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 11-205, Idaho Code, be, and the same is hereby amended to read as follows:

11-205. EXEMPTIONS IN GENERAL. — In addition to the homestead exempted by the Civil Code, the following property belonging to an actual resident of the state is exempt from execution, except as herein otherwise specially provided:

1. Chairs, tables, desks and books to the value of two hundred dollars ($200.00) belonging to the judgment debtor.

2. Necessary household, table and kitchen furniture belonging to the judgment debtor, including one sewing machine in actual use in a family or belonging to a woman, stoves, stovepipe and stove furniture, beds, bedding and bedsteads, not exceeding in value three hundred dollars ($300.00); wearing apparel, hanging pictures, oil paintings and drawings, drawn or painted by any member of the family, and family portraits and their necessary frames; provisions actually provided for individual or family use sufficient for six (6) months; two (2) cows with their sucking calves and two (2) hogs with their sucking pigs; also poultry not exceeding one hundred fifty dollars ($150.00) in value.

3. The farming utensils or implements of husbandry of a farmer not
exceeding in value the sum of three hundred dollars ($300.00); also motor vehicles not exceeding two hundred dollars ($200.00) in value; also four (4) oxen or four (4) horses or four (4) mules, to be selected by the claimant, and their harness, one (1) cart or wagon, and food for such oxen, horses, or mules for six (6) months; also a water right not to exceed 160 inches of water, used for the irrigation of lands actually cultivated by him; also the crop or crops growing or grown on fifty (50) acres of land, leased, owned or possessed by the person cultivating the same; provided, that in no case shall the amount of crops so exempted exceed the value of five hundred dollars ($500.00).

4. Tools or implements of mechanic or artisan necessary to carry on his trade, not exceeding in value the sum of five hundred dollars ($500.00); motor vehicles not exceeding two hundred dollars ($200.00) in value; the notarial seal and records of a notary public, the instruments and chest of a surgeon, physician, surveyor and dentist, necessary to the exercise of their professions, with their scientific and professional libraries; the law professional libraries and office furniture of attorneys, counselors and judges, and the libraries of ministers of the gospel.

5. The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars ($500.00); also his sluices, pipes, hose, windlass, derrick, cars, pumps and tools not exceeding in value two hundred dollars ($200.00); also one (1) saddle animal and one (1) pack animal together with their saddles and equipments belonging to a miner actually engaged in prospecting, not exceeding in value two hundred and fifty dollars ($250.00).

6. Two (2) oxen, two (2) horses, or two (2) mules and their harness; and one (1) cart, wagon, dray or truck, by the use of which a cartman, drayman, truckman, huckster, peddler, hackman, teamster or other laborer habitually earns a living; and one horse with vehicles and harness or other equipments used by a physician, surgeon or minister of the gospel in making his professional visits, with food for such oxen, horses or mules for six (6) months.

7. Seventy-five per cent (75%) of the earnings of a judgment debtor for his personal services rendered at any time within thirty (30) days next preceding the levy of the execution, or levy of attachment, when it appears by the debtor's affidavit or otherwise that such earnings are necessary for the use of his family residing in this state, supported wholly or in part by his labor; provided, that if the garnishment be founded upon a debt for actual necessities furnished to the defendant or his family or his dependents, no exemption shall be allowed in excess of fifty per cent (50%) of any wages or salary due the defendant at time of the service of execution or attachment.
provided further, that in no case shall the amount of such exemption of earnings exceed the sum of one hundred dollars ($100.00) at any one time.

-8: 7. The shares held by the members of a homestead association or building or loan association duly incorporated under the laws of the state of Idaho, not exceeding in value one thousand dollars ($1000.00), if the person holding the shares is not the owner of a homestead under the laws of this state.

-9: 8. All moneys, benefits, privileges or immunities accruing or in any manner growing out of any life insurance on the life of the debtor to an amount represented by an annual premium not exceeding two hundred and fifty dollars ($250.00).

-10: 9. All fire engines, hooks and ladders with the carts, trucks, and carriages, hose, buckets, implements and apparatus thereto appertaining, and all furniture and uniforms of any fire company or department organized under any laws of this state.

-11: 10. All arms, uniforms and accoutrements required by law to be kept by any person, also one gun.

-12: 11. All courthouses, jails, public offices and buildings, school houses, lots, grounds and personal property appertaining thereto, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this state, or for the use of schools, and all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this state. No article or species of property mentioned in this section is exempt from execution issued upon a judgment recovered for its price or upon a mortgage thereon.

SECTION 2. That Chapter 2, Title 11, Idaho Code, be, and the same is amended by the addition thereto of a new section, to be known and designated as Section 11-206, Idaho Code, and to read as follows:

11-206. DEFINITIONS. — For the purpose of section 11-207, Idaho Code, the term:

1. "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.
2. "Disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

3. "Garnishment" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt.

SECTION 3. That Chapter 2, Title 11, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 11-207, Idaho Code, and to read as follows:

11-207. RESTRICTION ON GARNISHMENT — MAXIMUM. — (1) Except as provided in subsection (2) of this section, the maximum amount of the aggregate disposable earnings of an individual for any work week which is subjected to garnishment shall not exceed (a) twenty-five per cent (25%) of his disposable earnings for that week, or (b) the amount by which his disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage prescribed by 29 U.S.C.A. 206(a) (1) in effect at the time the earnings are payable, whichever is less. In the case of earnings for any pay period other than a week, the Idaho Commissioner of Labor shall by regulation prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in (b) of this subsection.

(2) The restrictions of subsection (1) of this section shall not apply in the case of any order of any court for the support of any person, any order of any court of bankruptcy under chapter XIIJ of the Bankruptcy Act, or any debt due for any state or federal tax.

SECTION 4. This act shall be in full force and effect on and after the first day of July, 1970.

Approved February 6, 1970.

CHAPTER 12
(H. B. No. 423)

AN ACT
AMENDING SECTION 42-1801, IDAHO CODE, RELATING TO THE APPOINTMENT, OATH AND BOND OF THE STATE RECLAMATION ENGINEER, BY CHANGING THE TITLE OF THE STATE RECLAMATION ENGINEER TO DIRECTOR OF THE DEPARTMENT OF WATER ADMINISTRATION, AND PROVIDING

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

SECTION 1. That Section 42-1801, Idaho Code, be, and the same is hereby amended to read as follows:

42-1801. APPOINTMENT, OATH AND BOND OF STATE RECLAMATION ENGINEER DIRECTOR OF DEPARTMENT OF WATER ADMINISTRATION. — The state reclamation engineer director of the department of water administration shall be appointed by the governor for a term of six years commencing as of the first Monday of January, 1943, and thereafter for like terms of six years commencing on the first Monday of January of each such terms of office, and until his successor shall be appointed and qualified in the manner as herein provided, and shall, before entering upon the discharge of the duties of his office, take and subscribe an oath to faithfully discharge the duties of his office, and shall give an official bond to be approved by the governor in the sum of $10,000. If the office of state reclamation engineer director of the department of water administration shall be vacated by the incumbent by death, resignation or otherwise it shall be the duty of the governor to fill the same by appointment; and the appointee shall hold his office for the balance of the unexpired term of six years and until his successor is appointed and qualified. The director of the department of water administration shall be the administrative head and executive officer of the agency of state government to be known and designated as the department of water administration.
SECTION 2. Wherever the words department of reclamation appear in the Idaho Code they shall mean the department of water administration, and wherever the words state reclamation engineer or deputy state reclamation engineer appear in the Idaho Code they shall mean the director of the department of water administration or the deputy director of the department of water administration, respectively.

SECTION 3. This act shall not in any way affect the status of the state reclamation engineer holding office at the time of this act, and he shall continue in office under the appointment as such existed at the time of this act. This act shall not in any way affect the status of any employee of the department of reclamation at the time of this act.

SECTION 4. This act shall be in full force and effect on and after July 1, 1970.

Approved February 10, 1970.

CHAPTER 13
(H.B. No. 451)

AN ACT
AMENDING SECTION 72-1316, IDAHO CODE, PROVIDING THAT SERVICES PERFORMED FOR REMUNERATION SHALL BE COVERED EMPLOYMENT UNLESS IT IS SHOWN THAT THE WORKER HAS BEEN AND CONTINUES TO BE FREE FROM CONTROL OR DIRECTION IN THE PERFORMANCE OF HIS WORK, BOTH UNDER HIS CONTRACT OF SERVICE AND IN FACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 72-1316, Idaho Code, be, and the same is hereby amended to read as follows:

72-1316. COVERED EMPLOYMENT. - (a) The term "covered employment" means an individual's entire service, including service in interstate commerce, performed by him for wages or under any contract of hire, written or oral, express or implied, except —

(1) Agricultural labor, as defined by section 72-1304;
(2) Service performed as domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;
(3) Service performed by an individual in the employ of his son,
daughter, or spouse, and service performed by a child under the age of twenty-one (21) years in the employ of his father, mother, brother or sister;

(4) Service performed in the employ of the United States government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this act except that, to the extent that the Congress of the United States shall permit states to require any instrumentality of the United States to make payments into a fund under a state unemployment compensation or insurance law, all of the provisions of this act shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other covered employers, persons, individuals, and services; provided, that if this state shall not be certified for any year by the secretary of labor under section 3304 of the Federal Internal Revenue Code of 1954, the payments required of such instrumentality with respect to such year shall be refunded by the director from the employment security fund in the same manner and within the same period as is provided in section 72-1357 with respect to contributions erroneously collected;

(5) Service performed in the employ of any state other than Idaho, or any political subdivision thereof, or any instrumentality of the foregoing which is wholly owned by such other states or political subdivisions; and any service performed in the employ of any instrumentality of one or more other states or political subdivisions to the extent that the instrumentality is, with respect to such service, exempt under the Constitution of the United States from the tax imposed by chapter 23, subtitle C of the Federal Internal Revenue Code of 1954;

(6) Service performed in the employ of: (A) any public institution or instrumentality which acquires its operating funds primarily through direct or indirect taxation, including but not limited to, counties, municipalities, highway districts, drainage districts, cemetery districts, and school districts; provided, however, that service performed in the employ of irrigation districts and soil conservation districts shall be considered covered employment; (B) a children's home or eleemosynary hospital, not part of the net earnings of which inures to the benefit of any private shareholder or individual; and (C) a fraternal benefit society organized or licensed under the provisions of chapter 30 of title 41;
(7) Service performed in the employ of a corporation, community chest fund, foundation, or association organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is commercial in nature and in direct competition with commercial businesses, or engaged in carrying on propaganda, or otherwise attempting to influence legislation;

(8) Service with respect to which unemployment compensation or insurance is payable under an unemployment compensation system established by an Act of Congress other than the Social Security Act;

(9) Service performed as a student nurse in the employ of a hospital or nurses' training school by an individual who is enrolled and is regularly attending courses in a nurses' training school chartered or approved pursuant to the state law, and service performed as an intern in the employ of a hospital by an individual who has completed a course in a medical school chartered or approved pursuant to state law;

(10) Service performed by an individual under the age of eighteen (18) years in the delivery or distribution of newspapers or shopping news not including delivery or distribution to any point for subsequent delivery or distribution; and

(10a) Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

(11) Service covered by an election duly approved by the agency charged with the administration of any other state or federal employment compensation or unemployment insurance law, in accordance with an arrangement pursuant to 72-1344 during the effective period of such election.

(b) Notwithstanding any of the other provisions of this section, services shall be deemed to be in covered employment if with respect to such services a tax is required to be paid under Chapter 23 of the Federal Internal Revenue Code of 1954, as amended.

(c) Services covered by an election pursuant to section 72-1352 and services covered by an election duly approved by the director in accordance with an arrangement pursuant to section 72-1344 shall be deemed to be covered employment during the effective period of such election.
(d) Services performed by an individual for remuneration shall, for the purposes of the Employment Security Law, be covered employment unless it is shown: (1) that the worker is has been and will continue to be free from control or direction in the performance of his work, both under his contract of service and in fact, and (2) that the worker is engaged in an independently established trade, occupation, profession, or business.

(e) The term “covered employment” shall include an individual’s entire service, performed within or both within and without this state,

(1) if the service is localized in this state; or

(2) if the service is not localized in any state but some of the service is performed in this state and (A) the individual’s base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state, or (B) the individual’s base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual’s residence is in this state.

(3) Service shall be deemed to be localized within a state if

(A) the service is performed entirely within such state; or

(B) the service is performed both within and without such state, but the service performed without such state is incidental to the individual’s service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 10, 1970.

CHAPTER 14
(H. B. No. 464)

AN ACT
AMENDING SECTION 16-1506, IDAHO CODE, RELATING TO ADOPTIONS, BY ALLOWING PERSONS NOT MINORS WHO ARE BEING ADOPTED OR ADOPTIVE PARENTS IN THE ARMED SERVICES TO APPEAR BY DEPOSITIONS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 16-1506, Idaho Code, be, and the same is hereby amended to read as follows:

16-1506. PROCEEDINGS ON ADOPTION. — Proceedings to adopt a child shall be commenced by the filing of a petition together with a copy thereof. Said petition shall be initiated by the person or persons proposing to adopt the child and shall be filed with the probate court of the county in which said person or persons reside and have residence. The petition shall set forth the name and address of the petitioner or petitioners, the name of the child proposed to be adopted and the name by which it shall be known if and when adopted, the degree of relationship of the child, if any, to the petitioner or petitioners and the names of any person or agency whose consent to said adoption is necessary. At the time fixed for hearing such petition the person adopting a child, and the child adopted, and the spouse of petitioner if a natural parent of the child, must appear before the probate judge of the county where the person adopting resides. Petitioner shall at such time execute an agreement to the effect that the child shall be adopted and treated in all respects as his own lawful child should be treated. Any person or persons whose consent is required shall execute such consent in writing, and acknowledge the same before any officer authorized by the laws of this or any other state to take acknowledgment of deeds, which consent being filed in the court where the application is made, shall be deemed a sufficient appearance on the part of such person or persons. If any adoptive parent, or a person not a minor being adopted by a resident adult under the provisions of section 16-1501, Idaho Code, is a member of the armed services and is unable to attend the hearing, his appearance and testimony shall be received by means of deposition, which shall be filed in the court at the time of the hearing.

Upon the filing of a petition to adopt a minor child by a person unrelated to the child or unmarried to a natural parent of the child and at the discretion of the court upon the filing of any other petition for adoption, a copy of such petition, together with a statement containing the full names and permanent address of the child and the petitioners, shall be served by the court receiving the petition within five (5) days on the commissioner of the department of public assistance of the state of Idaho by registered mail or personal service. It shall then be the duty of the said commissioner, through the personnel of the department of public assistance or through such qualified child-placing agency incorporated under chapter 11 of title 30, Idaho Code, as the said commissioner may designate, to verify the allegations of the petition, and as soon as possible not exceeding thirty
(30) days after service of the petition on the commissioner to make a thorough investigation of the matter and report his findings in writing to the court, and return therewith the petition, statement and all other papers, records or files relating to said adoption to the court. If the report disapproves of the adoption of the child, motion may be made to the court to dismiss the petition.

Proceedings for termination of parent-child relationship in accordance with chapter 20, title 16, Idaho Code, and proceedings for adoption may be consolidated and determined at one hearing provided that all of the requirements of this chapter as well as chapter 20, title 16, Idaho Code, be fully complied with.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 10, 1970.

CHAPTER 15
(S. B. No. 1419)

AN ACT
AMENDING SECTION 49-832, IDAHO CODE, RELATING TO BRAKE EQUIPMENT, BY PROVIDING THAT EVERY TRAILER AND SEMI-TRAILER OF AN UNladen WEIGHT OF 1,500 POUNDS OR MORE SHALL BE EQUIPPED WITH ADEQUATE BRAKES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-832, Idaho Code, be, and the same is hereby amended to read as follows:

49-832. BRAKES. — A. Brake equipment required.—

1. Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If these two (2) separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels.
2. Every motorcycle and every motor-driven cycle, when operated upon a highway, shall be equipped with at least one (1) brake, which may be operated by hand or foot.

3. Every trailer or semi-trailer of a gross weight of 3,000 an unladen weight of 1,500 pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle, the brakes shall be automatically applied.

4. Every new motor vehicle, trailer, or semi-trailer hereafter sold in this state and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except any motorcycle or motor-driven cycle, except trucks and truck tractors having three (3) or more axles need not have brakes on the front wheels, except when such vehicles are equipped with at least two (2) steerable axles the wheels of one (1) such axle need not be equipped with brakes, and except that any trailer or semi-trailer of less than 1,500 pounds unladen weight need not be equipped with brakes.

(a) Every farm trailer while being used hauling agricultural products or livestock from farm to storage, marketing or processing plant, or returning therefrom, and used within a radius of 50 miles, shall be exempt from the braking requirements as set forth above.

5. One (1) of the means of brake operation shall consist of a mechanical connection from the operating lever or by spring action or by equivalent means to the brake shoes or bands and this brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading on any upgrade or downgrade upon which it is operated.

6. The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

B. Performance ability of brakes. — Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, shall, upon application of the service (foot) brake, be capable of decelerating and developing a braking force equivalent to such deceleration according to the minimum requirements set forth herein, and also of stopping within the distances set forth herein:
Passenger vehicles, not including buses

<table>
<thead>
<tr>
<th>Stopping distance in feet</th>
<th>Deceleration in feet per second per second</th>
<th>Equivalent braking force in percentage of vehicle or combination weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>17</td>
<td>53.0%</td>
</tr>
</tbody>
</table>

Single-unit vehicles with a manufacturer's gross vehicle weight rating of less than 10,000 pounds

<table>
<thead>
<tr>
<th>Stopping distance in feet</th>
<th>Deceleration in feet per second per second</th>
<th>Equivalent braking force in percentage of vehicle or combination weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>14</td>
<td>43.5%</td>
</tr>
</tbody>
</table>

Single-unit, 2-axle vehicles with a manufacturer's gross vehicle weight rating of 10,000 or more pounds

<table>
<thead>
<tr>
<th>Stopping distance in feet</th>
<th>Deceleration in feet per second per second</th>
<th>Equivalent braking force in percentage of vehicle or combination weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>14</td>
<td>43.5%</td>
</tr>
</tbody>
</table>

All other vehicles and combinations with a manufacturer's gross vehicle weight rating of 10,000 or more pounds

<table>
<thead>
<tr>
<th>Stopping distance in feet</th>
<th>Deceleration in feet per second per second</th>
<th>Equivalent braking force in percentage of vehicle or combination weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>14</td>
<td>43.5%</td>
</tr>
</tbody>
</table>

Compliance with standards set forth herein shall be determined either (1) by actual road tests conducted on a substantially level (not to exceed a plus or minus one per cent (1%) grade), dry, smooth, hard-surfaced road that is free from loose material, and with stopping distances measured from the actual instant braking controls are moved and from an initial speed of 20 miles per hour, or else (2) by suitable mechanical tests in a testing lane which recreates such same conditions, or (3) by a combination of both methods.

C. Maintenance of brakes. — All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

SECTION 2. An emergency existing therefore, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 10, 1970.
CHAPTER 16
(S. B. No. 1427)

AN ACT
AMENDING CHAPTER 2, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-242A, IDAHO CODE, PROVIDING INCENTIVE PAY TO INMATES AT THE IDAHO STATE PENITENTIARY WHO ARE PERFORMING AT A MERITORIOUS LEVEL BUT WHO ARE NOT PRIVILEGED TO PARTICIPATE IN PRISON INDUSTRY EMPLOYMENT, PROVIDING THAT SUCH PAY SHALL BE FUNDED BY CURRENT AGENCY APPROPRIATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 2, Title 20, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 20-242A, Idaho Code, and to read as follows:

20-242A. INMATE INCENTIVE PAY. The board of correction is hereby authorized to institute an incentive pay program for those inmates performing at a meritorious level but who are not privileged to participate in prison industry employment.

Such incentive pay program shall be funded by the current agency appropriation.

No such incentive pay shall be paid to any inmate who is receiving pay as provided by section 20-409, Idaho Code. Such incentive pay shall not exceed that amount paid to inmates under the provisions of section 20-409, Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on an after its passage and approval.

Approved February 10, 1970.

CHAPTER 17
(S. B. No. 1438)

AN ACT
AMENDING SECTION 49-117, IDAHO CODE, RELATING TO ASSIGNMENT OR TRANSFER OF INTEREST IN MOTOR
VEHICLES, BY PROVIDING FOR A TRANSFER FEE OF TWO DOLLARS IN CERTAIN INSTANCES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-117, Idaho Code, be, and the same is hereby amended to read as follows:

49-117. ASSIGNMENT OR TRANSFER OF INTEREST — PROCEDURE. — a. Whenever the owner of a motor vehicle registered under the provisions of section 49-126 and subsections (a), (b) and (c) of section 49-127 transfers or assigns his title or interest thereto, the registration card and registration plates shall remain with and in the possession of the transferor, and before such registration plates shall be displayed upon another motor vehicle owned by the transferor, the transferor shall have such motor vehicle registered as provided for in section 49-107. For such registration, all vehicles registered under section 49-126, the transferor shall pay the registration fee required by section 49-126 less the registration fee already paid, plus a transfer fee of two dollars ($2.00), or if the transferor shall have an older car to be registered, the transferor shall pay a transfer fee of two dollars ($2.00); for vehicles registered in accordance with subsections (a), (b) and (c) of section 49-127, the registration fee shall be the fee provided by subsection (b) of section 49-129, plus a transfer fee of two dollars ($2.00). The transfer fee of two dollars ($2.00) collected under this subsection shall be paid to the county treasurer where the vehicle is registered and such transfer fee shall be placed in the county general fund.

b. The registration and use fee plates originally assigned to a motor vehicle registered under the provisions of section 49-127, except subsections (a), (b) and (c) thereof, must remain attached thereto until the end of the current registration year, provided, however, that upon a change of registered ownership of any motor vehicle upon which the registration and use fee plates have been computed according to subsection (f) of section 49-127, the registration and use fee plates shall be returned to the department.

c. In the event of a transfer by operation of law of the title or interest of an owner in and to a motor vehicle registered under the provisions of section 49-126 and 49-127 as upon inheritance, devise (devises) or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performing the terms of a lease or executory sales contract, or otherwise, the registration thereof shall expire and the registration card and plates and use fee plates shall be forthwith surrendered to the department and such
motor vehicle shall not be operated upon the highways of the state of Idaho until and unless the person entitled thereto shall apply for and obtain a new registration card and plates and use fee plates to himself in accordance with the provisions of section 49-107, except that an administrator, executor, trustee or other representative of the owner, or a sheriff or other officer, or any person repossessing the motor vehicle under the terms of a conditional sales contract, lease, chattel mortgage or other security agreement or the assignee or legal representative of any such person may operate or cause to be operated any motor vehicle upon the highway from the place of repossession or place where formerly kept by the owner to a (to a) garage, warehouse or other place of keeping or storage, provided the place of repossession and place of destination are both located within the state of Idaho, upon obtaining a written permit from the department of the local police authorities having jurisdiction of such highways and upon displaying in plain sight upon such motor vehicle a placard bearing the name and address of the person authorizing and directing such movement, and plainly readable from a distance of one hundred (100) feet during daylight. During pendency of any probate proceedings, a probate court is hereby authorized to permit a motor vehicle subject to the conditions of this subsection to be used and driven by the person or persons applying therefor for the time and in the manner provided by the order of such court; and the right thus conferred shall be indicated by a placard bearing the name of the court issuing the order and the name and address of the person authorized to use such motor vehicle.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 10, 1970.

CHAPTER 18
(S. B. No. 1402)

AN ACT
AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY ADDING A NEW SECTION 39-128, IDAHO CODE; AUTHORIZING THE STATE BOARD OF HEALTH TO ESTABLISH AND ENFORCE MINIMUM SANITARY STANDARDS FOR SOLID WASTE DISPOSAL AND
PROVIDING FOR REVIEW AND APPROVAL BY THE BOARD OF HEALTH OF PLANS FOR PROPOSED SOLID WASTE DISPOSAL SITES.

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

SECTION 1. That Chapter 1, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 39-128, Idaho Code, and to read as follows:

39-128. SANITARY STANDARDS FOR SOLID WASTE DISPOSAL — APPROVAL OF PLANS. — The board is authorized to establish and enforce rules and regulations for minimum sanitary standards for the storage, collection, incineration, composting, grinding, disposing or other processing of solid wastes, and for the construction, operation and maintenance of solid waste control systems. Plans, maps, specifications, and a proposed operational procedure report for a proposed public, commercial, industrial, or agricultural solid waste disposal site shall be submitted to the department of health for its review and approval.

Approved February 17, 1970.

CHAPTER 19
(S. B. No. 1429)

AN ACT
REPEALING SECTION 49-2409, IDAHO CODE, AS AMENDED BY SECTION 7, CHAPTER 62, LAWS OF 1967, REQUIRING BONDS TO BE FURNISHED BY MOTOR VEHICLE DEALERS, USED MOTOR VEHICLE DEALERS, MOBILE HOME DEALERS, MOTORCYCLE OR MOTOR SCOOTER DEALERS, AND USED MOTORCYCLE OR MOTOR SCOOTER DEALERS AND REPEALING SECTION 49-2410, IDAHO CODE, REQUIRING BOND TO BE FURNISHED BY MOTOR VEHICLE SALESMEN; AMENDING SECTION 49-2411, IDAHO CODE, BY STRIKING THE PROVISION THAT SERVICE OF PROCESS BE MADE ON SURETY ON BONDS OF SALESMEN AND DEALERS; AND AMENDING SECTION 49-2414, IDAHO CODE, BY STRIKING THE BOND REQUIREMENT OF DEALERS.

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

SECTION 1. That Section 49-2409, Idaho Code, as amended by Section 7, Chapter 62, Laws of 1967, and Section 49-2410. Idaho Code, be, and the same are hereby repealed.
SECTION 2. That Section 49-2411, Idaho Code, be, and the same is hereby amended to read as follows:

49-2411. RIGHT OF ACTION FOR LOSS BY FRAUD - PROCESS.

(1) If any person shall suffer any loss or damage by reason of any fraud practiced on him or fraudulent representation made to him by a licensed dealer or one (1) of such dealer's salesmen acting for the dealer, in his behalf, or within the scope of the employment of such salesman, or shall suffer any loss or damage by reason of the violation by such dealer or salesman of any of the provisions of this act, such person shall have a right of action against such dealer, and his salesman, and the sureties upon their respective bonds.

(2) A licensee's license or a renewal of said license shall not be issued to any applicant therefor unless and until such applicant shall file with the commissioner a good and sufficient instrument in writing in which he shall appoint the commissioner as the true and lawful agent of said applicant upon whom all process may be served in any action or actions which may thereafter be commenced against said applicant arising out of any claim for damages suffered by any firm, person, association or corporation by reason of the violation of said applicant of any of the terms and provisions of this act or any condition of the dealer's bond. The applicant shall stipulate and agree in said appointment that any process directed to said applicant in such a case which is served upon the commissioner, or in the event of his absence from his office, upon any employee of the state in charge of the office of such commissioner, shall be of the same legal force and effect as if served upon said applicant personally. Said applicant shall further stipulate and agree in writing that the agency created by said appointment shall continue for and during the period covered by any license that may be issued and so long thereafter as the applicant may be made to answer in damages for a violation of this act or any condition of his bond, as aforesaid. The instrument appointing the commissioner as the agent for the applicant for service of process shall be acknowledged by the applicant before an officer authorized to take and certify acknowledgments under the laws of this state. In any case wherein the licensee be served with process by service thereof upon the commissioner, three (3) two (2) copies of said process shall be left with said commissioner. Not later than two (2) days after the service of said process upon him, the commissioner shall mail one (1) copy thereof to the licensee at his principal place of business, as the same appears of record in the office of the commissioner, postpaid, by registered mail with request for return receipt. One (1) copy shall be mailed to the surety on the applicant's bond at the address of the surety given in said bond, postpaid and registered.
with request for return receipt. The remaining copy shall be retained on file with the commissioner: provided, that where the licensee is served with process by service thereof upon the commissioner, the licensee shall have and be allowed thirty (30) days from and after the service thereof within which to answer any complaint or other pleading which may be filed in said cause. For the purpose of venue where the licensee is served with process thereof upon the commissioner, the service shall be deemed to have been made upon the licensee in the county in which he has or last had his principal place of business.

SECTION 3. That Section 49-2414, Idaho Code, be, and the same is hereby amended to read as follows:

49-2414. UNLAWFUL ACTS BY LICENSEE. — It shall be unlawful and a violation of this act for the holder of any license issued under the terms and provisions hereof:

1. To intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular or which misrepresents any of the products sold or furnished by a licensed dealer.

2. To violate any of the terms and provisions of this act or any of the rules and regulations promulgated by the commissioner under the authority herein conferred upon him.

3. To knowingly purchase, sell or otherwise acquire or dispose of a stolen motor vehicle.

4. To violate any law of the state respecting commerce in motor vehicles or any lawful rule or regulation respecting commerce in motor vehicles promulgated by any licensing or regulating authority now existing or hereafter created by the laws of the state.

5. To engage in the business for which such licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as provided in section 49-2409 entitled "dealer’s bond."

6. For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining a principal place of business as required by this act.

7. For any licensee to engage in a type of business respecting the selling or exchanging of new or new and used motor vehicles, or new or new and used motorcycles or motor scooters, or new and used mobile homes for which he is not licensed.

8. It shall be unlawful and a violation of this act, for a manufacturer of motor vehicles, distributor, distributor branch or
factory branch or other representative thereof to either induce or attempt to induce by means of coercion, intimidation, or discrimination any motor vehicle dealer;

(a) To accept delivery of any motor vehicle or vehicles, parts, or accessories therefor, or any other commodity or commodities, including advertising material which shall not have been ordered by said motor vehicle dealer.

(b) To order or accept delivery of any motor vehicle with special features, appliances, accessories, or equipment not included in the list price of said motor vehicles as publicly advertised by the manufacturer thereof.

(c) To order from any person, firm, association, corporation or trust, any parts, accessories, equipment, machinery, tools, appliances, or any commodity whatsoever.

(d) To enter into any agreement with such manufacturer, distributor, distributor branch or factory branch, or representative thereof, or to do any other act unfair to said dealer by threatening to cancel any franchise or contractual agreement existing between such manufacturer, distributor, distributor branch or factory branch and said dealer.

(e) To refuse to deliver to any motor vehicle dealer having a franchise or contractual arrangement for the retail sale of new and unused motor vehicles sold or distributed by said manufacturer, distributor, distributor branch or factory branch, any such motor vehicle, publicly advertised for immediate delivery within sixty (60) days after such dealers order shall have been received.

(f) To unfairly without due regard to the equities of said dealer and without just provocation, cancel a franchise of any motor vehicle dealer. The nonrenewal of a franchise or selling agreement without just provocation or cause shall be deemed an evasion of this paragraph and shall constitute an unfair cancelation.

(a) No manufacturer of motor vehicles, distributor, distributor branch, or factory branch or other representative thereof shall induce or coerce or attempt to induce or coerce any retail dealer or prospective retail dealer in this state to sell, assign or transfer any retail instalment sales contract, obtained by such dealer in connection with the sale by him in this state of a vehicle manufactured or sold by such manufacturer of motor vehicles, distributor, distributor branch or factory branch, to a specified sales finance company or class of such
companies, or to any other specified person by any of the accounts or means hereinafter set forth, namely:

(1). By any statement, suggestion, promise or threat that such manufacturer, distributor, distributor branch, factory branch or representative thereof will in any manner benefit or injure such dealer, whether such statement, suggestion, threat or promise is express or implied or made directly or indirectly.

(2). By any act that will benefit or injure such dealer.

(3). By any contract, or any express or implied offer of contract, made directly or indirectly to such dealer, for handling such vehicles, on the condition that such dealer sell, assign or transfer his retail instalment contract thereon, in this state to a specified sales finance company or class of such companies or to any other specified person.

(Bb) Any such statements, threats, promises, acts, contracts or offers of contracts, set forth in paragraph (Aa) of this subsection are declared unfair trade practices and unfair competition and against the policies of this state and are unlawful and are prohibited.

(Bb) Nothing in this chapter shall be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative or any other person, whether or not licensed under this act, from requiring performance of a written contract entered into with any licensee hereunder, nor shall the requirement or such performance constitute a violation of any of the provisions of this chapter; provided, however, any such contract, or the terms thereof, requiring performance, shall have been theretofore freely entered into and executed between the contracting parties.

Approved February 17, 1970.

CHAPTER 20
(S. B. No. 1439)

AN ACT
AMENDING SECTION 31-1101, IDAHO CODE, RELATING TO ESTABLISHMENT OF PUBLIC WAGON SCALES, BY PROVIDING FOR THE ESTABLISHMENT OF PUBLIC SCALE DISTRICTS;
AMENDING CHAPTER 11, TITLE 31, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 31-1101A, PROVIDING THE FORM OF PETITION FOR ESTABLISHMENT OF A PUBLIC SCALE DISTRICT; AMENDING CHAPTER 11, TITLE 31, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 31-1101B, IDAHO CODE, PROVIDING THE METHOD FOR FILING A PETITION FOR ESTABLISHMENT OF A PUBLIC SCALE DISTRICT; AMENDING CHAPTER 11, TITLE 31, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 31-1101C, IDAHO CODE, PROVIDING THAT NOTICE OF HEARING BE PUBLISHED IN A COUNTY NEWSPAPER AND THAT SPONSORS PAY THE COST; AMENDING CHAPTER 11, TITLE 31, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 31-1101D, IDAHO CODE, PROVIDING FOR HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS AND PROVIDING FOR ADOPTION OR REJECTION OF THE RESOLUTION; AMENDING CHAPTER 11, TITLE 31, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 31-1101E, IDAHO CODE, PROVIDING THAT THE NAME OF THE DISTRICT SHALL BE FILED WITH THE COUNTY CLERK AND FEES TO BE PAID; AMENDING CHAPTER 11, TITLE 31, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 31-1101F, IDAHO CODE, PROVIDING AUTHORITY TO THE BOARD OF COUNTY COMMISSIONERS TO LEVY FOR CONSTRUCTION AND MAINTENANCE OF A PUBLIC SCALE; AMENDING SECTION 31-1103, IDAHO CODE, RELATING TO ESTABLISHMENT BY INDIVIDUALS AND SUBSEQUENT MAINTENANCE BY THE COUNTY OF PUBLIC WAGON SCALES BY STRIKING THE WORD "WAGON"; AMENDING SECTION 31-1104, IDAHO CODE, RELATING TO PUBLIC WAGON SCALES, BY PROVIDING THAT EXPENSES OF PUBLIC SCALE DISTRICTS ARE TO BE PAID FROM AND RECEIPTS OF PUBLIC SCALE DISTRICTS CREDITED TO THE CURRENT EXPENSE FUND; AMENDING CHAPTER 11, TITLE 31, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 31-1106, IDAHO CODE, PROVIDING FOR ABANDONMENT OF A PUBLIC SCALE DISTRICT AND ASSETS TO BE DEPOSITED IN
THE COUNTY GENERAL FUND; AMENDING CHAPTER 11, TITLE 31, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 31-1107, IDAHO CODE, PROVIDING FOR ALTERATION AND ANNEXATION OF PUBLIC SCALE DISTRICT BOUNDARIES; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Section 31-1101, Idaho Code, be, and the same is hereby amended to read as follows:

31-1101. ESTABLISHMENT — PETITION. — The county commissioners of any county outside of any incorporated city or village may, upon petition of ten (10) freemolders in any county within the state of Idaho, two-thirds (2/3) of the resident real property holders of said county or any portion thereof, which may exclude incorporated cities, undertake the following procedure to determine the advisability of resolving to establish and maintain a public scale district at such point within such county as may be designated in said petition: provided, that the persons signing the petition shall certify that the petitioners regularly deliver their produce to the point designated in said petition.

SECTION 2. That Chapter 11, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 31-1101A, Idaho Code, and to read as follows:

31-1101A. FORM OF PETITION. — A petition to form a scale district shall be presented to the county clerk and recorder of each of the counties in which any portion of the area is situated. Petitions shall be signed by not less than two-thirds (2/3) of the resident real property holders within the proposed district. The petition shall designate the boundaries of the district and the intended location of the public scale.

SECTION 3. That Chapter 11, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 31-1101B, Idaho Code, and to read as follows:

31-1101B. FILING OF PETITION. — The petition shall be filed with the county clerk and recorder of all counties in which the signers on the petition are located. If the petition is filed with more than one (1) county clerk and recorder each petition shall state the number of persons signing petitions and the name of the county where the greater number of petitioners reside. Upon the filing of the petition or petitions the county clerk and recorder shall examine the petition and certify whether the required number of petitioners have signed the petition. In the event more than one (1) county is involved, the county or counties that have the fewer
The number of petitioners shall transmit the petition to the county clerk and recorder of the county containing the greater number of petitioners. The county clerk and recorder in the county containing the greater number of petitioners, shall, within thirty (30) days following the receipt of the petitions, transmit the petitions to the board of county commissioners of the county in which the greatest number of petitioners reside, together with his certificate, and the certificates of any other county clerk and recorder as to the sufficiency of the petition.

SECTION 4. That Chapter 11, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 31-1101C. Idaho Code, and to read as follows:

31-1101C. NOTICE — TEXT OF PETITION PUBLISHED IN NEWSPAPER — SPONSORS PAY COST. — Upon receipt of a duly certified petition the board of county commissioners shall cause the text of the petition to be published once a week for at least three (3) consecutive weeks in a newspaper of general circulation within the county where the petition is presented. If any portion of the proposed district lies in another county the petition and notice shall likewise be published in that county. No more than five (5) names attached to the petition shall appear in the publication and notice but the number of signatures shall be stated. With the publication of the petition there shall be published a notice of the time of the meeting of the county commissioners when the petition will be considered stating that all persons interested may appear and be heard.

At the time of filing the petition the sponsors thereof shall cause to be deposited with the county clerk and recorder a sufficient sum of money to cover the cost of publication of all necessary notices. If the notices are not published the deposit shall be returned to whomsoever deposited the funds and if there is any surplus remaining after paying for the publication as herein provided it shall be returned to the original depositor or depositors and if a district is created the fees so expended are an obligation of the district and shall be repaid by the district to the depositors.

SECTION 5. That Chapter 11, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 31-1101D. Idaho Code, and to read as follows:

31-1101D. HEARING — RESOLUTION ADOPTED — DESCRIPTION AND FINDING. — At the time set for hearing the petition or petitions the board of county commissioners shall hear all persons who desire to be heard relative to the creation of a public scale district. The board of county commissioners may, if they so desire and it appears desirable, adjourn the
meeting for not to exceed thirty (30) days in time to further hear the petitioners and protestants, if any. After the hearing or hearings, the board of county commissioners shall adopt a resolution either creating the proposed public scale district or denying the petition. When the board of county commissioners creates the district they shall adopt a resolution describing the boundaries of the district and the location.

SECTION 6. That Chapter 11, Title 31, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 31-1101E, Idaho Code, and to read as follows:

31-1101E. NAME OF DISTRICT — FILED WITH COUNTY CLERK — FEES. — When the board of county commissioners passes the resolution creating the district they shall name the district “public scale district” and file a copy of the order creating the district, if only one (1) county is included therein, with the county clerk and recorder, for which the county clerk and recorder shall receive a fee of three dollars ($3.00) and if portions of more than one (1) county are included in the district a copy of the order shall be filed in each county and with the secretary of state for which he shall receive a fee of five dollars ($5.00).

SECTION 7. That Chapter 11, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 31-1101F, Idaho Code, and to read as follows:

31-1101F. CONSTRUCTION OF DISTRICT. — At the time of creation of a district, the board of county commissioners is authorized to make a special levy of not more than one (1) mill on each dollar of assessed valuation of taxable property within the district for the purpose of purchasing a site, construction and maintenance. The funds raised by this levy may be allowed to accumulate until enough funds are available to make the desired construction. On no account shall the funds raised by this levy be used for any other purpose.

SECTION 8. That Section 31-1103, Idaho Code, be, and the same is hereby amended to read as follows:

31-1103. ESTABLISHMENT BY INDIVIDUALS — MAINTENANCE BY COUNTY. — If the aforesaid petitioners or a less number desire to establish a public scale and dedicate the same to the public use, they may do so at their own expense, and such public scale shall be subject to the same rules and regulations and all of the provisions of this chapter as though originally established by and at the expense of the board of county commissioners. Or the board of county commissioners may contribute any parts of the expense of erecting such public scale, and the persons desiring the same shall pay the balance of such purchase price: provided, that
in case either method hereinbefore mentioned is adopted in establishing the wagon scale, the said scale shall become the property of the county in which it is situated and be subject to the rules and regulations of the boards of county commissioners and all of the provisions of this chapter relating to county public wagon scales.

SECTION 9. That Section 31-1104, Idaho Code, be, and the same is hereby amended to read as follows:

31-1104. EXPENSES PAID FROM AND RECEIPTS CREDITED TO CURRENT EXPENSE FUND. — Any expense incurred under the provisions of this chapter relating to county public wagon scales; districts, except compensation to weighmasters, which, in all cases, shall be paid as provided in section 31-1102, Idaho Code, shall be paid out of the current expense fund of the said county, and all moneys received from weighing charges as herein provided shall be credited to the current expense fund of the county in which such scale is situated.

SECTION 10. That Chapter 11, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 31-1106, Idaho Code, and to read as follows:

31-1106. PETITION FOR ABANDONMENT — ASSETS DEPOSITED IN COUNTY GENERAL FUND. — If at any time a petition for abandonment of the public scale district, signed by not less than two-thirds (2/3) of the resident owners of real property within the district, is filed with the board of county commissioners which created the district, the county commissioners shall by resolution immediately declare the district abandoned. All properties and moneys remaining after the satisfaction of all debts and obligations of the abandoned district shall be deposited to the credit of the general fund of the county; and if the abandoned district embraced areas in more than one (1) county, properties and moneys remaining after the satisfaction of all debts and obligations of the abandoned district shall be deposited to the credit of the general funds of the counties in proportion to the number of resident real property owners which were included in the district.

SECTION 11. That Chapter 11, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 31-1107, Idaho Code, and to read as follows:

31-1107. ALTERATION AND ANNEXATION OF PUBLIC SCALE DISTRICT BOUNDARIES — PROCEDURE. — The boundaries of a public scale district created by authority of this act, may be altered and outlying areas be annexed from territory contiguous to the district in the following manner:
a. A petition shall be signed by resident real property owners within the proposed area, equal in number to not less than two-thirds (2/3), within the area to be annexed;
b. The petition shall designate the boundaries of the contiguous area to be annexed and ask that it be annexed to the existing public scale district;
c. The petition shall be transmitted to the clerk and recorder and the hearing and notice thereof shall be the same as provided for original creation in this act;
d. After the hearing the board of county commissioners shall adopt a resolution either annexing the area to the existing public scale district or denying the petition.

SECTION 12. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved February 17, 1970.

CHAPTER 21
(S. B. No. 1445)

AN ACT
AMENDING CHAPTER 2, TITLE 36, IDAHO CODE, RELATING TO THE SALE AND ISSUANCE OF FISH AND GAME LICENSES BY ADDING THE WORDS "TAGS AND PERMITS" FOLLOWING EACH REFERENCE TO "LICENSES"; BY AMENDING SECTION 36-201, IDAHO CODE, TO PROVIDE AUTHORIZATION FOR THE DIRECTOR OF THE IDAHO FISH AND GAME DEPARTMENT TO PRESCRIBE THE FORM OF LICENSES, TAGS AND PERMITS AND TO HAVE SAME PRINTED; BY REPEALING SECTION 36-202, IDAHO CODE, RELATING TO THE PRINTING OF FISH AND GAME LICENSES, THE PROVISIONS THEREOF HAVING BEEN SUPERSEDED BY AMENDMENTS AS PROPOSED TO SECTION 36-201: BY AMENDING SECTION 36-203, IDAHO CODE, TO PROVIDE FOR THE PRINTING AND PUBLIC DISTRIBUTION OF COPIES OF APPLICABLE FISH AND GAME LAWS AND
REGULATIONS AND FOR SAME TO BE SEPARATE FROM LICENSES; BY AMENDING SECTION 36-205, IDAHO CODE, TO PROVIDE THAT THE CONSIGNMENT AMOUNT CHARGED LICENSE VENDORS SHALL SHOW DEDUCTION OF SALES COMMISSIONS, BY DELETING THE UNNECESSARY GUIDELINE FORM FOR BONDING, AND BY REMOVING PROHIBITIONS AGAINST COMMINGLING OF FUNDS; BY REPEALING SECTION 36-206, IDAHO CODE, RELATING SPECIFICALLY TO "DEPUTIES" ISSUING LICENSES; BY AMENDING SECTION 36-207, IDAHO CODE, TO MAKE IT A MISDEMEANOR FOR A VENDOR TO ALTER ANY LICENSE, TAG OR PERMIT AS TO ITS FEE, TYPE, CLASS OR PRIVILEGES; BY AMENDING SECTION 36-208, IDAHO CODE, BY REFERRING TO EMPLOYEES OF THE FISH AND GAME DEPARTMENT AS A GROUP RATHER THAN TO A FEW SPECIFIC JOB TITLES, SOME OF WHICH ARE NOW OBSOLETE; BY AMENDING SECTION 36-209, IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE FISH AND GAME DEPARTMENT TO ESTABLISH CONTRACTUAL TERMS FOR LICENSE VENDORS, TO PROVIDE FOR SUSPENSION AND REVOCATION OF A LICENSE VENDORSHIP FOR CAUSE; BY REPEALING SECTION 36-212, IDAHO CODE, A 1927 ENACTMENT OF TEMPORARY PURPOSE PROVIDING FOR RETROACTIVE APPLICATION OF AMENDMENTS MADE THE SAME YEAR TO SECTION 36-211, IDAHO CODE; REPEALING SECTION 36-411, IDAHO CODE, RELATING TO THE FORM OF FISH AND GAME LICENSES, THE PROVISIONS THEREOF HAVING BEEN INCORPORATED INTO SECTION 36-201, IDAHO CODE, BY PROPOSED AMENDMENTS THERE TO; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-201, Idaho Code, be, and the same is hereby amended to read as follows:

36-201. FORMS OF LICENSES, TAGS CERTIFICATES, AND PERMITS PRINTING DELIVERY CHARGEABLE TO DIRECTOR.

The forms of the various fish and game licenses, tags and permits shall be determined by the director of the fish and game department. Said director shall cause to be printed such number of blank licenses, tags and permits as may be required from time to time.

It is hereby made the duty of the state auditor, to keep prepare and cause to be printed suitable forms maintain a record of the number of such
licenses, certificates, tags, and permits so printed, as provided in this act, and to hold deliver to the director of the fish and game department such number of blank licenses, certificates, and permits as he may require from time to time for use in the state. Taking receipt accountable for same and for moneys received therefor.

SECTION 2. That Section 36-202, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 36-203, Idaho Code, be, and the same is hereby amended to read as follows:

36-203. LICENSES - SUMMARY OF LAWS PRINTED THEREON. - Such licenses shall have copies of printed thereon a short summary of applicable fish and game laws and regulations of a character and extent to be determined by the director of the fish and game department printed and supplied to license vendors for distribution to the public and license purchasers.

SECTION 4. That Section 36-205, Idaho Code, be, and the same is hereby amended to read as follows:

36-205. DISTRIBUTION FOR ISSUANCE AND SALE. - The director of the fish and game department shall send by registered mail, express, or deliver in person, taking receipt therefor, to each conservation officer, or other persons, such licenses and permits as he may deem necessary.

The director of the fish and game department shall distribute such licenses, tags, and permits to any person he may select, for the purpose of sale and distribution, and any person to whom such licenses, tags, and permits are issued shall be charged with the full value thereof, less the authorized sales commission therefor as provided in section 36-208, Idaho Code, and such persons shall be responsible for all sums received by them from the sale of such licenses, tags, and permits as well as for the return of all unsold licenses, tags, and permits and shall be liable upon their official bonds. and should any person fail to account for the same, any sum remaining due by reason of such failure may be recovered from such person or his bondsmen in a civil action. Provided, that any and all persons to whom licenses, tags, and permits are issued for sale, other than conservation officers employees of the fish and game department of the state of Idaho, shall be required to furnish to the director of the fish and game department before entering upon the sale of said licenses, tags, and permits, a good and sufficient surety bond to the state of Idaho in an amount sufficient to cover all licenses, tags, and permits issued or likely to be issued to any such person.
during the biennium. Provided, further, that when a surety bond is furnished
by a surety company authorized to do business in the state of Idaho, said
bond shall be approved and accepted by the director of the fish and game
department and filed in the office of the department of fish and game. All
bonds executed by any person required to furnish the same shall cover a
period of two (2) years and said bond shall be in substantially the following
form prescribed by said director.

Know all men by these presents: that ______ of __________, Idaho, as
principal, and ______ of __________, as surety, (a surety company authorized and
qualified to do business in the state of Idaho,) are held and firmly bound
unto the state of Idaho in the sum of __________ dollars, for the payment of
which well and truly to be made, we hereby bind ourselves, our and each of
our heirs, executors, administrators, successors and assigns, jointly and
severally by these presents:

Dated the ______ day of ______, 19____.

Whereas, the said principal ______ of __________, Idaho, has applied to
the director of the fish and game department of the state of Idaho to be
designated as a vendor for the sale of fish and game licenses in the state of
Idaho and:

Whereas, the said director of the fish and game department, in
consideration of the filing of a proper bond as required by section 36-205 of
Idaho Code, has agreed to deliver to said ______ fish and game licenses of the
state of Idaho for sale in accordance with the laws of said state.

Now, Therefore, if the said ______, principal herein, will well, truly
and faithfully perform all duties required of him by law and all other duties as may
be imposed upon him by any law of the state of Idaho, and shall well and truly keep, in accordance with the laws of the state of Idaho, and turn over to the director of the fish and game department all
moneys collected by him, and shall account for and turn over all licenses
delivered to him, all in accordance with the laws of the state of Idaho with
reference thereto, then this obligation shall be void and of no effect;
otherwise to be and remain in full force and virtue.

Signed and sealed the day and year first above written.

________________________
Principal

________________________
Surety

Approved this ______ day of ______, 19____.

Director of the Fish and Game Department

Any bond given in accordance with this section of the statute is
declared to be an official bond of the state of Idaho.
And Provided, further. that no person except an employee of the fish and game department of the state of Idaho shall be authorized to issue and sell fish and game licenses, tags and permits until the bond heretofore provided for shall have been properly signed, approved and filed with the director of the fish and game department.

All moneys collected by any person for the sale of fish and game licenses, tags and permits in the state of Idaho, with the exception of any commissions on said amount that may be due any person selling the same as vendor thereof, shall be and remain the property of the fish and game department of the state of Idaho and shall be kept separate and apart from other moneys, and shall not be commingled therewith, and if deposited in any bank shall be deposited as a special deposit in a separate trust account and so designed as to show that the deposit is the property of the fish and game department of the state of Idaho. Any person appropriating for his own use or commingling any of the said funds of the fish and game department with for his own use funds shall be guilty of a felony.

SECTION 5. That Section 36-206, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 36-207, Idaho Code, be, and the same is hereby amended to read as follows:

36-207. OFFICER RECEIPT CANNOT BE ISSUED IN LIEU OTHER RECEIPT NOR ALTERATIONS MADE. It shall be a misdemeanor for any such officer person authorized to sell licenses, tags or permits, to issue a receipt in lieu of such a license, tag or permit or to alter any license, tag or permit as to its fee, type, class or privileges.

SECTION 7. That Section 36-208, Idaho Code, be, and the same is hereby amended to read as follows:

36-208. COMMISSION ON SALES - WRITTEN APPLICATION OF PURCHASER. All persons authorized to sell licenses, except the director, employees of the fish and game department, his chief clerk, clerks, and local conservation officers shall be entitled to receive a commission of five percent (5%) upon all licenses to be retained by them as compensation for the sale of such licenses. Be it further provided that the vendor shall not issue such license to a bona fide Idaho resident without taking the written application of the purchaser in the manner prescribed by section 36-410. Idaho Code.

SECTION 8. That Section 36-209, Idaho Code, be, and the same is hereby amended to read as follows:

36-209. REPORTS OF SALES. All persons authorized under this act to issue fish and game licenses, tags and permits shall make a report on or
before the fifteenth day of each month to the director of the fish and game department from whom he (they), received his (their) blank licenses, tags and/or permits, stating the number of licenses of each class sold by him (them) during the preceding month, and shall deposit at the same time with the director of the fish and game department all moneys received from the such sales of licenses, fines or other monies belonging to the state fish and game fund.

The director of the Idaho fish and game department is hereby authorized to establish contractual terms and provisions with which license vendors must comply. Failure of any license vendor to comply with the terms of said contract or to make the required monthly reports of sales and remittances, shall be cause for the director to suspend such license vendorship for the balance of the calendar year and to terminate any such vendorship following two (2) suspensions in any three (3) year period.

SECTION 9. That Section 36-212, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Section 36-411, Idaho Code, be, and the same is hereby repealed.

SECTION 11. This act shall be in full force and effect on and after July 1, 1970.

Approved February 17, 1970.

CHAPTER 22
(H. B. No. 396)

AN ACT
RELATING TO EMPLOYEES OF MOTION PICTURE THEATERS BY DEFINING EMPLOYEES AND EXEMPTING SUCH EMPLOYEES FROM PROSECUTION UNDER THE PROVISIONS OF SECTIONS 18-1513 THROUGH 18-1521, IDAHO CODE, AND SECTIONS 18-4101 AND 18-4102, IDAHO CODE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. (1) As used in this section, "employee" means any person regularly employed by the owner or operator of a motion picture theater if he has no financial interest other than salary or wages in the ownership or operation of the motion pictures shown in the theater,
and is working within the motion picture theater where he is regularly employed but does not include a manager of the motion picture theater.

(2) No employee is liable to prosecution under sections 18-1513 through 18-1521, Idaho Code, or sections 18-4101 and 18-4102, Idaho Code, or under any city or county ordinance for exhibiting or possessing with intent to exhibit any obscene motion picture provided the employee is acting within the scope of his regular employment at a showing open to the public.

Approved February 17, 1970.

CHAPTER 23
(H. B. No. 434)

AN ACT
AMENDING SECTION 22-306, IDAHO CODE, RELATING TO COMPENSATION AND MILEAGE OF FAIR DISTRICT DIRECTORS, BY RAISING THE COMPENSATION FROM FIVE DOLLARS TO TWENTY-FIVE DOLLARS PER DAY; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 22-306, Idaho Code, be, and the same is hereby amended to read as follows:

22-306. COMPENSATION AND MILEAGE OF DIRECTORS. Said directors shall receive as compensation five dollars ($5.00), twenty-five dollars ($25.00) per diem while actually engaged in the business of the district and ten cents (10¢) a mile for each mile actually and necessarily traveled while transacting such business.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactive to January 1, 1970.

Approved February 17, 1970.
AN ACT

AMENDING SECTION 50-1524, IDAHO CODE, RELATING TO TERMINATION OF A POLICEMAN'S RETIREMENT FUND AND PARTICIPATION BY NEW EMPLOYEES IN THE PUBLIC EMPLOYEE'S RETIREMENT SYSTEM IN LIEU OF PARTICIPATION IN AN EXISTING POLICEMAN'S RETIREMENT FUND BY PROVIDING THAT ANY CITY HAVING AN EXISTING POLICEMAN'S RETIREMENT FUND MAY, BY ORDINANCE, REQUIRE THAT ALL OF ITS PAID POLICEMEN SHALL PARTICIPATE IN ITS POLICEMAN'S RETIREMENT FUND, PROVIDING THAT NO PAID POLICEMAN EMPLOYED IN A CITY WHICH HAS SO ELECTED BY ORDINANCE TO REQUIRE ALL ITS PAID POLICEMEN TO PARTICIPATE IN ITS POLICEMAN'S RETIREMENT FUND SHALL BE ELIGIBLE TO PARTICIPATE IN THE PUBLIC EMPLOYEE'S RETIREMENT SYSTEM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-1524, Idaho Code, be, and the same is hereby amended to read as follows:

50-1524. AUTHORITY TO CREATE POLICEMAN'S RETIREMENT FUND TERMINATED. - From and after the effective date [April 12, 1967] of this act, no city shall establish a policeman's retirement fund: provided, however, that any policeman's retirement fund, established under the provisions of sections 50-1501 through 50-1524 and which is now in effect, shall not be invalidated. Provided, further, except as in this section hereinafter otherwise provided, that no person, who shall be hereafter employed as a paid policeman in a city which has a policeman's retirement fund at the effective date of this act, shall participate in the policeman's retirement fund. Any person hereafter employed by a police department shall be eligible to participate in the public employee's retirement system, except as in this section hereinafter otherwise provided. Any city having an existing policeman's retirement fund may require, by ordinance, that all of its paid policemen shall participate in its policeman's retirement fund. No paid policeman employed in a city which has elected by ordinance to require all its paid policemen to participate in its policeman's retirement fund shall be eligible to participate in the public employee's retirement system.
SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 17, 1970.

CHAPTER 25
(H. B. No. 468)

AN ACT
AMENDING SECTION 32-414, IDAHO CODE, RELATING TO THE STANDARD SEROLOGICAL TEST FOR SYphilIS BY PROVIDING THAT THE LABORATORY FOR THE DEPARTMENT OF HEALTH MAY COLLECT A FEE FOR THE PERFORMANCE OF SUCH TESTS.

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

SECTION 1. That Section 32-414, Idaho Code, be, and the same is hereby amended to read as follows:

32-414. STANDARD SEROLOGICAL TEST FOR SYphilIS. For the purpose of sections 32-412 – 32-417, Idaho Code, a standard serological test for syphilis shall be the test approved by the department of public health, and shall be made in the laboratory of the department of public health or in a laboratory approved by said department. The laboratory of the department of public health shall make such tests as are required without charge, on the request of any licensed physician, provided the physician shall designate the sample as taken for a premarital test. The laboratory of the department of health shall make such tests as are required on the request of any licensed physician and may collect a fee for the performance of such tests.

Approved February 17, 1970.

CHAPTER 26
(H. B. No. 469)

AN ACT
AMENDING SECTION 39-1001, IDAHO CODE, RELATING TO SEROLOGICAL TESTS OF PREGNANT OR
RECENTLY-DELIVERED WOMEN, BY PROVIDING THAT THE LABORATORY OF THE DEPARTMENT OF HEALTH MAY COLLECT A FEE FOR THE PERFORMANCE OF SUCH ANALYSES.  

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

SECTION 1. That Section 39-1001, Idaho Code, be, and the same is hereby amended to read as follows:

39-1001. SEROLOGICAL TEST OF PREGNANT OR RECENTLY-DELIVERED WOMEN. — Every licensed physician attending a pregnant woman for a condition relating to her pregnancy, or at delivery, or after delivery for a condition relating to her pregnancy, shall in the case of every woman so attended, take or cause to be taken a sample of blood of such woman at the time of first examination or within fifteen (15) days thereafter, and shall submit such sample to the laboratory of the state board of health or to a laboratory approved by said board, for a standard serological test for syphilis. In submitting such sample to the laboratory, the physician shall specify whether it is for a prenatal test or a test following recent delivery. The laboratory of the state board of health shall analyze such sample without charge upon the request of any licensed physician. The laboratory of the department of health shall analyze such sample upon the request of any licensed physician and may collect a fee for the performance of such analyses.

Approved February 17, 1970.

CHAPTER 27  
(H. B. No. 511)

AN ACT
PERMITTING PERSONS EIGHTEEN YEARS OF AGE OR OLDER TO DONATE BLOOD WITHOUT PARENTAL PERMISSION IN CERTAIN INSTANCES; AND DECLARING AN EMERGENCY.  

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

SECTION 1. Any person who is eighteen (18) years of age or older shall be eligible to donate blood in a voluntary and noncompensatory blood program without the necessity of obtaining parental permission or authorization.
SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 17, 1970.

CHAPTER 28
(S. B. No. 1441)

AN ACT
AMENDING SECTION 33-3805, IDAHO CODE, TO REQUIRE THE STATE BOARD OF EDUCATION TO FIND A PROJECT NECESSARY AND ECONOMICALLY FEASIBLE BEFORE ISSUING REVENUE BONDS OF AN INSTITUTION OF HIGHER EDUCATION, AND AUTHORIZING THE BOARD TO DETERMINE THE INTEREST RATE OF SAID BONDS, ELIMINATING THE LIMITATION OF INTEREST RATES IN THE HIGHER EDUCATIONAL INSTITUTION BOND ACT OF SIX PER CENT PER ANNUM; AMENDING SECTION 33-3806, IDAHO CODE, TO PROVIDE THAT THE PROCEEDS OF GRANTS OF FUNDS RECEIVED OR TO BE RECEIVED FROM THE UNITED STATES OR ANY AGENCY OR INSTRUMENTALITY THEREOF SHALL BE CONSIDERED AS REVENUES AND USED AS SECURITY AND MAY BE PLEDGED AS SECURITY FOR SUCH BONDS: AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-3805, Idaho Code, be, and the same is hereby amended to read as follows:

33-3805. AUTHORIZATION, ISSUANCE, MATURITY, INTEREST AND SALE OF BONDS. — When the board shall find the proposed project or projects to be necessary for the proper operation of the institution and economically feasible and such finding is recorded in its minutes, the bonds therefor shall be authorized by resolution of the board. The bonds may be issued in one (1) or more series, may bear such date or dates, may be in such denomination or denominations, may mature at such time or times, not exceeding forty (40) years from the respective dates thereof, may mature in such amount or amounts, may bear interest, at such rate or rates to be determined by the board, not exceeding six per centum (6%) per
may be in such form, either coupon or registered, may carry such registration and such conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be subject to such terms of redemption, with or without premium, as such resolution or other resolutions may provide. The bonds, if sold to a federal agency, may be sold at a private sale at not less than par and accrued interest, without advertising the same at competitive bidding. If not sold to a federal agency, the bonds shall be sold publicly in a manner to be provided by the board. The bonds shall be fully negotiable within the meaning and for all purposes of the Uniform Commercial Code.

SECTION 2. That Section 33-3806, Idaho Code, be, and the same is hereby amended to read as follows:

33-3806. PROVISIONS FOR PAYMENT OF BONDS. — Any institution in connection with the issuance of the bonds or in order to secure the payment of such bonds and interest thereon, shall have power by resolution of its board:

(a) To fix and maintain (1) fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to be served by any project, (2) matriculation, hospital, laboratory, athletic, admission and other fees from students, faculty members and others matriculated, attending or employed at such institutions, and from the public in general, for the facilities afforded by such institution (which shall be uniform to all those similarly situated), (3) fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, existing buildings, stadia, and other structures at any institution which issues bonds hereunder to acquire a project, which fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by such buildings, stadia and other structures shall be the same as those applicable to any project similar in nature and purpose to such existing buildings, stadia, and other structures; provided, however, that as between such project and the existing buildings at the institution there may be allowed reasonable differentials based on the condition, type, location and relative convenience of such project and such existing buildings, but such differentials shall be uniform as to all such students or faculty members and others similarly accommodated;

(b) To provide that bonds issued hereunder shall be secured by a first, exclusive and closed lien on the income and revenue derived from, and
shall be payable from, (1) fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, any project, and any existing buildings, stadia, and other structures, and (2) matriculation, hospital, laboratory, athletic, admission and other fees from students, faculty members and others matriculated, attending or employed at such institution, and from the public in general, for the facilities afforded by such institution, and (3) the proceeds of grants of funds and moneys received or to be received from the United States of America, or any agency or instrumentality thereof, pursuant to agreements entered into between the board and the United States of America, or any agency or instrumentality thereof, prior to the issuance of the bonds.

(c) To pledge and assign to, or in trust for the benefit of, the holder or holders of the bonds issued hereunder an amount of the income and revenue derived from (1) fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, any project, and any existing buildings, stadia, and other structures, and (2) matriculation, hospital, laboratory, athletic, admission and other fees from students, faculty members and others matriculated, attending or employed at such institution, and from the public in general, for the facilities afforded by such institution, and (3) the proceeds of grants of funds and moneys received or to be received from the United States of America, or any agency or instrumentality thereof, pursuant to agreements entered into between the board and the United States of America, or any agency or instrumentality thereof, prior to the issuance of the bonds, which shall be sufficient to pay when due the bonds issued hereunder to acquire such project, and interest thereon, and to create and maintain reasonable reserves therefor;

(d) To covenant with or for the benefit of the holder or holders of bonds issued hereunder to acquire any project that so long as any such bonds shall remain outstanding and unpaid, such institution will fix, maintain and collect in such installments as may be agreed upon (1) an amount of the fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, any project, and any existing buildings, stadia, and other structures which, together with (2) an amount of the matriculation, hospital, laboratory, athletic, admission
and other fees from students, faculty members and others matriculated, attending or employed at such institution, and from the public in general, for the facilities afforded by such institution, and (3) the proceeds of grants of funds and moneys received or to be received from the United States of America, or any agency or instrumentality thereof, pursuant to agreements entered into between the board and the United States of America, or any agency or instrumentality thereof, prior to the issuance of the bonds, shall be sufficient to pay when due the bonds issued hereunder to acquire such project, and interest thereon, and to create and maintain reasonable reserves therefor, and to pay the costs of operation and maintenance of such project, including, but not limited to, reserves for extraordinary repairs, insurance and maintenance, which costs of operation and maintenance shall be determined by the board in its absolute discretion;

(e) To make and enforce and agree to make and enforce parietal rules that shall insure the use of any project by all students in attendance at such institution to the maximum extent to which such project is capable of serving such students, or if such project is designed for occupancy as living quarters for the faculty members, by as many faculty members as may be served thereby;

(f) To covenant that so long as any of the bonds issued hereunder shall remain outstanding and unpaid, it will not, except upon such terms and conditions as may be determined (1) voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to or being on a parity with the lien of the bonds issued hereunder upon any of the income and revenues derived from fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or having the right to be served by, any project and any existing buildings, stadia, and other structures, and from matriculation, hospital, laboratory, athletic, admission and other fees from students, faculty members and others matriculated, attending or employed at such institution, and from the public in general, for the facilities afforded by such institution, or (2) convey or otherwise alienate the project to acquire which such bonds shall have been issued, or the real estate upon which such project shall be located, except at a price sufficient to pay all the bonds then outstanding issued hereunder to acquire such project and interest accrued thereon, and then only in accordance with any agreements with the holder or holders of such bonds, or (3) mortgage or otherwise
voluntarily create or cause to be created any encumbrance on the project to acquire which such bonds shall have been issued or the real estate upon which it shall be located.

(g) To covenant as to the procedure by which the terms of any contract with a holder or holders of such bonds may be amended or rescinded, the amount or percentage of bonds the holder or holders of which must consent thereto, and the manner in which such consent may be given.

(h) To vest in a trustee or trustees the right to receive all or any part of the income and revenue pledged and assigned to, or for the benefit of, the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same and the right to enforce any covenant made to secure or pay or in relation to the bonds; to execute and deliver a trust agreement or trust agreements which may set forth the powers and duties and the remedies available to such trustee or trustees and limiting the liabilities thereof and describing what occurrences shall constitute events of default and prescribing the terms and conditions upon which such trustee or trustees or the holder or holders of bonds of any specified amount or percentage of such bonds may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.

(i) To vest in a trustee or trustees or the holder or holders of any specified amount or percentage of bonds the right to apply to any court of competent jurisdiction for and have granted the appointment of a receiver or receivers of the income and revenue pledged and assigned to or for the benefit of the holder or holders of such bonds, which receiver or receivers may have and be granted such powers and duties as such court may order or decree which powers and duties may include any and all such powers and duties as are usually granted under the laws of the state of Idaho to a receiver or receivers appointed in connection with the foreclosure of a mortgage made by a private corporation.

(j) To make covenants with any federal agency to perform any and all acts and to do any and all such things as may be necessary or convenient or desirable in order to secure its bonds, or as may in the judgment of the board tend to make the bonds more marketable, notwithstanding that such acts or things may not be enumerated herein, it being the intention hereof to give any institution issuing bonds pursuant to sections 33-3801 - 33-3813, Idaho Code, power to make all covenants, to perform all acts and to do all things, not inconsistent with the Constitution of the state of Idaho, in the issuance of the
bonds and for their security, including any and all powers granted to a private corporation under the laws of the state of Idaho.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 17, 1970.

CHAPTER 29
(S. B. No. 1477)

AN ACT
AMENDING SECTION 1-2208, IDAHO CODE, RELATING TO ASSIGNMENT OF CASES TO MAGISTRATES, BY CORRECTING THE WORD “DESCENDANTS” TO READ “DECEDEINTS”, BY CLARIFYING THE TERM “ANY JUVENILE PROCEEDINGS”; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 1-2208, Idaho Code, be, and the same is hereby amended to read as follows:

1-2208. ASSIGNMENT OF CASES TO MAGISTRATES. — Subject to rules promulgated by the Supreme Court, the senior district judge in each judicial district or any district judge in the district designated by him may assign to magistrates, severally, or by designation of office, or by class or category of cases, or in specific instances the following matters:

(1) Civil proceedings as follows:
(a) When the amount of money or damages or the value of personal property claimed does not exceed one thousand dollars ($1,000):
(1) actions for the recovery of money only arising on contracts, express or implied; actions for damages for injury to person, property or reputation or for taking or detaining personal property, or for fraud;
(2) actions for rent and distress for rent;
(3) actions for claim and delivery;
(4) proceedings in attachment, garnishment, wage deductions for the benefit of creditors, trial or right of personal property and exemptions, and supplementary proceedings;
(5) actions arising under the laws for the incorporation of cities or counties or any ordinance passed in pursuance thereof; actions for the confiscation or abatement of nuisances and the seizure, condemnation and forfeiture of personal property; proceedings in respect of estrays and lost property;

(6) actions to collect taxes.

(b) Proceedings in forcible entry, forcible detainer, and unlawful detainer; and,

(c) Proceedings for the enforcement and foreclosure of common law and statutory liens of not to exceed one thousand dollars ($1,000) on real or personal property.

(2) Proceedings in the probate of wills and administration of estates of decedents, minors and incompetents.

(3) The following criminal and quasi-criminal proceedings:

(a) Misdemeanor and quasi-criminal actions in which the maximum punishment authorized by law does not exceed a fine of one thousand dollars ($1,000) or confinement for one (1) year in the county jail, or both;

(b) Proceedings to prevent the commission of crimes;

(c) Proceedings pertaining to warrants for arrest or for searches and seizures; and,

(d) Proceedings for the preliminary examination to determine probable cause, commitment prior to trial or the release on bail of persons charged with criminal offenses.

(4) Any juvenile proceedings except those within the scope of the provisions of section 1-2210, Idaho Code.

SECTION 2. This act shall be effective at 12:01 a.m. on January 11, 1971.

Approved February 17, 1970.

CHAPTER 30
(S. B. No. 1478)

AN ACT
PROVIDING THAT ANY PERSON SUBJECT TO IMPRISONMENT IN CONNECTION WITH CHARGE OR CONVICTION OF CITY ORDINANCE VIOLATION SHALL BE CONFINED IN THE CITY
JAIL; PROVIDING FOR CONFINEMENT OF SUCH PERSON IN THE COUNTY JAIL AT CITY EXPENSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Any person charged with or convicted of violation of a city ordinance and subject to imprisonment shall be confined in the city jail; provided, however, that any city shall have the right to use the jail of the county for the confinement of such persons but it shall be liable to the county for the cost of keeping such prisoners.

SECTION 2. This act shall be effective at 12:01 a.m. on January 11, 1971.

Approved February 17, 1970.

CHAPTER 31
(S. B. No. 1425)

AN ACT RELATING TO MENTAL DISEASE OR DEFECT EXCLUDING RESPONSIBILITY; EVIDENCE OF MENTAL DISEASE OR DEFECT ADMISSIBLE WHEN RELEVANT TO ELEMENT OF THE OFFENSE; MENTAL DISEASE OR DEFECT IMPAIRING CAPACITY AS GROUND FOR MITIGATION OF PUNISHMENT IN CAPITAL CASES; MENTAL DISEASE OR DEFECT EXCLUDING RESPONSIBILITY IS AFFIRMATIVE DEFENSE; REQUIREMENT OF NOTICE; FORM OF VERDICT AND JUDGMENT WHEN FINDING OF IRRESPONSIBILITY IS MADE; MENTAL DISEASE OR DEFECT EXCLUDING FITNESS TO PROCEED; PSYCHIATRIC EXAMINATION OF DEFENDANT WITH RESPECT TO MENTAL DISEASE OR DEFECT; DETERMINATION OF FITNESS TO PROCEED; EFFECT OF FINDING OF UNFITNESS; PROCEEDINGS IF FITNESS IS REGAINED; POST-COMMITMENT HEARING; DETERMINATION OF IRRESPONSIBILITY ON BASIS OF REPORT; ACCESS TO DEFENDANT BY PSYCHIATRIST OF HIS OWN CHOICE; FORM OF EXPERT TESTIMONY WHEN ISSUE OF RESPONSIBILITY IS TRIED; LEGAL EFFECT OF ACQUITTAL ON THE GROUND OF MENTAL DISEASE OR DEFECT EXCLUDING RESPONSIBILITY; COMMITMENT; RELEASE OR DISCHARGE;
STATEMENTS FOR PURPOSES OF EXAMINATION OR TREATMENT INADMISSIBLE EXCEPT ON ISSUE OF MENTAL CONDITION; IMMATURE EXCLUDING CRIMINAL CONVICTION; TRANSFER OF PROCEEDINGS TO THE COURT HAVING JURISDICTION PURSUANT TO CHAPTER 18, TITLE 16, IDAHO CODE; AMENDING SECTION 18-115, IDAHO CODE, RELATING TO MANIFESTATION OF INTENT, BY STRIKING LANGUAGE RELATING TO IDIOTS, LUNATICS AND INSANITY; AMENDING SECTION 18-201, IDAHO CODE, RELATING TO PERSONS CAPABLE OF COMMITTING CRIMES, BY STRIKING LANGUAGE RELATING TO IDIOTS, LUNATICS AND INSANE PERSONS AND CHILDREN UNDER THE AGE OF FOURTEEN; AMENDING SECTION 19-1715, IDAHO CODE, RELATING TO PLEA OF NOT GUILTY, BY PROVIDING THAT MENTAL DISEASE OR DEFECT EXCLUDING RESPONSIBILITY MAY BE RAISED AS A DEFENSE ONLY AS PROVIDED BY THIS ACT; AMENDING SECTION 19-2511, IDAHO CODE, RELATING TO GROUNDS FOR WITHHOLDING JUDGMENT, BY STRIKING LANGUAGE RELATING TO INSANITY; REPEALING SECTIONS 19-2320, 19-2709, 19-2710, 19-2711, 19-2712, 19-3301, 19-3302, 19-3303, 19-3304, 19-3305, 19-3306 and 19-3307, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. (1) A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law.

(2) As used in this act, the terms “mental disease or defect” do not include an abnormality manifested only by repeated criminal or otherwise anti-social conduct.

SECTION 2. (1) Evidence that the defendant suffered from a mental disease or defect is admissible whenever it is relevant to prove that the defendant did or did not have a state of mind which is an element of the offense.

(2) Whenever the jury or the court is authorized to determine or to recommend whether or not the defendant shall be sentenced to death or imprisonment upon conviction, evidence that the capacity of the defendant to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was impaired as a result of mental disease or defect is admissible in favor of sentence of imprisonment.
SECTION 3. (1) Mental disease or defect excluding responsibility is an affirmative defense.

(2) Evidence of mental disease or defect excluding responsibility is not admissible unless the defendant, at the time of entering his plea of not guilty or within ten days thereafter or at such later time as the court may for good cause permit, files a written notice of his purpose to rely on such defense.

(3) When the defendant is acquitted on the ground of mental disease or defect excluding responsibility, the verdict and the judgment shall so state.

SECTION 4. No person who as a result of mental disease or defect lacks capacity to understand the proceedings against him or to assist in his own defense shall be tried, convicted, sentenced or punished for the commission of an offense so long as such incapacity endures.

SECTION 5. (1) Whenever the defendant has filed a notice of intention to rely on the defense of mental disease or defect excluding responsibility, or there is reason to doubt his fitness to proceed as set forth in section 5 of this act, or reason to believe that mental disease or defect of the defendant will otherwise become an issue in the cause, the court shall appoint at least one qualified psychiatrist or shall request the state board of health to designate at least one qualified psychiatrist to examine and report upon the mental condition of the defendant. The court may order the defendant to be committed to a hospital or other suitable facility for the purpose of the examination for a period of not exceeding sixty (60) days or such longer period as the court determines to be necessary for the purpose and may direct that a qualified psychiatrist retained by the defendant be permitted to witness and participate in the examination.

(2) In such examination any method may be employed which is accepted by the medical profession for the examination of those alleged to be suffering from mental disease or defect.

(3) The report of the examination shall include the following:
(a) a description of the nature of the examination;
(b) a diagnosis of the mental condition of the defendant;
(c) if the defendant suffers from a mental disease or defect, an opinion as to his capacity to understand the proceedings against him and to assist in his own defense;
(d) when a notice of intention to rely on the defense of irresponsibility has been filed, an opinion as to the extent, if any, to which the capacity of the defendant to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was impaired at the time of the criminal conduct charged; and
(e) when directed by the court, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged.

If the examination can not be conducted by reason of the unwillingness of the defendant to participate therein, the report shall so state and shall include, if possible, an opinion as to whether such unwillingness of the defendant was the result of mental disease or defect.

The report of the examination shall be filed in triplicate with the clerk of the court, who shall cause copies to be delivered to the prosecuting attorney and to counsel for the defendant.

SECTION 6. (1) When the defendant's fitness to proceed is drawn in question, the issue shall be determined by the court. If neither the prosecuting attorney nor counsel for the defendant contests the finding of the report filed pursuant to section 5, the court may make the determination on the basis of such report. If the finding is contested, the court shall hold a hearing on the issue. If the report is received in evidence upon such hearing, the party who contests the finding thereof shall have the right to summon and to cross-examine the psychiatrist who joined in the report and to offer evidence upon the issue.

(2) If the court determines that the defendant lacks fitness to proceed, the proceeding against him shall be suspended, except as provided in subsections (3) and (4) of this section, and the court shall commit him to the custody of the state board of health to be placed in an appropriate institution of the state board of health for so long as such unfitness shall endure. When the court, on its own motion or upon the application of the state board of health or its duly authorized representative or the prosecuting attorney, determines, after a hearing if a hearing is requested, that the defendant has regained fitness to proceed, the proceeding shall be resumed. If, however, the court is of the view that so much time has elapsed since the commitment of the defendant that it would be unjust to resume the criminal proceeding, the court may dismiss the charge and may order the defendant to be discharged or, subject to the law governing the civil commitment of persons suffering from mental disease or defect, order the defendant to be committed to an appropriate institution of the state board of health.

(3) At any time within ninety (90) days after commitment as provided in subsection (2) of this section, or at any later time with permission of the court granted for good cause, the defendant or his counsel or the state board of health may apply for a special post-commitment hearing. If the application is made by or on behalf of a defendant not represented by counsel, he shall be afforded a reasonable opportunity to obtain counsel, and
if he lacks funds to do so, counsel shall be assigned by the court. The application shall be granted only if the counsel for the defendant satisfies the court by affidavit or otherwise that as an attorney he has reasonable grounds for a good faith belief that his client has, on the facts and the law, a defense to the charge other than mental disease or defect excluding responsibility.

(4) If the motion for a special post-commitment hearing is granted, the hearing shall be by the court without a jury. No evidence shall be offered at the hearing by either party on the issue of mental disease or defect as a defense to, or in mitigation of, the crime charged. After hearing, the court may in an appropriate case quash the indictment or other charge, or find it to be defective or insufficient, or determine that it is not proved beyond a reasonable doubt by the evidence, or otherwise terminate the proceedings on the evidence or the law. In any such case, unless all defects in the proceedings are promptly cured, the court shall terminate the commitment ordered under subsection (2) of this section and order the defendant to be discharged or, subject to the law governing the civil commitment of persons suffering from mental disease or defect, order the defendant to be committed to an appropriate institution of the state board of health.

SECTION 7. (1) If the report filed pursuant to section 5 finds that the defendant at the time of the criminal conduct charged suffered from a mental disease or defect which substantially impaired his capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law, and the court, after a hearing if a hearing is requested by the prosecuting attorney or the defendant, is satisfied that such impairment was sufficient to exclude responsibility, the court on motion of the defendant shall enter judgment of acquittal on the ground of mental disease or defect excluding responsibility.

(2) When, notwithstanding the report filed pursuant to section 5, the defendant wishes to be examined by a qualified psychiatrist or other expert of his own choice, such examiner shall be permitted to have reasonable access to the defendant for the purpose of such examination.

(3) Upon the trial, the psychiatrists who reported pursuant to section 5 may be called as witnesses by the prosecution, the defendant or the court. If the issue is being tried before a jury, the jury may be informed that the psychiatrists were designated by the court or by the state board of health at the request of the court, as the case may be. If called by the court, the witness shall be subject to cross-examination by the prosecution and by the defendant. Both the prosecution and the defendant may summon any other qualified psychiatrist or other expert to testify, but no one who has not
examined the defendant shall be competent to testify to an expert opinion
with respect to the mental condition or responsibility of the defendant, as
distinguished from the validity of the procedure followed by, or the general
scientific propositions stated by, another witness.

(4) When a psychiatrist or other expert who has examined the
defendant testifies concerning his mental condition, he shall be permitted to
make a statement as to the nature of his examination, his diagnosis of the
mental condition of the defendant at the time of the commission of the
offense charged and his opinion as to the extent, if any, to which the
capacity of the defendant to appreciate the wrongfulness of his conduct or
to conform his conduct to the requirements of law or to have a particular
state of mind which is an element of the offense charged was impaired as a
result of mental disease or defect at that time. He shall be permitted to make
any explanation reasonably serving to clarify his diagnosis and opinion and
may be cross-examined as to any matter bearing on his competency or
credibility or the validity of his diagnosis or opinion.

SECTION 8. (1) When a defendant is acquitted on the ground of
mental disease or defect excluding responsibility, the court shall order him
to be committed to the custody of the state board of health to be placed in
an appropriate institution for custody, care and treatment.

(2) If the state board of health is of the view that a person committed
to its custody, pursuant to paragraph (1) of this section, may be discharged
or released on condition without danger to himself or to others, it shall make
application for the discharge or release of such person in a report to the
court by which such person was committed and shall transmit a copy of such
application and report to the prosecuting attorney of the county from which
the defendant was committed. The court shall thereupon appoint at least
two (2) qualified psychiatrists to examine such person and to report within
sixty (60) days, or such longer period as the court determines to be
necessary for the purpose, their opinion as to his mental condition. To
facilitate such examination and the proceedings thereon, the court may
cause such person to be confined in any institution located near the place
where the court sits, which may hereafter be designated by the state board
of health as suitable for the temporary detention of irresponsible persons.

(3) If the court is satisfied by the report filed pursuant to paragraph
(2) of this section and such testimony of the reporting psychiatrists as the
court deems necessary that the committed person may be discharged or
released on condition without danger to himself or others, the court shall
order his discharge or his release on such conditions as the court determines
to be necessary. If the court is not so satisfied, it shall promptly order a
hearing to determine whether such person may safely be discharged or released. Any such hearing shall be deemed a civil proceeding and the burden shall be upon the committed person to prove that he may safely be discharged or released. According to the determination of the court upon the hearing, the committed person shall thereupon be discharged or released on such conditions as the court determines to be necessary, or shall be recommitted to the custody of the state board of health, subject to discharge or release only in accordance with the procedure prescribed above for a first hearing.

(4) If, within five (5) years after the conditional release of a committed person, the court shall determine, after hearing evidence, that the conditions of release have not been fulfilled and that for the safety of such person or for the safety of others his conditional release should be revoked, the court shall forthwith order him to be recommitted to the state board of health, subject to discharge or release only in accordance with the procedure prescribed above for a first hearing.

(5) A committed person may make application for his discharge or release to the court by which he was committed, and the procedure to be followed upon such application shall be the same as that prescribed above in the case of an application by the state board of health. However, no such application by a committed person need be considered until he has been confined for a period of not less than six (6) months from the date of the order of commitment, and if the determination of the court be adverse to the application, such person shall not be permitted to file a further application until one (1) year has elapsed from the date of any preceding hearing on an application for his release or discharge.

SECTION 9. A statement made by a person subjected to psychiatric examination or treatment pursuant to sections 5, 6 or 8 for the purposes of such examination or treatment shall not be admissible in evidence against him in any criminal proceeding on any issue other than that of his mental condition but it shall be admissible upon that issue, whether or not it would otherwise be deemed a privileged communication, unless such statement constitutes an admission of guilt of the crime charged.

SECTION 10. (1) A person shall not be tried for or convicted of an offense if:

(a) at the time of the conduct charged to constitute the offense he was less than fourteen (14) years of age; or

(b) at the time of the conduct charged to constitute the offense he was not less than fourteen (14) nor more than seventeen (17) years of age, unless:
1. a court of this state has no jurisdiction over him pursuant to chapter 18, title 16, Idaho Code, or
2. the court having jurisdiction pursuant to chapter 18, title 16, Idaho Code, has entered an order waiving jurisdiction and consenting to the institution of criminal proceedings against him.

(2) No court shall have jurisdiction to try or convict a person of an offense if criminal proceedings against him are barred by subsection (1) of this section. When it appears that a person charged with the commission of an offense may be of such an age that criminal proceedings may be barred under subsection (1) of this section, the court shall hold a hearing thereon, and the burden shall be on the prosecution to establish to the satisfaction of the court that the criminal proceeding is not barred upon such grounds. If the court determines that the proceeding is barred, custody of the person charged shall be surrendered to the court having jurisdiction pursuant to chapter 18, title 16, Idaho Code, and the case, including all papers and processes relating thereto, shall be transferred.

SECTION 11. That Section 18-115, Idaho Code, be, and the same is hereby amended to read as follows:

18-115. MANIFESTATION OF INTENT. — The intent or intention is manifested by the circumstances connected with the offense, and the sound mind and discretion of the accused. All persons are of sound mind who are neither idiots nor lunatics nor affected with insanity.

SECTION 12. That Section 18-201, Idaho Code, be, and the same is hereby amended to read as follows:

18-201. PERSONS CAPABLE OF COMMITTING CRIMES. — All persons are capable of committing crimes, except those belonging to the following classes:

1. Children under the age of fourteen (14) years, in the absence of clear proof that at the time of committing the act charged against them, they knew its wrongfulness.

2. Idiots.

3. Lunatics and insane persons.

4. 1. Persons who committed the act or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent.

4. 2. Persons who committed the act charged without being conscious thereof.

4. 3. Persons who committed the act or made the omission charged, through misfortune or by accident, when it appears that there was not evil design, intention or culpable negligence.
§ 74. Persons (unless the crime be punishable with death) who committed the act or made the omission charged, under threats or menaces sufficient to show that they had reasonable cause to and did believe their lives would be endangered if they refused.

SECTION 13. That Section 19-1715, Idaho Code, be, and the same is hereby amended to read as follows:

19-1715. PLEA OF NOT GUILTY. - The plea of not guilty puts in issue every material allegation of the indictments, information or complaint except that mental disease or defect excluding responsibility may be raised as a defense only in the manner provided for in this act.

SECTION 14. That Section 19-2511, Idaho Code, be, and the same is hereby amended to read as follows:

19-2511. GROUNDS FOR WITHHOLDING JUDGMENT. - He may show, for cause against the judgment:

1. That he is insane, and if, in the opinion of the court, there is reasonable ground for believing him to be insane, the question of insanity must be tried as provided in chapter 33 of this title. If, upon the trial of that question, the jury finds that he is sane, judgment must be pronounced, but if they find him insane he must be committed to the state insane asylums until he becomes sane; and when notice is given of that fact, as provided in said chapter, he must be brought before the court for judgment.

2. That he has good cause to offer, either in arrest of judgment or for a new trial, in which case the court may, in its discretion, order the judgment to be deferred, and proceed to decide upon the motion in arrest of judgment or for a new trial.


SECTION 16. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 19, 1970.
CHAPTER 32
(S. B. No. 1442)

AN ACT
REPEALING CHAPTER 9, TITLE 57, IDAHO CODE, AS OF JUNE 30, 1970, RELATING TO THE FARM MORTGAGE FUND: AND PROVIDING FOR THE DISTRIBUTION OF THE FARM MORTGAGE FUND MONIES TO THE VARIOUS STATE ENDOWMENT FUNDS ON A PRORATA BASIS BY PRINCIPAL.

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

SECTION 1. That Chapter 9, Title 57, Idaho Code, be, and the same is hereby repealed as of June 30, 1970.

SECTION 2. Before June 30, 1970, any monies remaining in the farm mortgage fund shall be distributed on a prorata basis by principal into the income accounts of the various state endowment funds.

Approved February 19, 1970.

CHAPTER 33
(S. B. No. 1470)

AN ACT

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

SECTION 1. That Section 67-404, Idaho Code, be, and the same is hereby amended to read as follows:

67-404. ORGANIZATION OF SESSIONS OF LEGISLATURE. At the hour of twelve o'clock M. on the second Monday in January shall be convened. the The presiding officer, or in his absence the chief clerk, of each house of the last session: must call the same to order and preside until a presiding officer is chosen, or in case of the absence of both of said officers, the senior member present must perform said duties. all members elect present, having certificates of election from the secretary of state, and no other persons, have the right to participate in the organization of the respective houses. Neither house must organize or transact any business, but must adjourn from day to day, until a majority of all the members authorized by law to be elected are present. Each legislature shall have a term of two (2) years, commencing on December 1 next following the general election, and shall consist of a "First Regular Session" which shall meet in the odd-numbered years and a "Second Regular Session" which shall meet in the even-numbered years and any extraordinary session or sessions which may be called as provided by law.

SECTION 2. That Chapter 4, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-404b, Idaho Code, and to read as follows:

67-404b. RULES. At the beginning of the first regular session, or at the organizational session, of each legislature, both houses shall adopt permanent rules of procedures. The rules in effect at the last regular session of the immediately preceding legislature shall serve as the temporary rules of the legislature until the adoption of permanent rules.

SECTION 3. That Chapter 4, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-404c, Idaho Code, and to read as follows:

67-404c. OFFICERS AND STANDING COMMITTEES. (1) The officers of the legislature, elected or selected at the first regular session, or at
the organizational session, shall serve during the term of the legislature.

(2) The standing committees of the legislature, when created and designated by rule of the respective house, shall be permanent standing committees and shall exist during the term of the legislature.

SECTION 4. That Chapter 4, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-404d, Idaho Code, and to read as follows:

67-404d. ORGANIZATION OF SECOND AND EXTRAORDINARY SESSIONS. — On the day set for the assembly of the second regular session or an extraordinary session of the legislature, the presiding officer, or his successor, shall administer the oath of office to new members and proceed with the business of the house in accordance with the rules of the respective houses.

SECTION 5. That Chapter 4, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-404e, Idaho Code, and to read as follows:

67-404e. PENDING BUSINESS. — Any business, bill or resolution pending at the final adjournment of a session shall not be carried over to the next regular or extraordinary session; provided, however, that any such bill or resolution may be reintroduced at any subsequent session of the legislature.

Approved February 19, 1970.

CHAPTER 34
(H. B. No. 440)

AN ACT
AMENDING SECTION 37-507, IDAHO CODE, RELATING TO STATEMENTS TO PRODUCERS OF DAIRY PRODUCTS BY STRIKING A REFERENCE TO THE SIGNING OF STATEMENTS BY LICENSED BABCOCK TESTERS; AND REPEALING SECTION 37-508, IDAHO CODE, WHICH MAKES IT A CRIME TO SELL INCORRECT BABCOCK TESTING GLASSWARE.

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

SECTION 1. That Section 37-507, Idaho Code, be, and the same is hereby amended to read as follows:

37-507. STATEMENT TO SHOW NUMBER OF POUNDS PURCHASED. Every person, corporation or company operating a
creamery, when using the Babcock test as a standard to determine the value of any milk or cream received or bought by such person, corporation or company to be manufactured into butter, shall, when paying for such milk or cream, include in every statement or check issued to any patron in payment therefor a statement of the number of pounds of butter fat for which payment is made. All statements must be signed by the licensed Babcock tester and bear his license number.

SECTION 2. That Section 37-508, Idaho Code, be, and the same is hereby repealed.

Approved February 19, 1970.

CHAPTER 35
(H.B. No. 459, As Amended)

AN ACT
AMENDING SECTION 21-805, IDAHO CODE, RELATING TO ESTABLISHMENT OF REGIONAL AIRPORT AUTHORITY BY ELECTION, BY PROVIDING THAT PETITIONS CALLING FOR AN ELECTION SHALL BE SIGNED BY FIVE PER CENT OF THE VOTERS IN EACH COUNTY RATHER THAN EACH VOTING PRECINCT, AND BY PROVIDING THAT AN AFFIRMATIVE VOTE IN THREE OR MORE CONTIGUOUS COUNTIES SHALL CAUSE A REGIONAL AIRPORT AUTHORITY TO BE ESTABLISHED IN THOSE COUNTIES AND SHALL CAUSE THOSE COUNTIES VOTING AGAINST THE PROPOSALS TO BE EXCLUDED FROM THE AUTHORITY AND BY PROVIDING THAT IF THE INTERIM BOARD OF TRUSTEES CERTIFIES THAT THE AUTHORITY WOULD BE IMPRACTICABLE, THE AUTHORITY SHALL NOT BE CREATED; AMENDING CHAPTER 8, TITLE 21, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 21-805A, IDAHO CODE, TO PROVIDE FOR ANNEXATION OF COUNTIES TO AN EXISTING AIRPORT AUTHORITY; AMENDING SECTION 21-806, IDAHO CODE, RELATING TO ELECTION OF BOARD OF TRUSTEES, BY PROVIDING THAT THE ELECTION OF TRUSTEES SHALL BE ONLY WITHIN THE PARTICIPATING COUNTIES; AMENDING SECTION 21-807, IDAHO CODE, RELATING TO POWERS OF THE BOARD, BY PROVIDING THAT THE BOARD MAY DETERMINE
THE DEGREE OF FINANCIAL PARTICIPATION AFTER THE AUTHORITY HAS BEEN FORMED: AMENDING SECTION 21-808. IDAHO CODE, RELATING TO ISSUANCE OF BONDS, BY PROVIDING THAT INDEBTEDNESS SHALL NOT EXCEED TWO PER CENT OF THE AGGREGATE ASSESSED VALUATION OF ALL PROPERTY WITHIN THE PARTICIPATING COUNTIES WITHIN THE REGION; AND AMENDING SECTION 21-809, IDAHO CODE, RELATING TO BOND ISSUES, BY PROVIDING THAT THE QUESTION OF ISSUING BONDS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE PARTICIPATING COUNTIES WITHIN THE AUTHORITY.

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

SECTION 1. That Section 21-805, Idaho Code, be, and the same is hereby amended to read as follows:

21-805. REGIONAL AIRPORT AUTHORITY — ESTABLISHMENT BY ELECTION. — A regional airport authority may be established by the vote of the electors of such region, voting at an election called and held as herein provided:

(a) A petition signed by not less than five per cent (5%) of the electors from each voting precinct county in the region, describing the degree of percentage of financial participation of each such county in the district and the proposed location of the regional airport, and praying for the organization of the region as a regional airport authority, together with a true copy thereof, shall be filed with the state department of aeronautics. Prior to filing such petition each board of county commissioners of the counties in the region shall verify the validity of the signatures within the county.

(b) Upon approval of the petition, the state department of aeronautics shall advise the boards of county commissioners of the counties in the region of the date of the election, but no later than sixty (60) days after approval of the petition, and each such board shall enter an order that a special election be held on such date for the purpose of voting on the question of the creation of such regional airport authority. Notice of election must be posted, notice shall be published, the election shall be conducted and the returns thereof canvassed as required in elections on the question of creating junior college districts. Provided, however, as a condition of voting in such election, an elector shall meet the qualifications prescribed in section 34-401, Idaho Code, and in addition shall be a resident of the proposed regional airport authority. The ballot shall contain the words “Regional Airport Authority — Yes” and “Regional Airport Authority — No,” each
followed by a box in which the voter may express his choice by marking a cross "X." The board of county commissioners of each county shall conduct such election and canvass the returns thereof as though it were the only county in which such election were being held. The returns of the election so canvassed shall be certified promptly to the state department of aeronautics, and if a majority of all of the votes cast in three (3) or more contiguous counties be in the affirmative, then the state department of aeronautics shall enter an order declaring such regional airport authority established within the limits of those counties that did vote in the affirmative, and shall certify such fact to the board of county commissioners of each county in the region in which an affirmative vote was cast. Counties which voted in the negative shall be excluded from the regional airport authority and shall be so notified by the state department of aeronautics. The cost of providing such election shall be paid by the respective boards of county commissioners, from any funds available to such county. Provided, however, if the interim board of trustees is convinced that it would be impracticable for the three (3) contiguous counties to establish a regional airport authority, and so certifies to the state department of aeronautics and the board of county commissioners of those counties that did vote in the affirmative, the election shall be null and void and the authority shall not be created.

SECTION 2. That Chapter 8, Title 21, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 21-805A, Idaho Code, and to read as follows:

21-805A. ANNEXATION TO EXISTING AUTHORITY ELECTION. Subsequent to the organization of a regional airport authority, any county which is contiguous and which voted in the negative and was excluded from the authority at the time of the election held as provided in section 21-805, Idaho Code, may vote to join the authority. The provisions of section 21-805, Idaho Code, shall apply as nearly as possible to the election to be held. The question to be submitted to the electors of the existing authority and to the electors of the county wishing to be annexed shall clearly indicate the degree of financial participation of each of the participating counties should the annexation be approved, the division among the participating counties of any existing bond or debt obligations should the annexation be approved, and the representation on the permanent board of trustees to be given the annexed county should the annexation be approved. If a majority of all the votes cast in the existing district be in the affirmative, and if a majority of the votes cast in the county wishing to be annexed be in the affirmative, the state department of aeronautics shall enter an order declaring such county to be a part of the
regional airport authority. and shall certify such fact to the board of county commissioners of each county in the authority.

SECTION 3. That Section 21-806, Idaho Code, be, and the same is hereby amended to read as follows:

21-806. ELECTION OF BOARD OF TRUSTEES. — At the next succeeding primary election following the creation of any such regional airport authority, the electors of each of the legislative districts within the participating counties within such region shall elect, on a nonpartisan basis, a member of the authority's permanent board of trustees, hereinafter referred to as the board, except that in the northern and north central regions, one (1) additional board member shall be elected from each such region at large. At the first such election, members elected from even-numbered legislative districts, together with the member elected at large from the northern region and the member elected at large from the north central region, shall be elected for four (4) year terms of office, and members elected from odd-numbered legislative districts shall be elected for two (2) year terms of office. Thereafter all such members shall be elected for four (4) year terms of office, and shall serve until their successors are elected and qualified. The term of office of members so elected shall commence on December 1 of the year in which they were elected.

Notice of the election and the conduct thereof shall be as prescribed for the election of junior college district trustees. As a condition of voting, an elector shall meet the qualifications prescribed in section 34-401, Idaho Code, and in addition shall be a resident of the regional airport authority.

The person receiving the largest number of votes shall be declared elected. If it be necessary to resolve a tie between two (2) or more persons, the interim board or the permanent board, as the case may be, shall determine by lot which thereof shall be declared elected. The clerk of the board shall promptly notify any person by mail of his election, enclosing a form of oath to be subscribed by him as herein provided.

When elections held pursuant to this section coincide with other elections held by the state of Idaho or any subdivision thereof, or any municipality or school district, the board of trustees may make agreement with the body holding such election for joint boards of election and the payment of fees and expenses of such boards of election on such proportionate basis as may be agreed upon.

Elections of board members shall, after the first such election, be held every other year in even-numbered years, and shall be held on such uniform day of such uniform month as the board shall determine. Vacancies on the
board shall be filled by appointment of remaining members, for the expiration of such term of office. The board members shall take and subscribe the oath of office required in the case of state officers and said oath shall be filed with the secretary of state. Members shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

SECTION 4. That Section 21-807, Idaho Code, be, and the same is hereby amended to read as follows:

21-807. POWERS OF BOARD. -- The board of any authority established under the provisions of this act shall have power:

(1) To sue and be sued;

(2) To acquire, hold, and dispose of personal property;

(3) To acquire, in the name of the authority by purchase or condemnation, real property or rights or easements therein necessary or convenient for its purposes, and, except as may otherwise be provided herein, to use the same in acquiring property. any such authority may exercise the right of eminent domain as provided in chapter 7, title 7, Idaho Code;

(4) To establish rules and regulations for the management and regulation of its affairs, and to make rules and regulations for the use of projects, and the establishment and collection of rentals, fees, and all other charges for services or commodities sold, furnished, or supplied by such authority;

(5) To appoint a chairman from the membership of the board, and to appoint officers, agents, and employees and fix their compensation;

(6) To make contracts, leases, and all other instruments necessary or convenient to the purposes of the authority;

(7) To design, construct, maintain, operate, improve, and reconstruct such projects as shall be necessary and convenient to the maintenance and development of aviation services to and for the region in which such authority is established, including landing fields, heliports, hangars, shops, passenger and freight terminals, control towers, and all facilities necessary or convenient in connection with any such project and also to contract for the construction, operation, or maintenance of any parts thereof, or for services to be performed thereon, and to rent parts thereof and grant concessions thereon; all on such terms and conditions as the authority may determine;

(8) To include in such project, subject to zoning restrictions, space and facilities for any or all of the following: public recreation, business, trade or other exhibitions, sporting or athletic events, public meetings, conventions, and all other kinds of assemblages, and in order to obtain additional
revenues, space, and facilities for business and commercial purposes. Whenever the board deems it to be in the public interest, the board may lease any such project or any part or parts thereof, or contract for the management and operation thereof or any part or parts thereof. Any such lease or contract may be for such period of years as the board shall determine:

(9) To charge fees, rentals, and other charges for the use of projects under the jurisdiction of such board. All fees, rentals, charges, and other revenues derived from any project shall be applied to the payment of operating, administration, and other necessary expenses of the authority properly chargeable to such project and to the payment of the interest on and principal of bonds or for making sinking fund payments therefor. The board may treat one or more projects as a single enterprise in respect of revenues, expenses, the issuance of bonds, maintenance, operation, or other purposes;

(10) Subject to and consistent with the percentages of financial participation determined by the board and approved by the electors of the region, as provided in sections 21-804 and 21-805 hereof, or as determined by the board as provided in subsection (14) of this section, to certify annually to the boards of county commissioners of the participating counties in the region the amount of tax to be levied for airport purposes, not to exceed one (1) mill on the dollar upon the assessed valuation of all the taxable property in such county, and the boards of county commissioners shall levy and collect the taxes so certified at the same time and in the same manner as other county taxes are levied and collected, and the proceeds of such taxes when due and as collected shall be set aside and deposited in the special account or accounts in which other revenues of the authority are deposited.

(11) To construct and maintain under, along, over, or across a project, telephone, telegraph, or electric wires and cables, fuel lines, gas mains, water mains, and other mechanical equipment not inconsistent with the appropriate use of such project, to contract for such construction and to lease the right to construct and use the same, or to use the same on such terms for such periods of time and for such consideration as the board shall determine;

(12) To accept grants, loans, or contributions from the United States, the state of Idaho, or any agency or instrumentality of either of them, or from any private group or individual, and to expend the proceeds thereof consistent with the laws of the United States and of the state of Idaho;
(13) To enter on any lands, waters, and premises for the purposes of making surveys, soundings, and examinations; and to do all things necessary or convenient to carry out the powers expressly conferred on such authorities by this act.

(14) To determine the degree of financial participation of each county participating in the regional airport authority after such authority has been established as provided in section 21-805, Idaho Code.

SECTION 5. That Section 21-808, Idaho Code, be, and the same is hereby amended to read as follows:

21-808. ISSUANCE OF BONDS. Subject to and consistent with the percentage of financial participation determined by the board and approved by the electors of the region, as provided in sections 21-804 and 21-805 hereof, or as determined by the board as provided in section 21-807(14), Idaho Code, an authority may secure the necessary funds to finance part or all of the cost of acquiring, establishing, constructing, developing, expanding, extending or further improving the regional airport within its limits through the issuance of general obligation bonds as hereinafter provided. The principal amount of which at any one (1) time outstanding, together with other outstanding indebtedness of the authority, shall not exceed two per cent (2%) of the aggregate assessed valuation of all property within the participating counties within the region. Provided further. all such bonds shall be payable within thirty (30) years from the date of issuance.

SECTION 6. That Section 21-809, Idaho Code, be, and the same is hereby amended to read as follows:

21-809. BOND ISSUE — SUBMISSION TO ELECTORS FOR APPROVAL. No general obligation bonds shall be issued until the question whether the bonds shall be issued is submitted to the qualified electors of the participating counties of the region and approved by a two-thirds (2/3) majority of those voting upon the question. As used in this section. qualified elector means a person entitled to vote in a school bond election. The question may be submitted at any general election or at a special election called for such purpose by the board of the authority. Notice of the submission of such proposition at any such election shall be published at least once in a daily or weekly newspaper or newspapers of general circulation within the participating counties within the region, not less than fifteen (15) days prior to said election. In all other respects, procedures for such elections shall be in the same manner as for junior college bond elections. The ballot to be voted at said election shall read substantially as follows:
CHAPTER 36
(H. B. No. 492)

AN ACT
AMENDING SECTION 22-3315, IDAHO CODE, RELATING TO THE IDAHO WHEAT COMMISSION TAX, BY PROVIDING FOR COLLECTION OF THE IDAHO WHEAT COMMISSION TAX ON A QUARTERLY BASIS OR SHORTER BASIS AS PRESCRIBED BY REGULATION OF THE IDAHO WHEAT COMMISSION: AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Section 22-3315, Idaho Code, be, and the same is hereby amended to read as follows:

22-3315. IMPOSITION OF TAX. - (1) From and after the first day of June, 1959, there is hereby levied and imposed a tax of one-half cent ($\frac{1}{2}\$) per bushel on all wheat grown in the state of Idaho and sold or contracted through commercial channels, and each and every crop grown thereafter, which tax shall be due on or before the time when such wheat is first sold or contracted in the commercial channels and shall be paid at such time or times as the commission may, by rule or regulation, prescribe, as hereinafter provided, but not later than the 15th day of the month next succeeding the three (3) month period in which such wheat is sold or contracted in commercial channels. The commission shall designate the quarters (three (3) month periods) for the purpose of collection of this tax.

(2) The tax shall be levied and assessed to the grower at the time of delivery for sale and shall be deducted by the first purchaser from the price paid to the grower at the time of sale or in case of a lienholder who may possess such wheat under his lien, the tax shall be deducted by the lienholder.
from the proceeds of the claim secured by such lien at the time the wheat is
pledged or mortgaged. The tax shall be deducted as provided in this section
whether the wheat is stored in this or any other state. The commission may,
however, permit any federal corporation, such as the Commodity Credit
Corporation, to waive its responsibility for the collection of the tax,
provided the amount of the tax is one dollar ($1.00) or less.

(3) The tax constitutes a lien prior to all other liens and encumbrances
upon such wheat except liens which are declared prior by operation of a
statute of this state.

SECTION 2. This act shall be in full force and effect on and after July
1, 1970.

Approved February 19, 1970.

CHAPTER 37
(H. B. No. 506)

AN ACT
AMENDING SECTION 33-404, IDAHO CODE, RELATING TO
QUALIFICATIONS OF SCHOOL ELECTORS, BY STRIKING THE
REQUIREMENT THAT TO VOTE IN A SCHOOL TRUSTEE
ELECTION A QUALIFIED VOTER MUST BE A PARENT OR
GUARDIAN OF ANY CHILD OR CHILDREN UNDER THE AGE OF
TWENTY-ONE YEARS, WHEN SUCH CHILD OR CHILDREN
RESIDE IN THE DISTRICT, BY STRIKING THE REQUIREMENT
THAT THE ELECTOR MUST BE A TAXPAYER ON REAL OR
PERSONAL PROPERTY SITUATE IN THE DISTRICT, OR SPOUSE
OF SUCH TAXPAYER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-404, Idaho Code, be, and the same is
hereby amended to read as follows:

33-404. QUALIFICATIONS OF SCHOOL ELECTORS. — Any person
voting, or offering to vote, in any school election must be, at the time of the
election:

1. An elector within the meaning of article 6, section 2 of the
Constitution of the State of Idaho;

2. A resident of the district and, in the case of election of trustees, a
resident of the same trustee zone as the candidate or candidates for school
district trustees for whom he offers to vote;
In addition to the foregoing qualifications, a school elector must be:

a. A parent or guardian of any child or children under the age of twenty-one (21) years, when such child or children reside in the district, or

b. A taxpayer on real or personal property situated in the district, or spouse of such taxpayer:

and shall have executed, in writing and immediately before voting, a form of elector's oath attesting that he or she possesses the qualifications of a school elector prescribed by this section. The forms of electors' oaths shall be included in the records and returns of the board of election.

In any school election held on a proposal to incur, increase or assume any indebtedness, or to approve a levy for any school plant facilities reserve fund, any person voting, or offering to vote in such election shall have and possess the qualifications set forth in one (1) and two (2), above, and in addition thereto be a taxpayer on real property situate in the district, or the spouse of such taxpayer.

For the purpose of this section, a taxpayer on real property shall be one who pays taxes, or who is obligated as owner or contract purchaser to pay taxes, on real property. The term "real property" as used in this section shall include dwelling houses permanently affixed to the real property on which they are situated and shall not include mobile homes or trailer houses whether or not attached to real property.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 19, 1970.

CHAPTER 38
(H. B. No. 508)

AN ACT
AUTHORIZING PUBLIC AGENCIES TO ENTER INTO AGREEMENTS TO JOINTLY EXERCISE THEIR POWERS, DUTIES AND FUNCTIONS WITH THE UNITED STATES, THE STATE OF IDAHO, A SISTER STATE OR PUBLIC AGENCIES OF ANY OF THEM, AND TO VOLUNTARILY TRANSFER THE EXERCISE THEREOF: PROVIDING DEFINITIONS: SPECIFYING TERMS OF
AGREEMENTS AND LIMITATIONS; PROVIDING FOR FILING AND INTERPRETATION; PROVIDING FOR SUBMISSION AND APPROVAL; PROVIDING FOR AUTHORITY UNDER A JOINT AGREEMENT; PROVIDING FOR JOINT CONTRACTING BY PUBLIC AGENCIES; PROVIDING FOR LIMITATIONS; REPEALING SECTIONS 50-336 THROUGH 50-340, IDAHO CODE, AND SECTIONS 67-2319 THROUGH 67-2321, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. It is the purpose of this act to permit the state and public agencies to make the most efficient use of their powers by enabling them to cooperate to their mutual advantage and thereby provide services and facilities and perform functions in a manner that will best accord with geographic, economic, population, and other factors influencing the needs and development of the respective entities.

SECTION 2. "Public agency" means any city or political subdivision of this state, including, but not limited to counties; school districts; highway districts; and port authorities; instrumentalities of counties, cities or any political subdivision created under the laws of the state of Idaho; any agency of the state government; and any city or political subdivision of another state.

"State" means a state of the United States and the District of Columbia.

SECTION 3. (a) Any power, privilege or authority, authorized by the Idaho constitution, statute or charter, held by the state of Idaho or a public agency of said state, may be exercised and enjoyed jointly with the state of Idaho or any other public agency of this state having the same powers, privilege or authority; but never beyond the limitation of such powers, privileges or authority; and the state or public agency of the state, may exercise such powers, privileges and authority jointly with the United States, any other state, or public agency of any of them, to the extent that the laws of the United States or sister state, grant similar powers, privileges or authority, to the United States and its public agencies, or to the sister state and its public agencies; and provided the laws of the United States or a sister state allow such exercise of joint power, privilege or authority. The state or any public agency thereof when acting jointly with another public agency of this state may exercise and enjoy the power, privilege and authority conferred by this act; but nothing in this act shall be construed to extend the jurisdiction, power, privilege or authority of the state or public agency
thereof, beyond the power, privilege or authority said state or public agency might have if acting alone.

(b) Any state or public agency may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this act. Appropriate action by ordinance, resolution, or otherwise pursuant to law of the governing bodies of these participating public agencies shall be necessary before any such agreement may enter into force.

(c) Any such agreement shall specify the following:

1. Its duration.
2. The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created.
3. Its purpose or purposes.
4. The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.
5. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.
6. Any other necessary and proper matters.

(d) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items (1), (3), (4), (5), and (6) of subsection (c) of this section, contain the following:

1. Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented.
2. The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.
3. No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performances may be offered in satisfaction of the obligation or responsibility.

SECTION 4. Prior to its becoming binding, any agreement made pursuant to this act between two or more states or between two or more public agencies of two or more states shall be filed with the secretary of state, who shall require an opinion of the attorney general that such agreement does not violate the provisions of the Constitution of the United States, or the Idaho constitution and statutes. Such opinion shall be
rendered within thirty (30) days from the date of request by the secretary of state and submitted to the secretary and interested parties. Failure to render such opinion within such time shall be considered as approval by the attorney general. Upon receiving an opinion that the agreement is constitutional the secretary shall notify the agreeing parties and the agreement shall be in full force and effect from the date of such notice, provided, that such agreement shall not be enforced by the courts of this state unless the state of Idaho or public agency thereof is provided due process for enforcement in the courts of the United States or a sister state. In the event of action on any such agreement, any state or public agency joined in such action not a real party in interest, may seek damages incurred by it because of such joinder against any proper party to the action.

SECTION 5. In the event that an agreement made pursuant to this act shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction. Failure to disapprove an agreement submitted hereunder within thirty (30) days of its submission shall constitute approval thereof.

SECTION 6. Any public agency entering into an agreement pursuant to this act may appropriate funds and may sell, lease, give, or otherwise supply public property to the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

SECTION 7. Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform, including, but not limited to joint contracting for services, supplies and capital equipment, provided that such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties.

SECTION 8. Nothing in this act shall be interpreted to grant to any state or public agency thereof the power to increase or diminish the political or governmental power of the United States, the state of Idaho, a sister state, nor any public agency of any of them.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 19, 1970.

CHAPTER 39
(H. B. No. 516)

AN ACT
AMENDING SECTION 37-601, IDAHO CODE, RELATING TO GLASSWARE FOR BABCOCK TESTS SO AS TO STRIKE REFERENCE TO INSPECTED GLASSWARE, PROVIDING THAT IT IS UNLAWFUL TO OFFER FOR SALE OR TO SELL OTHER THAN STANDARD BABCOCK TESTING WARE; AND REPEALING SECTION 37-602, IDAHO CODE, RELATING TO FEES FOR TESTING GLASSWARE.

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

SECTION 1. That Section 37-601, Idaho Code, be, and the same is hereby amended to read as follows:

37-601. USE OF STANDARD GLASSWARE REQUIRED. Every person, firm or corporation receiving or purchasing milk or cream on the basis of the amount of butter fat contained therein as determined by the Babcock test, shall use the standard Babcock testing glassware test bottles and pipettes, as defined in section 37-603, and all Babcock test bottles and pipettes shall have been inspected for accuracy by the commissioner of agriculture, or his agent, and shall be legibly and indelibly marked by the commissioner of agriculture, or his agent, with the letters S. G. I., meaning "Standard Glassware Idaho." It shall be unlawful for any firm or corporation or any of their agents to offer for sale or sell or to use other than standard test bottles and pipettes which have been examined and marked as provided by this section, to determine the amount of fat in milk or cream received or purchased on the butter fat basis.

SECTION 2. That Section 37-602, Idaho Code, be, and the same is hereby repealed.

Approved February 19, 1970.
CHAPTER 40
(H. B. No. 518)

AN ACT
AMENDING SECTION 33-1252, IDAHO CODE, RELATING TO THE PROFESSIONAL PRACTICES COMMISSION, BY INCREASING MEMBERSHIP OF THE COMMISSION TO FIFTEEN, THE ADDITIONAL MEMBER TO BE A SCHOOL DISTRICT SUPERINTENDENT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1252, Idaho Code, be, and the same is hereby amended to read as follows:

33-1252. PROFESSIONAL PRACTICES COMMISSION — MEMBERS — APPOINTMENT — TERMS. — A professional practices commission is hereby created, consisting of fifteen (15) members, one (1) of whom shall be a member of the staff of the state department of education, to be appointed by the state board of education. The members shall be representative of the teaching profession of the state of Idaho, and not less than eight (8) members shall be certificated classroom teachers in the public school system of the state.

Except for the member from the staff of the state department of education, three (3) nominees for each position on the commission shall be submitted to the state superintendent of public instruction, for the consideration of the state board of education. Any state organization of teachers whose membership is open to all certificated teachers in the state may submit nominees for positions to be held by classroom teachers; the Idaho association of school superintendents may submit nominees for one (1) position, the Idaho association of secondary school principals may submit nominees for one (1) position; the Idaho association of elementary school principals may submit nominees for one (1) position; the education departments of the private colleges of the state may submit nominees for one (1) position, and the education departments of the junior colleges and of the public institutions of higher education may submit nominees for two (2) positions.

The state board of education shall appoint five (5) members of the commission for terms of three (3) years, four (4) for terms of two (2) years, and four (4) for terms of one (1) year; thereafter appointments or reappointments, shall be made for terms of three (3) years.
A nominee of the Idaho association of school superintendents shall be appointed by the state board of education for a term of one (1) year; thereafter a nominee of such association shall be appointed, or reappointed, for a term of three (3) years.

SECTION 2. This act shall be in full force and effect on and after July 1, 1970.

Approved February 19, 1970.

CHAPTER 41
(H. B. No. 520)

AN ACT

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

SECTION 1. That Section 49-1013, Idaho Code, be, and the same is hereby amended to read as follows:

49-1013. ACCIDENT REPORTS CONFIDENTIAL. — All accident reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other governmental agencies having use for the records for accident prevention purposes, or for the administration of the laws relating to the deposit of security and proof of financial responsibility by persons driving the vehicles or the owner of the motor vehicles, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at the scene of such accident; and may disclose how the person has complied with the financial responsibility laws, and if by liability insurance, the name of the insurance carrier, the agent's name and address, and the insurance policy number. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court, a certificate showing that a
specified accident report has or has not been made to the department, solely
to prove a compliance, or a failure to comply, with the requirement that
such a report be made to the department.

Approved February 19, 1970.

CHAPTER 42
(H.B. No. 526)

AN ACT
AMENDING SECTION 45-1502, IDAHO CODE, RELATING TO
DEFINITIONS OF BENEFICIARY, GRANTOR, TRUST DEED,
TRUSTEE, REAL PROPERTY, AND TRUSTEE'S CHARGES, BY
STRIKING THE WORDS "MORE OR LESS" FROM THE
DEFINITION OF REAL PROPERTY.

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

SECTION 1. That Section 45-1502, Idaho Code, be, and the same is
hereby amended to read as follows:

45-1502. DEFINITIONS — TRUSTEE'S CHARGE. — As used in this
act:

(1) "Beneficiary" means the person named or otherwise designated in a
trust deed as the person for whose benefit a trust deed is given, or his
successor in interest, and who shall not be the trustee.

(2) "Grantor" means the person conveying real property by a trust
deed as security for the performance of an obligation.

(3) "Trust deed" means a deed executed in conformity with this act
and conveying real property to a trustee in trust to secure the performance
of an obligation of the grantor or other person named in the deed to a
beneficiary.

(4) "Trustee" means a person to whom the legal title to real property
is conveyed by trust deed, or his successor in interest.

(5) "Real property" means any right, title, interest and claim in and to
real property owned by the grantor at the date of execution of the deed of
trust or acquired thereafter by said grantor or his successors in interest.
Provided, nevertheless, real property as so defined which may be transferred
in trust under this act shall be limited to either (a) any real property located
within an incorporated city or village at the time of the transfer, or (b) any
real property not exceeding twenty (20) acres, more or less, regardless of its
location, and in either event where the trust deed states that the real property involved is within either of the above provisions, such statement shall be binding upon all parties and conclusive as to compliance with the provisions of this act relative to the power to make such transfer and trust and power of sale conferred in this act.

(6) Reasonable charge of trustee shall not exceed 50 fifty per cent (50%) of the compensation of a trustee as provided by section 68-103, Idaho Code; provided, however, that the trustee shall not be entitled to any compensation prior to commencement of foreclosure; and if the grantor prior to foreclosure sale pays the entire amount then due, including costs and expenditures actually incurred, the trustee's fee shall not exceed $50.00 fifty dollars ($50).

Approved February 19, 1970.
reserves the right to the exclusive occupation of the house and senate chambers during its sessions, together with any or all rooms adjacent to such chambers and the galleries thereof, the third and fourth floors of the capitol building, the second floor wing heretofore occupied by the supreme court, and the basement floor. No occupancy or use of these enumerated areas may be made without the prior approval of the legislative council.

SECTION 2. That Section 67-5732, Idaho Code, be, and the same is hereby amended to read as follows:

67-5732. DUTIES. — The division of building services shall have the power and duty to allocate all space, owned or leased in the city of Boise in the name of the state, except as provided by section 67-3203, Idaho Code, for the occupancy of the various state departments, agencies and institutions. Allocations of space will be made on the basis of functional need and statutory requirements and in conformity with standards and criteria adopted by the permanent building fund advisory council. In approving the allocations of space, the division shall first consult with and consider the recommendations and advice of the directors or executive heads of the various departments, agencies or institutions.

Approved February 23, 1970.

CHAPTER 44
(H. B. No. 452)

AN ACT
RELATING TO ATTORNEY FEES IN ACTIONS FOR PROPERTY DAMAGE AND/OR PERSONAL INJURY WHERE LESS THAN $1,500 IS CLAIMED, PROVIDING THAT AFTER WRITTEN DEMAND IS MADE IF THE DEFENDANT DOES NOT TENDER TO THE PLAINTIFF AN AMOUNT AT LEAST EQUAL TO 95% OF THE AMOUNT AWARDED TO THE PLAINTIFF, THE PLAINTIFF SHALL BE ENTITLED TO RECOVER REASONABLE ATTORNEY FEES, AND PROVIDING THAT IF THE DEFENDANT PLEADS A COUNTERCLAIM, NOT TO EXCEED $1,500, AND IS AWARDED AT LEAST 95% OF HIS COUNTERCLAIM, THEN REASONABLE ATTORNEY FEES SHALL BE ALLOWED TO HIM.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. In any action for damages for an injury or wrong to the person or property, or both, of another where the amount pleaded is one thousand five hundred dollars ($1,500) or less, and the plaintiff prevails in the action, there shall be taxed and allowed to the plaintiff, as part of the costs of the action, a reasonable amount to be fixed by the court as attorney fees for the prosecution of the action, if the court finds that written demand for the payment of such claim was made on the defendant not less than ten (10) days before the commencement of the action; provided, that no attorney fees shall be allowed to the plaintiff if the court finds that the defendant tendered to the plaintiff, prior to the commencement of the action, an amount at least equal to ninety-five per cent (95%) of the damages awarded to the plaintiff.

If the defendant pleads a counterclaim, not to exceed one thousand five hundred dollars ($1,500) and the defendant is awarded damages on his counterclaim at least equal to ninety-five per cent (95%) of the amount pleaded, there shall be taxed and allowed to the defendant, as part of the costs of the action, a reasonable amount to be fixed by the court as attorney fees for the prosecution of the counterclaim.

Approved February 24, 1970.

CHAPTER 45
(H. B. No. 491)

AN ACT
AMENDING SECTION 22-2912, IDAHO CODE, WHICH CREATES THE IDAHO BEAN COMMISSION, BY PROVIDING FOR STAGGERED TERMS OF OFFICE FOR FUTURE COMMISSION MEMBERS SO THAT SOME COMMISSION MEMBERS WILL BE APPOINTED EACH YEAR, AND BY PROVIDING THAT THE PROCESSOR OR SHIPPER MEMBERS MAY BE APPOINTED AT LARGE; AMENDING SECTION 22-2921, IDAHO CODE, RELATING TO THE IDAHO BEAN COMMISSION TAX, BY PROVIDING FOR COLLECTION OF THE IDAHO BEAN COMMISSION TAX ON A QUARTERLY BASIS OR SHORTER BASIS AS PRESCRIBED BY REGULATION OF THE IDAHO BEAN COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 22-2912, Idaho Code, be, and the same is hereby amended to read as follows:

22-2912. BEAN COMMISSION CREATED. — There is hereby created and established the Idaho bean commission, hereinafter called the commission. It shall be composed of the commissioner of agriculture and nine (9) men or women engaged in the bean industry. The commission shall be appointed by the governor, and each member must have been a resident of the state of Idaho for a period of three (3) years immediately prior to his appointment, shall have had active experience in growing, processing or shipping of beans produced in the state of Idaho, and at least five (5) members of the commission shall be growers actually engaged in production of beans, but who are not handlers, dealers or processors. One grower member of the commission shall be appointed from each of the districts provided for by this section. The four (4) remaining members of the commission may be engaged in the processing or shipping of beans, at least one (1) of whom must be engaged in the processing or shipping of snap bean seed. The processor or shipper members of the commission shall be appointed at large, keeping in mind insofar as possible geographic locations representative of the Idaho bean industry. The qualifications for membership on the commission shall continue throughout the respective terms of office of the commissioners. Upon recommendation of the commissioner of agriculture and organizations of producers and shippers of beans, one (1) grower commissioner shall be appointed from district No. 1, which district shall be composed of the following counties: Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce, Lewis and Idaho; one (1) grower commissioner shall be appointed from district No. 2, which district shall be composed of the following counties: Adams, Valley, Lemhi, Custer, Boise, Washington, Payette, Gem, Canyon and Ada; two (2) grower commissioners shall be appointed from district No. 3, which district shall be composed of the following counties: Twin Falls, Owyhee and Elmore; two (2) grower commissioners shall be appointed from district No. 4, which district shall be composed of the following counties: Cassia, Oneida, Power, Bannock, Caribou, Bear Lake, Franklin and Minidoka; two (2) grower commissioners shall be appointed from district No. 5, which district shall be composed of the following counties: Camas, Blaine, Gooding, Lincoln, Jerome, Bingham, Bonneville, Butte, Jefferson, Madison, Teton, Fremont and Clark. On July 1, 1957, the governor shall appoint two (2) commissioners, one (1) a grower and one (1) a processor or shipper, from each of the districts except district No. 1, from which one (1) commissioner shall be appointed, who shall be a bean
In each of the districts in which two (2) commissioners are appointed, one (1) shall be appointed for a term of two (2) years and the other for a term of four (4) years. In district No. 1 the commissioner shall be appointed for a term of four (4) years. Commencing on July 1, 1971 and July 1, 1973, when the terms of the present commission members expire, the next regularly appointed grower members for districts No. 1 and No. 2 will hold office for a term of one (1) year; the next regularly appointed grower member from district No. 3 will hold office for a term of four (4) years; the next regularly appointed grower member for district No. 4 will hold office for a term of one (1) year; the next regularly appointed grower member from district No. 5 will hold office for a term of four (4) years. Also, commencing on July 1, 1971 and July 1, 1973, when the terms of the present processor or shipper members, who were appointed heretofore from districts 2, 3, 4 and 5, expire, the processor or shipper members replacing the heretofore appointed processor or shipper members will serve the following terms: the processor or shipper member who is appointed to replace the processor or shipper member appointed from district No. 2 will serve a term of four (4) years; the processor or shipper member who is appointed to replace the processor or shipper member appointed from district No. 3 will serve a term of three (3) years; the processor or shipper member who is appointed to replace the processor or shipper member appointed from district No. 4 will serve a term of four (4) years; the processor or shipper member who is appointed to replace the processor or shipper member appointed from district No. 5 will serve a term of three (3) years. Biennially thereafter, the governor shall appoint one (1) commissioner from each of said districts 2, 3, 4 and 5, as their terms expire. Each commissioner shall serve for a term of four (4) years, and quadriennially one (1) commissioner from district 1 for a term of four (4) years. Each commissioner shall hold office until his successor has been appointed.

A simple majority of members of the commission shall constitute a quorum for the transaction of business and for carrying out the duties of the commission. All commissioners shall take an oath of office before commencing their duties.

No member of the commission shall receive a salary or other compensation, but each shall receive the sum of $5.00 per day for each day spent in actual attendance at meetings of the commission and, in addition to such allowance, travel expenses actually incurred in attending meetings of the commission in accordance with accepted state practice with other state employees.
SECTION 2. That Section 22-2921, Idaho Code, be, and the same is hereby amended to read as follows:

22-2921. TAX LEVY — VEGETABLE PROMOTION STAMPS. — There is hereby levied and imposed a tax of three cents (3¢) per hundredweight on beans covered by this act, which tax shall be due on or before the time when such beans are first handled in the primary channels of trade and shall be paid at such time or times as the commission may by rule or regulation prescribe, but not later than the 15th day of the month next succeeding the three (3) month period in which such beans were handled in the primary channels of trade. The commission shall designate the quarters (three (3) month periods) for the purpose of collection of this tax. For the purpose of collection of said tax the commission may require stamps to be known as "Vegetable Promotion Stamps" to be purchased from the commission and affixed or attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets, or such other containers or records as may adequately provide notice that such tax had been paid. Any such stamps shall be canceled immediately upon being so attached or fixed and the date of cancelation shall at said time be placed on such stamps.

The person first introducing beans into primary channels of trade shall be responsible for purchasing and affixing said stamps. If such person is the dealer or shipper handling beans grown by another he may charge against or recover from the grower of such beans two cents (2¢) of the cost thereof, but he shall remain liable for and pay one cent (1¢) of the cost thereof.

SECTION 3. This act shall be in full force and effect on and after July 1, 1970.

Approved February 24, 1970.

CHAPTER 46
(H. B. No. 546)

AN ACT
RELATING TO THE HONEY INDUSTRY; PROVIDING FOR A TAX OF FIVE CENTS PER HIVE OR COLONY OF BEES, PROVIDING THAT SAID TAX MAY BE DECREASED TO THREE CENTS OR INCREASED TO TEN CENTS IF SO APPROVED BY A MAJORITY OF IDAHO BEEKEEPERS VOTING IN A REFERENDUM ELECTION AND PROVIDING FOR SAID REFERENDUM, PROVIDING FOR COLLECTION OF SAID TAX, PROVIDING THAT
SAID TAX SHALL BE A LIEN, PROVIDING FOR PROMULGATION OF RULES AND REGULATIONS AND FORMS TO CARRY OUT THE PURPOSE OF THIS ACT, PROVIDING A PENALTY; AND REPEALING SECTION 22-2808, IDAHO CODE.

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

SECTION 1. (a) There is hereby levied and imposed upon each colony or hive of bees within the state of Idaho on July 1 of each year a continuing annual tax of five cents (5¢) per hive or colony of bees beginning in the year 1970 for the purpose of carrying out the provisions of chapter 28, title 22, Idaho Code.

(b) The tax may be decreased to not less than three cents (3¢) per hive or colony per year or it may be increased to not more than ten cents (10¢) per hive or colony per year, if approved by a majority of the beekeepers voting in a referendum held for the purpose of determining whether such levy of the tax shall or shall not be changed. If the levy of the tax is changed, the levy of the tax will continue annually at the changed rate until again changed by another referendum. Any resident of Idaho who is a registered Idaho beekeeper with the department of agriculture may vote at such referendum. Any referendum held for the purpose of changing the levy of such tax shall be held at the annual meeting of the Idaho honey industry association or any successor organization to this group.

(c) The tax provided for in this section shall be due and payable on or before October 31 of each year, and it shall be collected by the Idaho department of agriculture and shall forthwith be paid over by the Idaho department of agriculture to the Idaho honey advertising fund.

(d) Said tax shall be a lien upon all apicultural products, equipment, bees and property of the person owning or controlling such bees and shall be prior to all other liens or encumbrances except liens which are declared prior by operation of the statutes of this state.

(e) The Idaho honey advertising commission may promulgate the necessary rules and forms to implement and carry out this section.

(f) Any person who shall violate the provisions of this section or the rules and regulations promulgated under it shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than three hundred dollars ($300) or imprisonment for a period not to exceed ninety (90) days, or both such fine and imprisonment, and all fines collected for violation of this section shall be paid into the Idaho honey advertising fund.

SECTION 2. That Section 22-2808, Idaho Code, be, and the same is hereby repealed.

Approved February 24, 1970.
CHAPTER 47
(H. B. No. 431)

AN ACT
AMENDING SECTION 50-224, IDAHO CODE, BY PROVIDING THAT
PUBLIC CEMETERY DISTRICTS ARE EXEMPTED FROM THE
EFFECT OF ANNEXATION AND ADDITIONALLY PROVIDING
THAT CITIES SHALL NOT LEVY TAXES FOR CEMETERY
MAINTENANCE WITHIN EXISTING CEMETERY DISTRICTS.

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

SECTION 1. That Section 50-224, Idaho Code, be, and the same is
hereby amended to read as follows:

50-224. EFFECT OF ANNEXATION — CEMETERY DISTRICTS
EXEMPTED. — Upon compliance with the provisions of section 63-2215,
Idaho Code, all the property situated within the said annexed territory shall
be subject to taxation as other property and persons within the corporate
limits of such city, as though said annexed portion had been a part of the
said city from the date of its incorporation.

When the annexed area or any part thereof is situated in any district,
organized under the laws of this state, and said district is supported in whole
or in part by taxes levied upon the annexed territory or any part thereof,
and said district provides the same or similar services as that provided by the
annexing city, the annexed area shall, upon the filing of the certified copy of
said ordinance, be relieved of all liability for levies, taxes and assessments
made by said district after the calendar year in which said annexation
occurred. The purpose of this section is to prevent duplicate taxation of said
annexed area for the same or similar services by such district and the
annexing city.

The filing of the certified copy of said ordinance shall constitute a
withdrawal of said annexed territory from the district, offering the same or
similar services to the annexed territory as the annexing city, which
withdrawal shall be effective as of December 31 of the calendar year of
annexation, such withdrawal shall have the same effect as if the withdrawal
had been made by the statutory procedure for withdrawing from such
district. Provided, however, that whenever the annexed territory lies within a
public cemetery district, the annexing city shall, for a period of two (2)
years, reimburse the said public cemetery district for the amount of revenue
lost through annexation, said revenue never to exceed one (1) mill in any
one (1) year.
However, this section shall not apply to public cemetery districts created prior to the date of the annexation ordinance, and that the annexing city may not levy taxes for cemetery maintenance within the bounds of an existing cemetery district. Cities which have heretofore levied taxes for cemetery maintenance on property within an existing cemetery district shall discontinue that practice from and after the date this act becomes effective.

Approved February 25, 1970.

CHAPTER 48
(H. B. No. 442)

AN ACT
AMENDING SECTION 30-157, IDAHO CODE, BY PROVIDING THAT INTEREST AT THE RATE OF EIGHT PER CENT SHALL BE DUE ON DELINQUENT ASSESSMENTS ON SHOES OF STOCK OF A GENERAL BUSINESS CORPORATION, AND THAT SUCH SHALL BE PAID BY ANY PURCHASER OF SAID SHARES OF STOCK AT A SALE TO COLLECT THE DELINQUENT ASSESSMENTS.

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

SECTION 1. That Section 30-157, Idaho Code, be, and the same is hereby amended to read as follows:

30-157. ASSESSMENT AND SALE OF SHARES. — 1. Unless a corporation in its articles shall provide that the shares of the corporation may not be subject to assessment then they shall be so subject for the purpose of paying expenses, conducting business or paying debts and the corporation shall have the power to levy and collect assessments upon such shares in the manner and form and to the extent hereinafter provided.

2. No one (1) assessment must exceed ten per cent (10%) of the corporation’s capital stock, as defined in subdivision 10, of section 30-101, except in cases by law otherwise expressly provided, and excepting herefrom existing nonprofit corporations and nonprofit corporations formed under this act.

3. No assessment must be levied while any portion of a previous one remains unpaid, unless the power of the corporation has been exercised in accordance with the provisions of law for the purpose of collecting such previous assessment, or unless the collection of the previous assessment has been enjoined, or unless whatever sums have been collected under the
previous assessment shall have been restored and the previous assessment shall have been canceled.

4. The order levying an assessment must specify the amount thereof, when, to whom and where payable: fix the day subsequent to the full term of publication of the assessment notice, on which the unpaid assessments will be delinquent, not less than thirty (30) or more than sixty (60) days from the time of making the order levying the assessment: and a day for the sale of delinquent shares not less than fifteen (15) days nor more than sixty (60) days from the day the shares are declared delinquent.

5. Upon making the order the secretary must cause to be published and mailed to each shareholder at his last-known address, a notice thereof, in the following form: (Name of corporation in full. Location of registered office.) Notice is hereby given that at a meeting of the directors held on the (date) an assessment of (amount) per share was levied upon the capital stock of the corporation, payable (when, to whom and where). Any shares upon which this assessment remains unpaid on the (day fixed) will be delinquent and advertised for sale at public auction, and unless payment is made before, will be sold on the (day appointed) to pay the delinquent assessment, together with interest thereon at the rate of eight per cent (8%) per annum from the date of delinquency, costs of advertising and expenses of sale. (Signature of secretary with location of office.)

6. The notice must be published once a week, for four (4) successive weeks, in some newspaper of general circulation published in the county where the registered office is situated. If there be no newspaper published in said county then the publication must be made in some newspaper having general circulation therein.

7. If any portion of the assessment mentioned in the notice remains unpaid on the day specified therein for declaring the shares delinquent, the secretary must, unless otherwise ordered by the board of directors, cause to be published in the same paper in which the notice heretofore provided for was published, a notice substantially in the following form:

(Name in full. Location of registered office.)

Notice. — There is delinquent upon the following described shares on account of assessment levied on the (date), (and assessments previous thereto, if any), the several amounts set opposite the names of the respective shareholders as follows: (Names, number of certificate, number of shares, amount.) And in accordance with law, so many shares of each parcel of such stock as may be necessary, will be sold at the (particular place) on the (date) at (the hour) of such day, to pay delinquent assessments thereon, together
with interest thereon at the rate of eight per cent (8%) per annum from the date of delinquency, the cost of advertising and expenses of sale. (Name of secretary, with location of office.)

8. The notice must specify every certificate of stock, the number of shares it represents and the amount due thereon, except when certificates may not have been issued to parties entitled thereto, in which case, the number of shares and amount due thereon must be stated.

9. The notice, when published in a daily paper must be published for ten (10) consecutive days, excluding Sundays and legal holidays, previous to the day of sale.

10. By the publication of the notice the corporation acquires jurisdiction to sell and convey a perfect title to all of the shares described in the notice of sale, upon which any portion of the assessment or costs of advertising remains unpaid at the hour appointed for the sale, but must sell no more of such shares than is necessary to pay the assessment due, with accrued interest thereon, and costs of advertising and sale.

11. On the day, at the place, and at the time appointed in the notice of sale, the secretary must unless otherwise ordered by the board of directors, sell, or cause to be sold, at public auction to the highest bidder, for cash, so many shares of each parcel of the described shares as may be necessary to pay the assessment and charges thereon, according to the terms of sale; if payment is made before the time fixed for sale, the party paying is only required to pay the actual cost of advertising and interest at the rate of eight per cent (8%) on the assessment from the date it became delinquent, in addition to the assessment.

12. The person offering at such sale to pay the assessment, interest and costs for the smallest number of shares or fraction of a share, is the highest bidder, and the stock purchased must be transferred to him on the stock books of the corporation on payment of the assessment, interest and costs and the secretary of the corporation is hereby empowered so to do.

13. If at the sale of shares no bidder offers the amount of the assessment and costs and charges due, the same may be bid in and purchased by the corporation, through the secretary, president or any director thereof, at the amount of the assessment, charges and costs due: and said amount must be credited as paid in full on the books of the corporation, and entry of the transfer of the shares to the corporation made. While the shares remain the property of the corporation, it is not assessable, nor must any dividend be declared thereon, but all assessments and dividends must be apportioned upon the shares held by the other shareholders of the corporation.
14. All purchases of its own shares made by any corporation, vest the legal title to the same in the corporation, and the shares so purchased are held subject to the control of the shareholders, who may make such disposition of the same as they deem fit, on vote of a majority of all the remaining shares: provided, that when the by-laws so provide, the board of directors may allow a redemption of the shares so sold upon payment of the sum for which the same was sold, together with all subsequent assessments which may be due thereon, and interest on such sums from the time they were due. Whenever any portion of the capital stock of a corporation is held by the corporation, it shall not be voted, but a majority of the remaining shares is a majority of the shares for all purposes of election or voting.

15. The dates fixed in any notice of assessment or notice of delinquent sale, published as aforesaid, may be extended from time to time for not more than thirty (30) days, by order of the directors, entered on the records of the corporation, but no such order is effective unless notice of such extension or postponement is appended to and published with the notice to which the order relates.

16. No assessment is invalidated by a failure to make publication of the notices, nor by the nonperformance of any act required in order to enforce the payment of same: but in case of any substantial error or omission in the course of proceedings for collection, all previous proceedings except the levying of assessment, are void, and publication must begin anew.

17. No action may be sustained to recover shares sold for delinquent assessments, upon the ground of irregularity or defect in the notice of sale or in its publication, or defect or irregularity in the sale unless the party seeking to maintain such action first pays or tenders to the corporation, or to the party holding the shares sold, the sum, for which the same was sold, together with all subsequent assessments which may have been paid or may be due thereon, and interest on such sums from the time they are paid; and no such action may be sustained unless the same is commenced within six (6) months after such sale was made.

18. The publication of notice required by this title may be proved by the affidavit of the printer, publisher, foreman or principal clerk of the newspaper in which the same was published; and the affidavit of the secretary or auctioneer is prima facie evidence of the time and place of sale, of the quantity and particular description of the shares sold; and to whom, and for what price, and of the fact of the purchase money being paid. Such
affidavit must be filed in the office of the corporation, and copies of the same, certified by the secretary thereof, are prima facie evidence of the facts therein stated.

Approved February 25, 1970.

CHAPTER 49
(H. B. No. 444, As Amended)

AN ACT
AMENDING SECTION 31-862, IDAHO CODE, RELATING TO A SPECIAL TAX FOR PREVENTIVE HEALTH SERVICES, BY PROVIDING THAT THE TAX SHALL BE USED BY COUNTY OR DISTRICT BOARDS OF HEALTH.

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

SECTION 1. That Section 31-862, Idaho Code, be, and the same is hereby amended to read as follows:

31-862. AUTHORIZING SPECIAL TAX TO BE USED SOLELY AND EXCLUSIVELY FOR PREVENTIVE HEALTH SERVICES. — The board of county commissioners is hereby authorized to levy a special tax not to exceed twenty cents (20¢) on the hundred dollars ($100.00) of the assessed valuation of all property in the county, above the statutory limitation, to be expended solely and exclusively for preventive health services by county or district boards of health.

Approved February 25, 1970.

CHAPTER 50
(H. B. No. 447)

AN ACT
AMENDING CHAPTER 20, TITLE 41, IDAHO INSURANCE CODE, BY THE ADDITION OF A NEW SECTION 41-2025, IDAHO CODE, TO CONFORM AND CLARIFY THE RIGHT UNDER THE PRESENT LAW TO PROVIDE FOR THE ASSIGNMENT UNDER WHICH A PERSON COVERED BY A GROUP LIFE INSURANCE POLICY MAY
DIVEST HIMSELF OF ALL INCIDENTS OF OWNERSHIP PROVIDED BY SUCH POLICY, INCLUDING THE CONVERSION PRIVILEGES OF SUCH POLICY; PROVIDING FOR REPEAL OF CONFLICTING LAWS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 20, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 41-2025, Idaho Code, and to read as follows:

41-2025. ASSIGNMENT OF INCIDENTS OF OWNERSHIP IN GROUP LIFE INSURANCE POLICIES, INCLUDING CONVERSION PRIVILEGES. — Nothing in this insurance code or in any other law shall be construed to prohibit any person insured under a group life insurance policy from making an assignment of all or any part of his incidents of ownership under such policy, including but not limited to the privilege to have issued to him an individual policy of life insurance pursuant and subject to the provisions of sections 41-2018, 41-2019 and 41-2021, Idaho Code, and the right to name a beneficiary. Subject to the terms of the policy or agreement between the insured, the group policyholder and the insurer relating to assignment of incidents of ownership thereunder, such an assignment by an insured, made either before or after the effective date of this act, is valid for the purpose of vesting in the assignee, in accordance with any provisions included therein as to the time at which it is to be effective, all of such incidents of ownership so assigned, but without prejudice to the insurer on account of any payment it may make or individual policy it may issue in accordance with sections 41-2018 and 41-2019, Idaho Code, prior to receipt of notice of the assignment.

SECTION 2. All laws or parts of laws in conflict with this act are hereby repealed.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 25, 1970.

CHAPTER 51
(H. B. No. 500)

AN ACT
AMENDING SECTION 54-2022, IDAHO CODE, BY ADDING THERE TO AN ASSOCIATE BROKER DESIGNATION AND BY ENLARGING
THE DEFINITION OF BROKERS AND SALESMEN TO INCLUDE
WHILE ACTING FOR ANOTHER OR A LICENSEE WHILE ACTING
IN HIS OWN BEHALF AND ALSO TO INCLUDE THEREIN
DEALING IN OPTIONS; AMENDING SECTION 54-2023, IDAHO
CODE, BY ADDING THERETO THE DEFINITION OF THE TERM
DEALER IN OPTIONS; AMENDING SECTION 54-2029, IDAHO
CODE. BY STRIKING PARAGRAPH (2), SUBSECTION A,
REQUIRING THAT A BOND ACCOMPANY AN APPLICATION FOR
A REAL ESTATE SALESMAN'S OR BROKER'S LICENSE;
REPEALING SECTION 54-2035, IDAHO CODE: AMENDING
CHAPTER 20, TITLE 54, IDAHO CODE, BY THE ADDITION OF A
NEW SECTION 54-2035, IDAHO CODE, ESTABLISHING A REAL
ESTATE EDUCATION, RESEARCH AND RECOVERY FUND AND
SPECIFYING THE USES OF THE FUND; AMENDING CHAPTER 20,
TITLE 54. IDAHO CODE. BY THE ADDITION OF A NEW SECTION
54-2035A. IDAHO CODE. PROVIDING THAT EVERY LICENSED
BROKER, EVERY LICENSED ASSOCIATE BROKER, AND EVERY
LICENSED SALESMAN SHALL PAY A FEE OF $10.00 EACH YEAR
TO THE FUND; AMENDING CHAPTER 20, TITLE 54. IDAHO
CODE. BY THE ADDITION OF A NEW SECTION 54-2035B, IDAHO
CODE, PROVIDING FOR RECOVERY FROM THE FUND;
ESTABLISHING PROCEDURE, GROUNDS, AMOUNT, HEARING
AND BOND; AMENDING CHAPTER 20, TITLE 54, IDAHO CODE,
BY THE ADDITION OF A NEW SECTION 54-2035C, IDAHO CODE,
PROVIDING THAT THE COMMISSION MAY ANSWER A PETITION
OR COMPLAINT AS PROVIDED IN SECTION 54-2035B, IDAHO
CODE. AND Defend ANY SUCH ACTION AGAINST THE FUND
ON BEHALF OF THE FUND AND IN THE NAME OF THE
DEFENDANT, PROVIDING THAT A JUDGMENT AS SET FORTH
IN THE PETITION SHALL BE CONSIDERED AS PRIMA FACIE
EVIDENCE ONLY, AND THAT THE FINDINGS OF FACT THEREIN
SHALL NOT BE CONCLUSIVE, AND PROVIDING THAT THE
COMMISSION MAY, SUBJECT TO COURT APPROVAL,
COMPROMISE A CLAIM BASED UPON THE APPLICATION OF A
PETITIONER AND THAT THE COMMISSION SHALL NOT BE
BOUND BY ANY PRIOR COMPROMISE OF THE JUDGMENT
DEBTOR: AMENDING CHAPTER 20, TITLE 54, IDAHO CODE, BY
THE ADDITION OF A NEW SECTION 54-2035D, IDAHO CODE,
PROVIDING THAT THE COURT MAY ORDER, AFTER HEARING.
PAYMENT FROM THE FUND; AMENDING CHAPTER 20, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2035E, IDAHO CODE, PROVIDING FOR THE AUTOMATIC SUSPENSION OF A BROKER'S, ASSOCIATE BROKER'S, OR A SALESMAN'S LICENSE ON PAYMENT OF A CLAIM BY THE COMMISSION, AND FOR IMPOSING CONDITIONS FOR LICENSE REINSTATEMENT; AMENDING CHAPTER 20, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2035F, IDAHO CODE, PROVIDING FOR ORDER OF PAYMENT OF CLAIMS IF FUND BALANCE IS INSUFFICIENT, AND PROVIDING FOR INTEREST PAYMENT ON UNPAID CLAIMS; AMENDING CHAPTER 20, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2035G, IDAHO CODE, PROVIDING FOR THE REAL ESTATE COMMISSION'S RIGHT TO BE SUBROGATED TO ALL RIGHTS OF THE JUDGMENT CREDITOR AND PROVIDING THAT THE JUDGMENT CREDITOR SHALL ASSIGN ALL HIS RIGHT, TITLE AND INTEREST IN THE JUDGMENT TO THE COMMISSION AND ANY AMOUNT AND INTEREST SO RECOVERED BY THE COMMISSION SHALL BE DEPOSITED TO THE FUND; AMENDING CHAPTER 20, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2035H, IDAHO CODE, PROVIDING FOR THE WAIVER OF RIGHTS BY ANY PERSON WHO FAILS TO COMPLY WITH ALL THE PROVISIONS OF SECTIONS 54-2035 THROUGH 54-2035B, IDAHO CODE, INCLUSIVE; AMENDING CHAPTER 20, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2035I, IDAHO CODE, PROVIDING FOR A COST BOND AND RECOVERY; AMENDING CHAPTER 20, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2035J, IDAHO CODE, PROVIDING THAT DISCIPLINARY ACTION AGAINST A LICENSEE SHALL NOT BE RESTRICTED FOR VIOLATIONS OF LAW; AMENDING CHAPTER 20, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2035K, IDAHO CODE, PROVIDING THAT ALL MONEY PAID TO THE STATE TREASURER AND CREDITED TO THE REAL ESTATE EDUCATION, RESEARCH AND RECOVERY FUND IN EXCESS OF $10,000 FOR THE YEAR IMMEDIATELY FOLLOWING THE PASSAGE OF THIS ACT, AND $20,000 THEREAFTER, IS AVAILABLE FOR APPROPRIATION BY THE LEGISLATURE TO BE USED BY THE REAL ESTATE COMMISSION TO AID RESEARCH IN THE FIELD OF REAL
ESTATE AND THE EDUCATION AND TRAINING OF ALL LICENSEES; AMENDING SECTION 54-2037, IDAHO CODE, RELATING TO DISPOSITION OF FUNDS, BY PROVIDING THAT THE FEES PROVIDED BY SECTION 54-2035A, IDAHO CODE, SHALL NOT BE DEPOSITED TO THE CREDIT OF THE SPECIAL REAL ESTATE FUND; AMENDING SECTION 54-2040, IDAHO CODE, BY PROVIDING FOR THE SUSPENSION OR REVOCATION OF A LICENSE WHEN A FINAL JUDGMENT IS OBTAINED IN A CIVIL ACTION AGAINST A LICENSEE UPON GROUNDS OF FRAUD, MISREPRESENTATION, OR DECEIT WITH REFERENCE TO ANY TRANSACTION FOR WHICH A LICENSE IS REQUIRED, AND BY PROVIDING FOR THE SUSPENSION OR REVOCATION OF A LICENSE FOR THE USE BY A LICENSEE OF ANY PROVISION ALLOWING THE LICENSEE AN OPTION TO PURCHASE IN ANY AGREEMENT AUTHORIZING OR EMPLOYING SUCH LICENSEE TO SELL, BUY, OR EXCHANGE REAL ESTATE FOR COMPENSATION OR COMMISSION, EXCEPT WHEN SUCH LICENSEE, PRIOR TO OR COINCIDENT WITH ELECTION TO EXERCISE SUCH OPTION TO PURCHASE, REVEALS IN WRITING TO HIS PRINCIPAL OR EMPLOYER THE FULL AMOUNT OF LICENSEE'S PROFIT AND OBTAINS THE WRITTEN CONSENT OF HIS PRINCIPAL OR EMPLOYER APPROVING THE AMOUNT OF SUCH PROFIT; REPEALING SECTION 54-2041, IDAHO CODE; AMENDING CHAPTER 20, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2041, IDAHO CODE, PROVIDING THAT PROCEDURES FOR REVOCATION OR SUSPENSION OF A LICENSE SHALL BE GOVERNED BY CHAPTER 52, TITLE 67, IDAHO CODE; REPEALING SECTION 54-2042, IDAHO CODE; AMENDING CHAPTER 20, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2042, IDAHO CODE, PROVIDING THAT REVIEW OF REVOCATION OR SUSPENSION PROCEEDINGS SHALL BE GOVERNED BY SECTION 67-5215, IDAHO CODE; AMENDING CHAPTER 20, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2051, IDAHO CODE, TO PROVIDE THAT THE COMMISSION MAY APPLY FOR INJUNCTIVE RELIEF FOR VIOLATIONS OF THIS ACT.

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

SECTION 1. That Section 54-2022, Idaho Code, be, and the same is hereby amended to read as follows:
54-2022. REAL ESTATE BROKER. ASSOCIATE REAL ESTATE BROKER, AND REAL ESTATE SALESMAN DEFINED — APPLICATION OF ACT. — A real estate broker within the meaning of this act is a person who, while acting for another for a compensation or promise thereof or a licensee under the provisions of this act while acting in his own behalf, sells or offers for sale, lists or offers to list, buys or offers to buy, negotiates or offers to negotiate, either directly or indirectly, the purchase, sale, exchange, lease, or rental of real estate or any interest therein or business opportunity or interest therein for others, or collects rentals on real estate or any interest therein for others, or who shall advertise or hold himself out to the public by any oral or printed solicitation or representation that he is so engaged, or who takes any part in, directs, or assists in the procuring of prospects, or in the negotiating or closing of any transaction which does or is calculated to result in any of the acts above set forth, or who buys, sells, offers to buy or sell or otherwise deals in options on real estate, or interest therein, or improvements affixed thereon, or acting as a "dealer in options".

Except as provided in section 54-2028, Idaho Code, an associate real estate broker is a person who has qualified as a real estate broker who works with a designated broker and whose license states that he is associated with a designated broker and either directly or indirectly represents said designated broker in the performance of any of the acts above set forth.

Except as provided in section 54-2028, Idaho Code, a real estate salesman is any person employed, either directly or indirectly, by a real estate broker, or who represents a real estate broker in the performance of any of the acts above set forth.

SECTION 2. That Section 54-2023, Idaho Code, be, and the same is hereby amended to read as follows:

54-2023. DEFINITIONS. — The word "person" as used in this act shall be construed to mean and include a corporation and a partnership.

The words "business opportunity" as used in this act shall be construed to mean and include a business, an established business, a business opportunity or good will of an established or existing business, or any interest therein, or any one or combination thereof. The words "dealer in options", as used in this act, shall be construed to mean any person, firm, partnership, association, or corporation who shall directly or indirectly take, obtain, or use options to purchase, exchange, rent, or lease real property or any interest therein for another or others whether or not said options shall be in his or its name and whether or not title to said property shall pass through the name of said person, firm, partnership, association, or
corporation in connection with the purchase, sale, exchange, rental, or lease of said real property, or interest therein.

SECTION 3. That Section 54-2029, Idaho Code, be, and the same is hereby amended to read as follows:

54-2029. APPLICATION FOR LICENSE — CONTENTS — FEES. —
A. Any person desiring to carry on the business of real estate broker or real estate salesman in this state shall make application for license therefor upon a form to be prescribed and furnished by the commission, giving his full name and business address and the address of his principal place of business in the state of Idaho. Applications shall be made to and filed with the commission and be accompanied by:

(1) A license fee of $30.00 which shall not be refunded and if a license application for renewal of a license is made to the commission after January 1 of each year a late charge fee of an additional $5.00 must accompany the application.
(2) A bond with the state of Idaho in a form approved by the commission in the sum of $1,000.00 executed by a qualified surety company duly authorized to do business in this state conditioned that said applicant, if said license be issued to him, shall conduct his business as a real estate broker or real estate salesman without fraud or fraudulent representations, said bond to be reissued as often as the license is renewed.
(3) A satisfactory credit report.

B. An applicant for a salesman’s license or a broker’s license shall furnish proof that he is a graduate from an accredited high school or the holder of a certificate of General Education Development issued by proper authorities of public schools of any state. Further, if application to renew a license is made prior to March 31 of each calendar year, a licensee in good
standing shall be entitled to a renewal license for the ensuing year upon complying with subdivisions A(1) and A(3) of this section; provided, however, that from and after June 30, 1969, on the first application for renewal of a salesman’s license after the salesman has been licensed for at least one (1) year or on any application for a salesman’s license after such first year of licensure, the applicant shall furnish to the commission satisfactory proof that he has completed a course of study consisting of at least 20 classroom hours or equivalent correspondence hours of real estate courses. Such courses shall include but not be limited to the following: knowledge of the English language, including reading, writing and spelling; arithmetical calculations as used in real estate transactions; rudimentary principles of conveyancing; the general purposes and effect of deeds, deeds of trust, mortgages, land contracts of sales, leases, liens and listing contracts; elementary principles of land economics and appraisals; fundamentals of obligations between principal and agent; principles of real estate practice and canons of ethics pertaining thereto; the provisions of this act and rules and regulations of the commission. No requirement of a course of study in real estate courses shall be made of a person who is licensed as a real estate salesman at the effective date [May 26, 1969] of this act.

Provided further that from and after June 30, 1970, each applicant for a license as a real estate broker shall furnish the commission satisfactory proof that he has successfully completed a total of 60 hours of classroom instruction or equivalent correspondence hours in real estate courses above set forth.

No requirement of a course of study in real estate courses shall be made of a person who is licensed as a real estate broker at the effective date of this act.

Any applicant for a license as a real estate broker or real estate salesman may submit a certification of any university, college or junior college, or from any privately owned school approved by the commission other than an accredited institution of higher learning, that applicant has completed the prescribed courses; and such certificate shall be deemed to be in full compliance with the requirements of this act for the completion of a course of study.

The examination and course requirements under the provisions of this act shall not apply to any individual who held a license for at least one (1) year and whose license expires while said individual is on active duty with the armed forces of the United States, provided he makes proper application for renewal of said license within one (1) year after the effective date of this act.
SECTION 4. That Section 54-2035, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 20, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 54-2035, Idaho Code, and to read as follows:

54-2035. REAL ESTATE EDUCATION, RESEARCH AND RECOVERY FUND ESTABLISHED. – There is hereby created in the state treasury the real estate education, research and recovery fund. A balance of not more than ten thousand dollars ($10,000) for the calendar year immediately following the passage of this act, and twenty thousand dollars ($20,000) thereafter, shall be maintained in the fund, to be used for satisfying claims against persons licensed under this chapter, as provided in sections 54-2035 through 54-2035K, Idaho Code, inclusive. Any balance over ten thousand dollars ($10,000) for the calendar year immediately following the passage of this act, and twenty thousand dollars ($20,000) thereafter, at the end of any calendar year shall be set aside and subject to appropriation by the legislature for the use of the commission for real estate education and research.

SECTION 6. That Chapter 20, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 54-2035A, Idaho Code, and to read as follows:

54-2035A. AUGMENTATION OF FUND. Upon the original application or renewal of every real estate broker’s, associate real estate broker’s, and real estate salesman’s license effective January 1, 1971, and every year thereafter, every licensed broker, associate broker, and salesman, when renewing any such license, shall pay, in addition to the renewal fee, a fee of ten dollars ($10.00). Such additional fee shall be paid into the state treasury and credited to the real estate education, research and recovery fund, and shall be used solely for the purposes provided in sections 54-2035 through 54-2035K, Idaho Code, inclusive.

SECTION 7. That Chapter 20, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 54-2035B, Idaho Code, and to read as follows:

54-2035B. RECOVERY FROM FUND – PROCEDURE – GROUNDS – AMOUNT – HEARING – BOND. – I. When any person obtains a final judgment in any court of competent jurisdiction against any licensee under this chapter, upon grounds of fraud, misrepresentation or deceit with reference to any transaction for which a license is required under this chapter and which cause of action arose on or after January 1, 1971, such person may, upon termination of all proceedings, including appeals in
connection with any judgment, file a verified petition in the court in which the judgment was entered for an order directing payment out of the real estate education, research and recovery fund in the amount of actual damages included in the judgment and unpaid, but not more than one thousand dollars ($1,000) per licensee per calendar year until and after January 1, 1973, at which time recovery shall be in the amount of actual damages included in the judgment and unpaid, but not more than two thousand dollars ($2,000) per licensee per calendar year.

2. A copy of the petition shall be served upon the commission and an affidavit of such service shall be filed with the court.

3. The court shall act upon such petition within thirty (30) days after such service and, upon the hearing thereof, the petitioner shall be required to show that:

(a) He is not the spouse of the debtor, or the personal representative of such spouse.

(b) He has complied with all the requirements of sections 54-2035 through 54-2035K, Idaho Code, inclusive.

(c) He has obtained a judgment of the kind described in subsection 1 of this section, stating the amount thereof and the amount owing thereon at the date of the petition.

(d) He has caused to be issued a writ of execution upon said judgment and the officer executing the same has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found, or that the amount realized on the sale of them or of such of them as were found, under said execution, was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized.

(e) He has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets liable to be sold or applied in satisfaction of the judgment.

(f) That by such search he has discovered no personal or real property or other assets liable to be sold or applied, or that he has discovered certain of them, describing them, owned by the judgment debtor and liable to be so applied, and that he has taken all necessary action and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized was insufficient to satisfy the judgment, stating the amount so
realized and the balance remaining due on the judgment after application of the amount realized.

(g) Whenever the aggrieved person satisfies the court that it is not practicable to comply with one or more of the requirements enumerated in paragraphs (d), (e) and (f) of subsection 3 of this section and that the aggrieved person has taken all reasonable steps to collect that amount of the judgment or the unsatisfied part thereof and has been unable to collect the same, the court may in its discretion dispense with the necessity for complying with such requirements.

4. In any action against any licensee under this chapter, upon grounds of fraud, misrepresentation or deceit with reference to any transaction for which a license is required under this chapter and which cause of action arose on or after January 1, 1971, such person may, in lieu of the proceedings for recovery outlined in subsections 1 through 3 of this section, join the real estate education, research and recovery fund as a limited third party defendant and have judgment rendered directly against the fund in the amount provided in 1 above, provided that:

(a) Service of summons and complaint shall be made on the executive secretary of the Idaho real estate commission.

(b) That said fund may assert any and all defenses available to the defendant licensee.

(c) Plaintiff has posted a bond to guarantee costs in the amount of ten (10) percent of the actual damages he seeks from the fund.

SECTION 8. That Chapter 20, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 54-2035C, Idaho Code, and to read as follows:

54-2035C. COMMISSION MAY ANSWER PETITION COMPROMISE OF CLAIMS. 1. Whenever the court proceeds upon a petition or complaint as provided in section 54-2035B, Idaho Code, the commission may answer and defend any such action against the fund on behalf of the fund and in the name of the defendant and may use any appropriate method of review on behalf of the fund.

2. The judgment set forth in the petition shall be considered as prima facie evidence only, and the findings of fact therein shall not be conclusive for the purposes of section 54-2035 through section 54-2035K, Idaho Code, inclusive.

3. The commission may, subject to court approval, compromise a claim based upon the application of a petitioner.

SECTION 9. That Chapter 20, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known
and designated as Section 54-2035D, Idaho Code, and to read as follows:

54-2035D. COURT ORDER REQUIRING PAYMENT FROM FUND. — If the court finds, after hearing that the claim should be levied against the portion of the fund allocated for the purpose of carrying out the provisions of section 54-2035 through 54-2035B, Idaho Code, inclusive, the court shall enter an order directed to the commission requiring payment from the fund of whatever sum it finds to be payable upon the claim pursuant to the provisions of and in accordance with the limitations contained in section 54-2035B, Idaho Code, inclusive. the court shall enter an order directed to the commission requiring payment from the fund of whatever sum it finds to be payable upon the claim pursuant to the provisions of and in accordance with the limitations contained in section 54-2035 through 54-2035B, Idaho Code, inclusive.

SECTION 10. That Chapter 20, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 54-2035E. Idaho Code, and to read as follows:

54-2035E. AUTOMATIC SUSPENSION OF BROKER'S, ASSOCIATE BROKER'S, OR SALESMAN'S LICENSE ON PAYMENT BY COMMISSION — CONDITION FOR LICENSE REINSTATEMENT. — If the commission pays from the fund any amount in settlement of a claim or towards satisfaction of a judgment against a licensed broker, associate broker, or salesman, the license of such broker, associate broker, or salesman shall be automatically suspended upon the effective date of any order by the court as set forth herein authorizing payment from the fund. No such broker, associate broker, or salesman shall be granted reinstatement until he has repaid in full, plus interest at the highest legal rate of interest allowable by law per annum, the amount paid from the fund on his account.

SECTION 11. That Chapter 20, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 54-2035F, Idaho Code, and to read as follows:

54-2035F. ORDER OF PAYMENT OF CLAIMS IF FUND BALANCE INSUFFICIENT — INTEREST. — If, at any time, the money deposited in the fund and allotted for satisfying claims against licensees is insufficient to satisfy any authorized claim or portion thereof, the commission shall, when sufficient money has been deposited in the fund, satisfy such unpaid claims or portions thereof, in the order that such claims or portions thereof were originally filed, plus accumulated interest at the rate of five percent (5%) per annum.

SECTION 12. That Chapter 20, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known
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and designated as Section 54-2035G. Idaho Code. and to read as follows:

54-2035G. COMMISSION'S RIGHT TO SUBROGATION. — When the commission has paid from the fund any sum to the judgment creditor, the commission has subrogated all other rights of the judgment creditor and the judgment creditor shall assign all his right. title and interest in the judgment to the commission and any amount and interest so recovered by the commission on the judgment shall be deposited to the fund.

SECTION 13. That Chapter 20. Title 54. Idaho Code. be. and the same is hereby amended by the addition thereto of a new section. to be known and designated as Section 54-2035H. Idaho Code. and to read as follows:

54-2035H. WAIVER OF RIGHTS. — The failure of a person to comply with all of the provisions of sections 54-2035 through 54-2035B. Idaho Code. inclusive. shall constitute a waiver of any rights hereunder.

SECTION 14. That Chapter 20. Title 54. Idaho Code. be. and the same is hereby amended by the addition thereto of a new section. to be known and designated as Section 54-2035i. Idaho Code. and to read as follows:

54-2035i. COST BOND — RECOVERY. — Recovery against the bond required by subsection 4(c) of section 54-2035B shall be authorized by the court if, after proceedings upon a complaint. it rules in favor of the commission on behalf of the fund.

SECTION 15. That Chapter 20. Title 54. Idaho Code. be. and the same is hereby amended by the addition thereto of a new section. to be known and designated as Section 54-2035j. Idaho Code. and to read as follows:

54-2035j. DISCIPLINARY ACTION AGAINST LICENSEES NOT RESTRICTED FOR VIOLATIONS OF LAW. REGULATIONS. — Nothing contained in sections 54-2035 through 54-2035k. Idaho Code. inclusive. limits the authority of the commission to take disciplinary action against a licensee for a violation of any of the provisions of the chapter. or of the rules and regulations of the commission. nor shall the repayment in full of all obligations to the fund by any licensee nullify or modify the effect of any other disciplinary proceeding brought pursuant to the provisions of this chapter or the rules and regulations promulgated thereunder.

SECTION 16. That Chapter 20. Title 54. Idaho Code. be. and the same is hereby amended by the addition thereto of a new section. to be known and designated as Section 54-2035k. Idaho Code. and to read as follows:

54-2035k. MONEYS AVAILABLE TO COMMISSION. — All money paid into the state treasury and credited to the real estate education. research and recovery fund in excess of ten thousand dollars ($10,000) for the calendar year immediately following the passage of this act. and twenty thousand dollars ($20,000) thereafter. is available for appropriation by the
legislature to be used by the commission in carrying out the advancement of education and research in the field of real estate, including but not limited to courses sponsored by the commission or in conjunction with any university or college in the state and/or in contracting for a particular research project in the field of real estate for the state of Idaho.

SECTION 17. That Section 54-2037, Idaho Code, be, and the same is hereby amended to read as follows:

54-2037. DISPOSITION OF FUNDS. -- All fees collected by the commission under the provisions of this act, except as designated in section 54-2035A, Idaho Code, shall be deposited at least monthly with the state treasurer and said funds so deposited shall be deposited to the credit of the special real estate fund, which fund is hereby created. All funds so deposited in said special real estate fund are hereby appropriated for the purpose of carrying out the provisions of this act. All expenditures from said fund by the commission under the provisions of this act shall be paid out on warrants drawn by the state auditor upon presentation of proper vouchers approved by the commission. Such claims and supporting vouchers shall be examined by the state board of examiners in the same manner as other claims against the state of Idaho. For the purposes of carrying out the objects of this act and in the exercise of the powers herein granted, the commission shall have power to make orders concerning the disbursement of the moneys in said special real estate fund, including the payment of compensation and expenses of its members, clerks and employees and for the payment of printing and for the training and education of all licensees under this act. Moneys in said fund may be expended by the commission for the promotion and improvement of the real estate profession and the promotion and advertising of the state of Idaho.

SECTION 18. That Section 54-2040, Idaho Code, be, and the same is hereby amended to read as follows:

54-2040. REVOCATION OR SUSPENSION OF LICENSE — GROUNDS THEREFOR. — The commission may upon its own motion, and shall upon verified complaint in writing of any person claiming to have been injured or defrauded, investigate the action of any person engaged in the business or acting in the capacity of real estate broker or real estate salesman within this state and shall have the power to temporarily suspend or permanently revoke licenses issued under the provisions of this act at any time where the holder thereof in performing or attempting to perform any of the acts mentioned in section 54-2022, is guilty of (a) making any fraudulent misrepresentations; or, (b) a continued or flagrant course of misrepresentation or making of false promises whether through agents or
salesmen; or (c) failure to account for or remit any property or moneys coming into his possession which belong to another; or, (d) failure to keep adequate records of all property transactions in which he acts in the capacity of real estate broker or real estate salesman; or (e) failing or refusing upon demand to disclose any information within his knowledge, or to produce any documents, books, or records in his possession for inspection by the commission or its authorized representatives when acting within the jurisdiction or by authority of law; or, (f) conviction of a felony in a state or federal court, or conviction of any crime involving moral turpitude. The record of conviction, or a certified copy thereof, certified by the clerk of the court, or the judge in whose court the conviction was had, shall be prima facie evidence of conviction in such cases. The provisions of this subsection shall be grounds for suspension and/or revocation whether committed in performing or attempting to perform any of the acts mentioned in section 54-2022 or not; or, (g) employment of fraud, deception, misrepresentation, misstatement or any unlawful means in applying for or securing a license to act as real estate broker or salesman in the state of Idaho: or, (h) acting as a real estate broker or salesman under an assumed name: or, (i) declaration of insanity by a court of competent jurisdiction: provided, however, that when a licensed person's license shall have been revoked or suspended for this cause, such license may be reactivated by the commission upon a declaration of sanity being made; or, (j) willful violation of any of the rules and regulations made and promulgated by the real estate commission: or, (k) any other conduct whether of the same or a different character than hereinabove specified which constitutes dishonest or dishonorable dealings; or, (l) when a final judgment is obtained in a civil action against a real estate licensee upon grounds of fraud, misrepresentation, or deceit with reference to any transaction for which a license is required; or, (m) the use by a licensee of any provision allowing the licensee an option to purchase in any agreement authorizing or employing such licensee to sell, buy, or exchange real estate for compensation or commission, except when such licensee, prior to or coincident with election to exercise such option to purchase, reveals in writing to his principal or employer the full amount of licensee's profit and obtains the written consent of his principal or employer approving the amount of such profit.

SECTION 19. That Section 54-2041, Idaho Code, be, and the same is hereby repealed.

SECTION 20. That Chapter 20, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 54-2041, Idaho Code, and to read as follows:
54-2041. DISCIPLINARY PROCEDURE — REVOCATION OR SUSPENSION OF LICENSE PROCEDURE.— The proceedings for revocation or suspension of a license shall be governed by chapter 52, title 67, Idaho Code.

SECTION 21. That Section 54-2042, Idaho Code, be, and the same is hereby repealed.

SECTION 22. That Chapter 20, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 54-2042, Idaho Code, and to read as follows:

54-2042. REVIEW OF REVOCATION OR SUSPENSION PROCEEDINGS. — Any licensed person whose license shall be revoked or suspended by the commission pursuant to this act shall have the right to have the proceedings of the commission revoking or suspending said license reviewed by the district court of the county in which such person resides. The review shall be governed by section 67-5215, Idaho Code.

SECTION 23. That Chapter 20, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 54-2051, Idaho Code, and to read as follows:

54-2051. INJUNCTIVE RELIEF. — The commission is hereby authorized to institute injunction proceedings in the district court of competent jurisdiction, pursuant to the Idaho rules of civil procedure, for cause shown, to restrain any person or persons from violating any provision of this act regardless of whether or not there exists an adequate remedy at law.

Approved February 25, 1970.

CHAPTER 52
(H. B. No. 505)

AN ACT
AMENDING SECTION 40-131, IDAHO CODE, RELATING TO COUNTY ROAD CONSTRUCTION, MAINTENANCE AND RIGHT OF WAY COSTS, PROVIDING THAT COUNTIES MAY PARTICIPATE TO THE FULL EXTENT NECESSARY IN THE COSTS OF CONSTRUCTION, RECONSTRUCTION OR ACQUIRING RIGHTS OF WAY ON ANY URBAN EXTENSIONS TO COUNTY ROADS BUILT WITH FEDERAL ASSISTANCE THROUGH CITIES
REGARDLESS OF POPULATION AND STRIKING FROM SAID SECTION THE REFERENCE TO VILLAGES.

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

SECTION 1. That Section 40-131, Idaho Code, be, and the same is hereby amended to read as follows:

40-131. COUNTY ROAD CONSTRUCTION, MAINTENANCE AND RIGHT OF WAY COSTS BORNE BY COUNTY — EXCEPTIONS. The costs of constructing, reconstructing, maintaining and acquiring rights of way for roads in a county road system shall be borne by the county, provided, however, this section shall not be construed as preventing counties from contracting with the state for engineering or other services, provided a just compensation is paid therefor. A county may participate to the full extent necessary in the costs of constructing or reconstructing or acquiring rights of way to any urban extensions to county roads built with federal assistance through cities and villages of 2,500 population or less, but said urban extensions shall be and continue to be a part of the municipal street system of said village or city for all other purposes set forth in this act. Provided, however, if planning studies show the existence of a need a county may purchase, condemn or otherwise acquire a right of way for a new alignment of an urban extension of an existing county road built with federal assistance through such cities or villages if said urban extension does not eliminate access thereto of adjacent property owners. A county shall have the authority to construct, maintain and control such urban extension within a city or village and may enter into any mutual agreement for the transfer of such maintenance and control of said urban extension to said city or village. A county may contract with an adjoining county for the construction and/or maintenance of any part of its road system.

Approved February 25, 1970.

CHAPTER 53
(H. B. No. 536)

AN ACT
RELATING TO COLLECTION AGENCIES; DEFINING TERMS; PROVIDING FOR WHEN A COLLECTION AGENCY PERMIT IS REQUIRED; PROVIDING FOR FORM AND CONTENTS OF THE APPLICATION; PROVIDING FOR OTHER FILINGS, LITERATURE
AND CONTRACT; PROVIDING FOR COLLECTION AGENCIES BOARD; PROVIDING FOR MEETINGS OF BOARD; PROVIDING FOR POWERS OF BOARD; PROVIDING FOR EXAMINATION FOR PERMIT; PROVIDING FOR ADDITIONAL PLACES OF BUSINESS; PROVIDING FOR RENEWAL OF PERMIT; PROVIDING FOR BONDS; PROVIDING FOR ESTABLISHMENT AND MAINTENANCE OF CREDITOR'S ACCOUNT AND BUSINESS ACCOUNT; PROVIDING FOR EXAMINATIONS, INVESTIGATIONS, RECORDS AND PAYMENT OF FUNDS; PROVIDING GROUNDS FOR REFUSAL, DENIAL OR CANCELLATION OF PERMITS; PROVIDING FOR DENIAL, CANCELLATION OR SUSPENSION OF PERMIT; PROVIDING FOR DISPOSITION OF FUNDS; PROVIDING FOR VIOLATIONS OF THIS ACT; PROVIDING FOR EXEMPTIONS FROM THE APPLICATION OF THIS ACT; PROVIDING FOR LICENSE TO ACT AS LICENSEE-SOLICITOR, APPLICATION, EXAMINATION OR HEARING, FORM OF LICENSE, FEE; PROVIDING FOR EXPENSES OF EXAMINATIONS AND INVESTIGATIONS; PROVIDING GROUNDS FOR REFUSAL, DENIAL OR REVOCATION OF PERMIT OR LICENSE; PROVIDING FOR PROPERTY RIGHT IN ACCOUNTS, PRACTICE OF LAW PROHIBITED; PROVIDING FOR CEASE AND DESIST ORDER; PROVIDING FOR INJUNCTIONS, PROVIDING FOR DISCONTINUANCE OF OPERATION, MAINTENANCE OF BOND AFTER DISCONTINUING OPERATION; PROVIDING FOR INSTITUTION OF CRIMINAL PROCEEDINGS; PROVIDING FOR ADMINISTRATION OF THE ACT, RULES AND FORMS; PROVIDING FOR JUDICIAL REVIEW OF ORDERS; PROVIDING FOR EFFECT OF ACT ON PERMITS AND LICENSES UNDER PRIOR LAW; REPEALING CHAPTER 22, TITLE 26, IDAHO CODE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. As used in this act:

(1) "Agent" means any person who is compensated on a commission basis or by salary, or both, by any permittee.

(2) "Board" means the collection agencies board.

(3) "Business funds" means all moneys belonging to or due the permittee in connection with the operation of a collection agency business.

(4) "Collection agency," "collection bureau" or "collection office"
shall be a person who engages in any of the activities enumerated in section 2
of this act.

(5) "Commissioner" means the commissioner of finance.

(6) "Creditor" means any person who transfers to a permittee accounts
due and owing for collection purposes.

(7) "Creditors' account" means all funds due and owing a creditor
within the definition of this act.

(8) "Licensee" means any person licensed by the commissioner who is
employed by a collection agency and whose primary function is as a solicitor
engaged in collection or receiving payment or soliciting the receiving or
collection of payment for others of any account, bill or other indebtedness
for the collection agency.

(9) "Net collections" means all funds that are due to creditors from
the permittee pursuant to the contract between the permittee and creditor,
without taking into account any offset or funds due from the creditor to the
permittee, because of the creditor having collected any part of the account
due, plus all funds that the permittee agreed to return to debtors or that
were not to be applied to debts.

(10) "Permittee" means a person who has a permit to do business as a
collection agency in Idaho.

(11) "Person" means any permittee, licensee, agent, solicitor,
individual, corporation, partnership, association, copartnership, trust,
company or unincorporated organization.

SECTION 2. No person shall without complying with the terms of this
act and obtaining a permit from the commissioner:  (1) Conduct a
collection agency, collection bureau, or collection office in this state.

(2) Engage, either directly or indirectly in this state in the business of
collecting or receiving payment for others of any account, bill, claim or
other indebtedness.

(3) Solicit or advertise for the right to collect or receive payment for
another of any account, bill, claim or other indebtedness.

(4) Sell or otherwise distribute any system or systems of collection
letters and similar printed matter where the name of any person other than
the particular creditor to whom the debt is owed appears.

(5) Engage in any activity which indicates, directly or indirectly, that a
third party may be involved in effecting any collections.

(6) Engage or offer to engage in the business of receiving money from
debtors for application to or payment of or prorating of any creditor or
creditors of such debtor.
(7) Engage or offer to engage for compensation in the business of credit counseling.

SECTION 3. Every applicant for such permit shall file in the department of finance an application in form to be prescribed by the commissioner setting forth:

(1) The name of the applicant if an individual; if the applicant is a corporation a list of its officers and directors and their addresses. If the applicant is a partnership, then a list of the members of said partnership and their addresses must be filed with the application. Every partnership in its application for a permit shall designate and appoint one or more of its members, and every corporation in its application for a permit shall designate and appoint one or more of its officers or employees who shall submit to the examination hereinafter required. No permits shall be issued to any partnership or corporation unless and until the persons and officers so designated by the partnership or corporation shall submit to and pass the examination required by this act.

(2) The location of the principal office or place of business of the applicant.

(3) Other names, if any, by which the applicant conducts, engages in or solicits business.

(4) The names of all persons and organizations with which the applicant is affiliated in such business, and the location of the principal office or place of business of each such affiliation.

(5) A complete description of the business to be conducted, or plan of operation contemplated, by the applicant in this state.

(6) A list of all papers and filings used by the applicant which must accompany the application and be identified as exhibits by number.

(7) A financial statement showing the applicant to have a financial net worth of not less than two thousand five hundred dollars ($2,500.00) for each place of business for which a permit is sought, which statement shall be confidential and not disclosed to the public. The financial statement shall specify assets and liabilities, providing detailed reference to each item listed to inform the commissioner of the nature and extent of such assets and liabilities. This financial statement shall be signed by the applicant or its proper agent. The net worth shall not include any notes, accounts, bills, and judgments held for collection by the applicant nor shall it include good will.

(8) Such other information concerning the applicant's business as the commissioner may reasonably require. Such application shall be executed and verified by the applicant or applicants personally, or by the president or secretary where the applicant is an association or corporation.
SECTION 4. Such application shall be accompanied by:

(1) Complete copies of all literature and circulars issued or circulated by or on behalf of applicant in soliciting or advertising for business including circular and form letters.

(2) Complete forms of all contracts designed for execution by persons placing any account, bill, claim or other indebtedness in the hands of the applicant for collection.

(3) Complete forms of all contracts and assignments designed for execution by debtors making any assignments to or placing any property with the applicant for the purpose of paying the creditors of such debtors.

(4) Complete forms of all contracts and releases designed for execution by creditors to whom payments are made or are to be made by the applicant.

(5) If the applicant is a corporation or association, a copy of its articles of incorporation or association, duly authenticated.

(6) A list of the names and addresses of all agents, representatives, and solicitors who will represent or solicit business for the applicant in this state.

(7) The names and addresses of all directors and officers, if the applicant is a corporation or association; and the names of the members, if the applicant is an unincorporated company, a firm or copartnership.

(8) An agreement executed by the applicant stipulating that no literature or form of contract not submitted with the application will be issued, circulated or used by the applicant prior to the filing thereof in said department, and that no agent, representative or solicitor of the applicant will solicit, engage in or conduct business as such in the state of Idaho, until his name and address have been filed in said department.

(9) An initial examination fee, in the sum of one hundred dollars ($100.00), except that no examination fee need be paid by a nonprofit corporation or association conducting credit counseling or debt prorating activities.

(10) Complete copies of all literature, circulars, contracts, and/or other related material to be circulated or distributed by the permit holder to a debtor.

(11) An irrevocable consent to service executed by the applicant appointing the commissioner and his successors in office to be attorney of the applicant to receive service of any lawful process in any civil suit, action, or proceeding against the applicant which arises under this act or any rule or order hereunder. After the consent has been filed, any service hereunder shall have the same force and validity as if personally served on a person.
filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. Service may be made by leaving a copy of the process in the office of the commissioner.

SECTION 5. There is hereby established a collection agencies board consisting of three (3) members to be appointed by the governor. The commissioner shall act as the secretary of said board or shall designate a member of his staff to act as secretary, and shall keep minutes of all meetings of the board and keep all records required by law and perform such other duties as the board may specify. The members and officers of the collection agency board holding office on the effective date of this act shall continue in office until the expiration of the terms for which they were last appointed.

Hereafter as each term expires the governor shall make appointment to the board for terms of three (3) years. In making appointments the governor shall give consideration to the appointment of board members from the three (3) areas of Idaho, namely northern Idaho, southwestern Idaho and southeastern Idaho. In making such appointments the governor shall also give consideration to the recommendations made to him by the Idaho collectors association. No person shall be qualified to serve as a member of the board unless he is, and continues to be, a person having all of the qualifications and none of the disqualifications prescribed for the issuance of a permit under section 14 of this act.

The governor may remove any member of the board for cause. Any vacancy on the board shall be filled by the governor for the unexpired term.

SECTION 6. All meetings of the board shall be held at Boise, Idaho, unless the board by rule or regulation provides for holding of meetings elsewhere within this state. Regular meetings of the board shall be held on the first Monday of April and October of each year. Special meetings may be called by the chairman or vice-chairman in the manner which the board by rule or regulation may provide. A majority of the board shall constitute a quorum for the transaction of any business. The board shall elect a chairman and vice-chairman at the first meeting of each calendar year who shall hold their office for a period of one (1) year or until their successors shall have been appointed and qualified.

SECTION 7. The board shall have the power to provide the manner and method for conducting examinations and shall conduct all examinations for permits or licenses required by this act, such examinations to be held at least twice each year at the time of the regular meetings of said board. Applications for examination shall be filed with the commissioner at least thirty (30) days prior to the examination date.
The examination shall be uniformly given, may be written or oral or a combination of both and shall be practical in nature. The examination may include questions on bookkeeping, credit adjusting, business law, collection procedure, business ethics, agency, debtor and creditor relationship, trust funds, creditors’ funds, business funds, fiduciary relationships, and the provisions of this act and the rules and regulations duly issued by the commissioner pursuant to this act, and such other subject matter as the board by rule or regulation may specify.

SECTION 8. The commissioner shall examine each application for a permit and accompanying papers and investigate the qualifications of the applicant and if he finds therefrom that the same are in proper form, that the literature proposed to be circulated does not tend to conceal or misrepresent any fact to the detriment of any person dealing with the applicant, that the contract or contracts proposed to be entered into for the collection or payment or prorating of accounts, bills, claims or other indebtedness by the applicant, or prorating or receiving money for payment to creditors are equitable, fair and reasonable, and that the applicant meets all other requirements and qualifications of this act, he shall advise the board. The board shall then examine the applicant if an individual, or the designated officer or officers or employees of any corporation and the designated member or members of any partnership, in the manner described in section 7 of this act and at the times provided in section 6 of this act and if such applicant or designee passes a satisfactory examination, the board shall advise the commissioner and he shall cause a permit to be issued authorizing the applicant to conduct such a business in this state subject to the provisions of this act, until the thirty-first day of December next thereafter.

If the commissioner or board finds that the applicant does not qualify under the provisions of this act, the application shall be denied. If he finds the applicant is qualified and the board recommends the issuance of a license, he must issue a permit upon the filing of the bonds required by this act and the payment of an annual permit fee in the sum of one hundred dollars ($100.00), except that no permit fee need be paid by a nonprofit corporation or association conducting credit counseling or debt prorating activities.

No collection contract shall be deemed equitable, fair or reasonable within the meaning of this section which in substance either:

(1) Permits the applicant to retain any sums due the creditor on any account, bill, claim or other indebtedness collected for him by the applicant on account of, or as a setoff against, any fee, commission, charge, expense or
compensation claimed, other than the regular collection fees or commissions, to be due from such creditor on any other account whatever.

(2) Penalizes the creditor for failure to produce evidence in support of any account, bill, claim or item of indebtedness placed with the applicant for collection in addition to that delivered upon the execution of such contract.

(3) Penalizes such creditor for any unintentional error, mistake or omission in furnishing to the applicant the correct name or address of any debtor.

(4) Stipulates, directly or indirectly, for the payment of any fee, commission or compensation in excess of fifty percent (50%) of the amount actually collected on any account, bill, claim or other indebtedness entrusted to the applicant for collection.

A permit or license holder, engaging in the business of receiving money from debtors for application to or payment or prorating the account or accounts of any creditor or creditors of such debtor, for compensation or otherwise, or in the business of acting as the assignee for the benefit of creditors as a primary or secondary object, shall not take or receive for services performed by such permit or license holder for any one (1) person more than fifteen percent (15%) of the amount received by it at any one (1) time from or on behalf of that person for payment or prorating to creditors and no other charges shall be made or received for any such service.

SECTION 9. Not more than one (1) place of business or collection agency business as defined in section 2 of this act shall be operated under the same permit, but the commissioner may issue more than one (1) permit to the same permittee for the same location upon submission of application and complying with the bond requirements of this act and payment of an annual permit fee for each business and each location for which a permit is requested.

SECTION 10. Upon application made prior to the twentieth day of December of each year, the holder of any permit issued under the provisions of this act shall be entitled to have such permit renewed for the succeeding calendar year upon payment of the annual permit fee of fifty dollars ($50.00), compliance with the bond requirements of this act, the filing of a financial statement in the form required by section 3(7) of this act showing a net worth of at least two thousand five hundred dollars ($2,500.00) for each place of business for which a permit is sought, filing of all other documents required by section 3 of this act and approval by the commissioner of all literature to be employed by the permittee during the course of the business year, except no annual permit renewal fee need be paid by a nonprofit
corporation or association conducting credit counseling or debt prorating activities.

SECTION 11. Upon approval of the application and prior to the issuance of the permit the applicant must file in the department of finance two (2) bonds. Both bonds shall be in a form provided by the attorney general of this state, and shall be executed by the applicant as principal and by some surety company authorized to do business in this state as surety, and shall be for the term of any permit issued to the applicant. Each permittee shall be required to have the two (2) bonds for each permit as hereinafter provided.

(a) A bond shall be executed to the state of Idaho in the sum of five thousand dollars ($5,000.00) or upon renewal in such larger sum as hereinafter provided. In any case where a permittee or its representatives has failed to account for and pay over the proceeds of any collection made or money received for payment or prorating to creditors, or has failed to return to a debtor any sum received that was not to be applied to his debts, the creditor or debtor shall have in addition to all other legal remedies a right of action in his own name on such bond without the necessity of joining the permittee in such action. The bond shall be continuous in form and shall remain in full force and effect for the permit period. The surety may cancel the bond provided that the surety shall in such event provide the permittee and the commissioner with notice thirty (30) days prior to cancellation of said bond. Such notice shall be by registered or certified mail with request for a return receipt and addressed to the permittee at its main office and to the commissioner. In no event shall the liability of the surety for any and all claims against the bond exceed the face amount of such bond.

Upon renewal of any permit, the permittee shall supply the commissioner with a statement of the preceding year’s net collections. The amount of the bond upon renewal shall be in the amount of five thousand dollars ($5,000.00), or two (2) times the average monthly net collections for the preceding year computed to the next highest one thousand dollars ($1,000.00), whichever sum is greater.

(b) A bond shall be executed to the state of Idaho in the sum of two thousand dollars ($2,000.00), which shall be limited to the indemnification of the department of finance for any and all expenses incurred as a result of investigations, administrative proceedings, and prosecutions which shall be instituted by the commissioner against a permittee or licensee pursuant to this act. The bond shall be continuous in form and remain in full force and effect and run concurrently with the permit period and any renewal thereof. The surety may cancel the bond provided that the surety shall in such event
provide the permittee and the commissioner with notice thirty (30) days prior to cancellation of said bond. Such notice shall be by registered or certified mail with request for a return receipt and addressed to the permittee at its main office and to the commissioner. In no event shall the liability of the surety for any and all claims against the bond exceed the face amount of such bond.

SECTION 12. A permittee shall in its own name:
(1) Establish and maintain a separate creditors' account for creditors' funds for each permit held, in a bank in the state of Idaho.
(2) Establish and maintain a separate business account for the business funds and moneys for each permit, in a bank in the state of Idaho.

SECTION 13. (1) The commissioner or his duly authorized representatives may make an annual examination of the place of business of each permittee and for that purpose the commissioner shall have free access to the offices and places of business, books, creditors' accounts, trust accounts, business accounts, records, papers, files, safes and vaults of all such permittees.
(2) The commissioner may, upon his own motion, and shall, upon the sworn complaint in writing of any person, or, at the request of the board, investigate the action of any person or persons claimed to have violated the provisions of this act, and for that purpose the commissioner shall have free access to the offices and places of business, books, creditors' accounts, trust accounts, business accounts, records, papers, files, safes and vaults of all such persons.
(3) Every permittee shall execute to the commissioner an agreement of consent to examination of any and all bank accounts of the permittee providing the commissioner with authority to make such examination at any time the commissioner, in his discretion, deems it to be in the public interest.
(4) The actual cost of examination or investigation shall be paid to the commissioner by each permittee so examined or investigated at a rate per diem to be established by a regulation promulgated by the commissioner at beginning of each year, and the commissioner may maintain an action for the recovery of such costs against the permittee or against the surety providing the bond to indemnify the state for such expenditures as required by this act.
(5) Each permittee shall acknowledge in writing each account received for collection and shall maintain a record of such account, make a permanent record of all sums collected by him and of all disbursements
made by him. Every permittee shall keep and preserve all records relating to accounts received for collection, collections, receipts, and disposal or disbursement of all creditors' funds for a period of five (5) years after the final disposition of any account. It shall be unlawful for any person to intentionally make any false entry, omit to make a necessary entry, mutilate, secrete away, destroy or otherwise dispose of any record mentioned in this subsection, provided a record may be disposed of after the five (5) year period heretofore provided.

(6) Every permittee shall, within thirty (30) days after the close of each calendar month, pay to his creditors the net proceeds of all collections made by the permittee during said calendar month. Each permittee shall report to the creditor all collections made by him and/or any payments made to the creditor within thirty (30) days after the close of each calendar month.

(7) Every permittee shall maintain his books and records in accordance with generally accepted accounting practices subject to such rules and regulations as adopted by the commissioner.

(8) The commissioner, with consent of the board, may impound the creditors' accounts, or trust accounts of any permittee if it shall be deemed in the general public interest.

SECTION 14. (1) A permit must be refused and, after notice and hearing, be denied, revoked, cancelled, or the renewal thereof refused by the commissioner if he finds that the holder of or the applicant for, or any member or manager of an applicant or holder, or any officer or manager of an applicant or holder of such permit:

(a) has willfully violated any provision of this act; or
(b) has intentionally made a material misstatement in the application for such permit; or
(c) has obtained or attempted to obtain a permit by fraud or misrepresentation; or
(d) has misappropriated or converted to his own use or illegally withheld moneys collected or held by any other persons; or
(e) has intentionally and without properly qualifying as herein provided represented himself as a permittee for the purpose of soliciting for or representing any business covered by this act; or
(f) has been convicted of forgery, embezzlement, fraud, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or other like offense, a crime involving moral turpitude, or violating any provision of this act or is currently disbarred from the practice of law in any state; provided, the commissioner may with the approval of the
board issue a permit to any person convicted of any of the above enumerated crimes providing a period of five (5) years has elapsed from the date of his conviction; or

(g) has had a permit revoked, cancelled, or denied by any other state.

(2) Permits shall be issued hereunder only to persons who are, and to partnerships, firms, companies, and associations whose members and managers are, and to corporations whose managers are, citizens of the United States of America and over twenty-one (21) years of age.

SECTION 15. Any permit or license issued under this act shall be subject to cancellation or suspension by the said commissioner if and when it shall appear to his satisfaction that the holder thereof is not legally qualified to do business in the state of Idaho, or has violated any provisions of this act or of any contract or agreement herein mentioned, or has failed, neglected or refused, upon demand, to pay or remit to any creditor the agreed portion of any sum collected by the permit holder on account of any bill, claim, account or other indebtedness entrusted to such permit holder for collection, or has failed to return to a debtor an amount that was not to be paid on his debts. The commissioner shall have the power to issue subpoenas and bring before him any person, book, or writing in this state, to swear witnesses and to take the testimony of any person by deposition, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in district courts of this state in civil cases. Any party to a proposed cancellation, or suspension of a permit shall have the right of subpoena to compel the attendance of witnesses and produce all books and writing on his behalf. In case any witness shall fail or refuse to comply with a subpoena to appear before the commissioner, the clerk of the district court of the county in which the administrative proceedings are held shall, upon demand of the commissioner, issue a subpoena reciting the demand therefor and summoning the witness to appear and testify at a time and place fixed; and violation of such subpoena or disobedience thereto shall be deemed and punished as a violation of any other subpoena issued from the district court. If the commissioner shall determine that any applicant is not qualified to receive a permit, a permit shall not be granted to said applicant. Any denial, suspension, or cancellation of any permit or license provided for by this act shall be governed by chapter 52 title 67, Idaho Code.

SECTION 16. All fees provided for in this chapter shall be paid to the commissioner and by him remitted to the state treasurer pursuant to section 59-1014, Idaho Code, and all such funds shall be deposited by the treasurer to the credit of the general fund.

SECTION 17. Any person who shall do business within the state of
Idaho as defined in this act, without a permit, or any permit holder or licensee who fails to establish and maintain a separate creditors' account for such creditors' funds for each permit which he holds, or fails to make and keep the records required by this act, shall be guilty of a felony and punishable by a fine not exceeding five thousand dollars ($5,000.00) or by imprisonment in the state penitentiary for not more than five (5) years, or both, and any person who shall fail to comply with any of the other provisions of this act shall be guilty of a misdemeanor.

SECTION 18. The provisions hereof shall not apply to any attorney at law duly authorized to practice in this state, or to any national bank, or to any bank or trust company incorporated under the laws of this state, nor to any real estate broker or real estate salesman licensed under the laws of and residing within this state when engaged in the regular practice of a real estate business, nor to building and loan associations, savings and loan associations, nor abstract and title companies doing an escrow business, nor any court appointed trustee, receiver or conservator.

SECTION 19. (1) No person shall act as a licensee of any firm, company or person holding a permit under this act without first obtaining a license to do so.

Applications for a license shall be made to the commissioner on forms prescribed by the commissioner and shall contain such information as the commissioner deems necessary to determine the applicant's residence, ability, experience and moral responsibility. Such application shall be accompanied by an initial license fee of twenty dollars ($20.00).

The commissioner shall within thirty (30) days examine such application and in his discretion shall have power and authority to also within said time require an oral or written examination or hearing to test the applicant's responsibility and fitness, such examination or hearing to be conducted by the commissioner or by a person designated by him.

Such license, if issued, shall be in the form of an identification card, issued for the calendar year in which issued and shall contain such information as the commissioner may prescribe. The licensee shall have his license in his immediate possession at all times while engaged in the business or activity herein licensed and shall display such license upon demand.

(2) Upon application made prior to December 20th of each year, the holder of any license issued shall be entitled to a renewal for the succeeding calendar year upon payment of the renewal fee of twenty dollars ($20.00). Application for renewal made after December 20th shall be made in the same manner as is required for a license in the first instance.
(3) No licensee may act for or be employed by more than one permittee at one time. Upon termination of any employment of a licensee he shall notify the commissioner and surrender his license within ten (10) days of such termination.

SECTION 20. All expenses of conducting examinations or hearings upon any application, including the costs of any investigation, shall be paid by the applicant, which shall be in addition to the license fees prescribed by this act.

SECTION 21. A license may be refused and, after notice and hearing, be denied, revoked or the renewal thereof refused by the commissioner if he finds that the holder of or the applicant for such license:

(1) Has wilfully violated any provision of this act; or

(2) Has intentionally made a material misstatement in the application for such license; or

(3) Has obtained or attempted to obtain a license by fraud or misrepresentation; or

(4) Has misappropriated or converted to his own use or illegally withheld moneys collected or held for any other persons; or

(5) Has intentionally and without properly qualifying as herein provided represented himself as a licensee for the purpose of soliciting for or representing any business covered by this act; or

(6) Has within the preceding five (5) years, been disbarred from the practice of law without reinstatement, been convicted of forgery, embezzlement, fraud, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, a crime involving moral turpitude, or violating any provision of this act; or

(7) Had a license revoked, cancelled or denied by any other state; or

(8) Is not a bona fide resident of this state.

SECTION 22. A permit holder shall have a property right in any account assigned to it for collection; provided, however, no right herein granted shall authorize such permit holder to engage in the practice of law.

SECTION 23. Whenever it appears to the commissioner that it is in the public interest, he may, with the approval of the board, order a permittee or a licensee to cease and desist from acts, practices, or omissions which constitute a violation of this act.

SECTION 24. Whenever it appears to the commissioner that any person, or employee or agent thereof, has engaged in or is about to engage in any act or practice or omission constituting a violation of any provision of this act, or any rule or order hereunder, he may in his discretion bring an action in any court of competent jurisdiction to enjoin any such acts or
practices and to enforce compliance with this act or any rules hereunder. Upon a showing that a person, or employee or agent of any person, has engaged in or is about to engage in an act or practice constituting a violation of this act or any rule hereunder, a permanent or temporary injunction, or restraining order shall be granted and a receiver or conservator may be appointed for the defendant's assets. The commissioner shall not be required to furnish bond.

SECTION 25. (1) Before discontinuance of operations as a collection agency under the terms of this act, every permittee shall furnish the commissioner with proof in a form to be determined by the commissioner and approved by the collection agencies board that:

(a) Proper remittance has been made to all creditors or claimants of money collected.

(b) All accounts have been returned to the creditors and certification to that effect has been provided to the commissioner.

(c) All valuable papers and assignments of judgment given to the permittee by the creditor in connection with claims have been returned to the creditor.

(d) All judgments obtained by the collection agency against debtors, in the agency's name, have been returned and assigned to the creditors.

(2) Any permittee discontinuing doing business as a collection agency shall maintain the bonds required of such permittee to conduct a collection agency business until a final accounting has been made to the commissioner and approved by him.

SECTION 26. The commissioner may refer such evidence as may be available concerning violations of this act or of any rule or order hereunder to the attorney general or the proper prosecuting attorney, either of whom may in his discretion, with or without such a reference, institute appropriate criminal proceedings under this act.

SECTION 27. The administration of the provisions of this act shall be under the general supervision and control of the commissioner, subject to chapter 52, title 67, Idaho Code. The commissioner may from time to time make, amend, and rescind such rules, regulations and forms necessary to carry out the provisions of this act. No rule, regulation or form may be made unless the commissioner finds that the action is necessary or appropriate for the public interest or for the protection of creditors and debtors consistent with the purpose of this act.

SECTION 28. Any person aggrieved by a final order of the commissioner may obtain judicial review of that order pursuant to the provisions of section 67-5215, Idaho Code.
SECTION 29. All effective permits and licenses issued under prior law relating to doing business as a collection agency or soliciting for a collection agency shall remain in effect as long as they would have remained in effect had they been issued under this act.

SECTION 30. That Chapter 22, Title 26, Idaho Code, be, and the same is hereby repealed.

SECTION 31. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 32. This act shall be in full force and effect on and after July 1, 1970.

Approved February 25, 1970.

CHAPTER 54
(H. B. No. 544)

AN ACT
AMENDING SECTION 67-2927, IDAHO CODE, RELATING TO STOPPING AND INSPECTION AT PORTS OF ENTRY, BY PROVIDING THAT MOTOR VEHICLES OR TRAILERS SHALL STOP AT SUCH PORTS OF ENTRY FOR WEIGHING AND GRADING, AND REQUIRING THE OPERATOR OR OWNER OF SUCH MOTOR VEHICLE OR TRAILER TO DRIVE SUCH VEHICLE UPON SCALES AT PEACE OFFICERS REQUEST; AND AMENDING SECTION 67-2928, IDAHO CODE, RELATING TO PENALTIES FOR FAILURE TO STOP AT PORT OF ENTRY OR CHECKING STATION, BY PROVIDING THAT FAILURE TO STOP FOR GRADING AND WEIGHING SHALL BE A MISDEMEANOR.

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

SECTION 1. That Section 67-2927, Idaho Code, be, and the same is hereby amended to read as follows:

67-2927. STOPPING AND INSPECTION. — Wherever by the laws of the state of Idaho any merchandise, product or commodity being transported within the state, within the state to without the state, or from
without the state to within the state, is subject to the payment of a license
or tax, a weight limitation, or is subject to inspection or grading by any
department or agency of the state of Idaho, the owner or operator of either
the motor vehicle or trailer, as defined in chapter 5, title 49, Idaho Code,
transporting such merchandise, product or commodity is hereby required to
stop at such ports of entry or checking stations established by the
commissioner of law enforcement and submit to inspection, grading or
weighing, for compliance with the laws of the state of Idaho. It shall be the
duty of the owner or operator of every motor vehicle or trailer within the
provisions of this act to drive the motor vehicle or trailer upon any state
owned stationary or portable scale or private scale certified by the state of
Idaho when requested to do so by any peace officer, excepting fish and game
officers.

SECTION 2. That Section 67-2928, Idaho Code, be, and the same is
hereby amended to read as follows:

67-2928. PENALTIES. — Any person failing to stop at any port of
entry or checking station when so required by section 67-2927, Idaho Code,
or, failing to submit to the inspection, grading or weighing required by any
law of the state of Idaho, shall be guilty of a misdemeanor.

Approved February 25, 1970.

CHAPTER 55
(S. B. No. 1415)

AN ACT
AMENDING SECTION 1 OF CHAPTER 343, LAWS OF 1969, RELATING
TO APPROPRIATIONS FOR THE DEPARTMENT OF EDUCATION,
BY PROVIDING THAT CERTAIN SUHS APPROPRIATED SHALL
COME FROM DRIVER EDUCATION FUNDS AND NOT ENTIRELY
FROM FEDERAL FUNDS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 343, Laws of 1969, be, and the
same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds
enumerated the following moneys, to be expended as indicated, for the
operating costs and expenses of the programs proposed, unless specifically
excepted, in the Executive Budget for 1969-1971, for the period July 1,
1969, to June 30, 1971, of the Department of Education.
FOR MAJOR AND MINOR PROGRAMS:

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<td>INSTRUCTIONAL SERVICES</td>
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<td>GENERAL SERVICES</td>
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BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

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<td>TRAVEL</td>
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<td>OTHER CURRENT EXPENSES</td>
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<tr>
<td>CAPITAL OUTLAY</td>
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<tr>
<td>PAYMENT AS AGENT</td>
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FROM:

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<tbody>
<tr>
<td>GENERAL FUND</td>
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</tr>
<tr>
<td>DRIVER EDUCATION FUNDS</td>
<td>2,098,044</td>
</tr>
<tr>
<td>FEDERAL FUNDS</td>
<td>31,517,068</td>
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SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 25, 1970.

CHAPTER 56
(S. B. No. 1417)

AN ACT
AMENDING SECTION 1 OF CHAPTER 374, LAWS OF 1969, RELATING TO AN APPROPRIATION TO THE OFFICE ON AGING, BY ELIMINATING THE LINE ITEM PROVISIONS AND THE REFERENCE TO FEDERAL FUNDS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 374, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Office On Aging.
FOR MAJOR AND MINOR PROGRAMS:

ADMINISTRATION $64,840

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

SALARIES AND WAGES $47,968
TRAVEL $7,000
OTHER CURRENT EXPENSES 8,672
CAPITAL OUTLAY 1,000

FROM:

GENERAL FUND $32,420
FEDERAL FUNDS 32,420

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 25, 1970.

CHAPTER 57
(S. B. No. 1437)

AN ACT

AMENDING SECTION 34-503, IDAHO CODE, RELATING TO POLLING PLACES, BY PROVIDING THAT A POLLING PLACE MAY BE DESIGNATED IN ANOTHER PRECINCT, PROVIDING THAT MORE THAN ONE POLLING PLACE MAY BE IN THE SAME BUILDING, AND CHANGING THE NUMBER OF VOTERS WITHIN A PRECINCT FROM SIX HUNDRED TO TWELVE HUNDRED; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 34-503, Idaho Code, be, and the same is hereby amended to read as follows:

34-503. DESIGNATION AND PLAN OF POLLING PLACES. – The county commissioners of each county, at their meeting in February next preceding any general election, shall designate and appoint suitable polling places, throughout the county; and When no suitable location is available within a precinct, they may designate a location within another precinct to be available for said precinct. More than one (1) polling place may be designated in the same building or location. The commissioners shall cause
the same to be suitably provided with a sufficient number of voting shelves or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others, and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within ten (10) feet of the ballot boxes and of such voting shelves, places or compartments as are herein provided for. The arrangements shall be such that neither the ballot boxes nor the voting shelves or compartments shall be hidden from view of those just outside the said guard rail.

The number of such voting shelves or compartments shall not be less than one (1) for every fifty (50) electors, or fraction thereof, registered in the precinct, except when voting machines are used, the provisions of section 34-2416, Idaho Code, shall apply, and the expense of providing such polling places, compartments, guard rails, and all necessary supplies shall be a public charge, and shall be provided for in the same manner as all other election expenses. Each voting shelf or compartment shall be kept provided with proper supplies and conveniences for marking the tickets. At their regular meeting in January next preceding any election, the board of county commissioners of each county shall alter or divide the election precincts in such manner that each election precinct shall not obtain more than six hundred (600) twelve hundred (1200) voters; provided, that in precincts containing less than twenty-five (25) registered voters the election may be conducted under the provisions of this title without the preparation of such booths or compartments as are required in this section and provided further, that any board of county commissioners who shall refuse and/or willfully neglect to comply with the provisions of this section shall be subject to removal from office as provided in title 19, chapter 41. In all municipal elections the duties specified in this section as devolving on the county commissioners, shall devolve on the officers in each city or town whose duty it is to designate and appoint polling places therein.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval and retroactive to January 1, 1970.

Approved February 25, 1970.
CHAPTER 58
(S. B. No. 1444)

AN ACT
AMENDING SECTION 36-408, IDAHO CODE, RELATING TO NONRESIDENT FISH AND GAME LICENSES, TO PROVIDE FOR AN INCREASE IN THE FEE FOR THE NONRESIDENT COMBINATION FISH AND GAME LICENSE FROM ONE HUNDRED DOLLARS TO ONE HUNDRED THIRTY-FIVE DOLLARS, TO INCREASE THE FEE FOR THE NONRESIDENT GAME BIRD LICENSE FROM TWENTY-FIVE DOLLARS TO THIRTY-FIVE DOLLARS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-408, Idaho Code, be, and the same is hereby amended to read as follows:

36-408. NONRESIDENT FISH AND GAME LICENSES — KINDS. — Licenses of the second class mentioned in section 36-406, Idaho Code, shall be issued in the several kinds and for fees as follows:

1. A license entitling the person to whom issued to hunt, pursue, kill and take any game or game animals (not including fur-bearing animals), game birds and fish in this state subject to the limitations prescribed under this title as to the manner and time of taking, and the kind and number of birds, and the kind and quantity of game and fish permitted to be taken. A license of this kind may be had by any person who is not a resident of the state of Idaho upon payment of one hundred thirty-five dollars ($135).

2. A license entitling the person to whom issued to pursue, hunt, or kill game birds, cottontail rabbits, unprotected birds and animals and predatory birds and animals in accordance with laws of this state, but such license shall not entitle such person to fish in the public waters of the state, nor to hunt big game animals. A license of this kind may be had by any person who is not a resident of the state of Idaho upon payment of twenty thirty-five dollars ($25.00) ($35.00).

3. A license entitling the person to whom issued to catch fish from the public waters of the state in accordance with the laws thereof, but which license does not entitle such person to pursue, hunt or kill game birds or game animals or fur-bearing animals and limits said person to the catching of fish only. A license of this kind may be had by any person who is not a resident of the state of Idaho upon payment of fifteen dollars ($15.00).

4. A license entitling the person to whom issued to trap fur-bearing animals but which does not entitle such person to pursue, hunt or kill game
birds or game animals other than fur-bearing animals, nor to fish. A license of this kind may be had by a person who is not a resident of the state of Idaho upon payment of seventy-five dollars ($75.00).

5. A license entitling the person to whom issued to carry a shotgun or rifle for the protection of livestock, or to pursue, hunt and kill unprotected birds and animals and predatory birds and animals of this state. Such license does not entitle such person to pursue, hunt or kill game birds or game animals or to fish in the public waters of the state. A license of this kind may be had by any person who is not a resident of the state of Idaho upon payment of five dollars ($5.00).

6. A license entitling the person to whom issued to pursue, hunt and kill a bear only during the open season therefor after having also purchased a bear tag. One (1) license of this kind may be had during any calendar year by any person who is not a resident of the state of Idaho upon payment of twenty-five dollars ($25.00).

7. A license entitling the person to whom issued to fish for and catch fish from the public waters of the state, in accordance with the laws thereof, for a period of seven (7) consecutive days only. Such a license does not entitle such person to pursue, hunt or kill game birds or game animals or to trap fur-bearing animals and limits said person to the catching of fish only. A license of the state of Idaho upon payment of five dollars ($5.00).

8. A license entitling the person to whom issued to fish for and catch fish from the public waters of the state in accordance with the laws thereof on a day-to-day basis, but does not entitle such person to pursue, hunt or kill any game birds or game animals or to trap fur-bearing animals and limits said person to the catching of fish only. A license of this kind may be had by any resident or nonresident person (the provisions of section 36-406, Idaho Code, notwithstanding) upon payment of two dollars ($2.00) per day for each effective day thereof.

9. A license entitling the person to whom issued to pursue, hunt and kill one (1) deer only during the open season therefor after having also purchased a deer tag. One (1) license of this kind may be had during any calendar year by any person who is not a resident of the state of Idaho for a fee of fifty dollars ($50.00).

Any person to whom a license has been issued as provided in paragraph 1 of this section may, upon payment of the fees prescribed in section 36-404, Idaho Code, be entitled to receive from the officer or any authorized agent to whom such payment is made, a tag to hunt and kill deer, pronghorn antelope, mountain sheep, moose, elk or goats in accordance with
the laws of this state and regulations adopted by the commission.

SECTION 2. This act shall be in full force and effect on and after May 1, 1970.

Approved February 25, 1970.

CHAPTER 59
(S. B. No. 1446)

AN ACT
AMENDING SECTION 26-2102, IDAHO CODE, RELATING TO AMENDMENTS TO BY-LAWS OF CREDIT UNIONS, BY PROVIDING THAT ALL AMENDMENTS TO BY-LAWS MUST BE SUBMITTED TO THE COMMISSIONER OF FINANCE FOR TENTATIVE APPROVAL BEFORE THEY ARE SUBMITTED TO A VOTE BY THE MEMBERS, AND THAT ALL AMENDMENTS TO THE BY-LAWS MUST BE FILED WITH AND APPROVED BY THE COMMISSIONER OF FINANCE BEFORE THEY BECOME OPERATIVE; AMENDING SECTION 26-2104, IDAHO CODE, RELATING TO POWERS OF A CREDIT UNION, PROVIDING THAT A CREDIT UNION SHALL HAVE THE POWER TO INVEST IN ANY INVESTMENT LEGAL FOR A STATE CHARTERED BANK, AND PROVIDING AUTHORIZATION, BY REGULATION, FOR A STATE CHARTERED CREDIT UNION TO ENGAGE IN ANY ACTIVITY ALLOWED CREDIT UNIONS CHARTERED UNDER THE LAWS OF THE FEDERAL GOVERNMENT; AMENDING SECTION 26-2106, IDAHO CODE, RELATING TO EXAMINATIONS AND REVOCATION OF CERTIFICATE FOR VIOLATION OF ACT, PROVIDING FOR EXAMINATION AT LEAST ANNUALLY OR IN THE DISCRETION OF THE COMMISSIONER, PROVIDING FOR THE MAINTENANCE OF BOOKS, ACCOUNTS AND RECORDS, PROVIDING FOR PERFORMANCE OF CREDIT UNION SERVICES FOR THE CREDIT UNION BY ANOTHER, AND PROVIDING FOR REVOCATION, CANCELLATION OR SUSPENSION OF THE CERTIFICATE; AMENDING SECTION 26-2109, IDAHO CODE, RELATING TO DIRECTORS AND OFFICERS, PROVIDING FOR AUTHORIZATION OF AMOUNT OF COMPENSATION TO BE PAID THE TREASURER AND PROVIDING THAT THE TREASURER
SHALL BE COMPENSATED; AMENDING SECTION 26-2116, IDAHO CODE, RELATING TO LOANS, PROVIDING FOR LOANS TO OFFICERS, DIRECTORS, OR ELECTED COMMITTEE MEMBERS AND ESTABLISHING CRITERIA FOR THE APPROVAL OF SUCH LOANS; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION, TO BE KNOWN AND DESIGNATED AS SECTION 26-2124, IDAHO CODE, PROVIDING FOR THE ADMINISTRATION OF THE ACT AND RULES AND REGULATIONS; AMENDING CHAPTER 21, TITLE 26, BY THE ADDITION THERETO OF A NEW SECTION, TO BE KNOWN AND DESIGNATED AS SECTION 26-2125, IDAHO CODE, PROVIDING THE COMMISSIONER WITH POWER TO ISSUE CEASE AND DESIST ORDERS; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION, TO BE KNOWN AND DESIGNATED AS SECTION 26-2126, IDAHO CODE, PROVIDING FOR JUDICIAL REVIEW OF ORDERS; AMENDING CHAPTER 21, TITLE 26, BY THE ADDITION THERETO OF A NEW SECTION, TO BE KNOWN AND DESIGNATED AS SECTION 26-2127, IDAHO CODE, PROVIDING FOR THE ADMINISTRATIVE PROCEDURE; AND AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION, TO BE KNOWN AND DESIGNATED AS SECTION 26-2128, IDAHO CODE, PROVIDING THE COMMISSIONER WITH SUBPOENA POWER TO COMPEL ATTENDANCE OF INDIVIDUALS AND THE PRODUCTION OF DOCUMENTS.

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

SECTION 1. That Section 26-2102, Idaho Code, be, and the same is hereby amended to read as follows:

26-2102. AMENDMENTS. — Any and all amendments to the by-laws must be approved by the said commissioner of finance before they become operative. Any amendments to the by-laws must be submitted to the commissioner for tentative approval before they are submitted to a vote by the members. Any amendments to the by-laws shall not be operative until filed with and approved by the commissioner.

SECTION 2. That Section 26-2104, Idaho Code, be, and the same is hereby amended to read as follows:

26-2104. POWERS. — A credit union shall have the following powers:

a. To receive the savings of its members either as payment on shares or as deposits (including the right to conduct Christmas clubs, vacation clubs
and other such thrift organizations within the membership).

b. To make loans to members for provident or productive purposes.

c. To make loans to a cooperative society or other organization having membership in the credit union or to other credit unions.

d. To deposit in state and national banks and, to an extent which shall not exceed twenty-five per cent (25%) of its capital, invest in the paid-up shares of building and loan associations and of other credit unions.

e. To invest in any investment legal for savings banks or trust funds in the state a state chartered bank.

f. To borrow money as hereinafter indicated.

g. Any provision of this chapter notwithstanding, the commissioner of finance may, by regulation, authorize a credit union organized under the laws of this state, to engage in any activity in which credit unions organized and chartered under the laws of the federal government may now or hereafter be authorized by federal legislation or regulation to engage in.

SECTION 3. That Section 26-2106, Idaho Code, be, and the same is hereby amended to read as follows:

26-2106. SUPERVISION AND REPORTS — EXAMINATION OR AUDIT — EXAMINATION FEES — REVOCATION OF CERTIFICATE FOR VIOLATION OF ACT. — Credit unions shall be under the supervision of the commissioner of finance. They shall report to him at least annually on or before the first day of March on blanks supplied by the said commissioner of finance for the purpose. Additional reports may be required. Credit unions shall be examined by the commissioner of finance or his duly authorized representative at least annually or more often if deemed necessary in the discretion of the commissioner. Every credit union shall keep correct and complete books of accounts, minutes of meetings of members, directors and committees; and shall make such books, records and accounts available at its principal place of business for examination. These books of accounts shall not be removed from the principal place of business without the consent of the commissioner of finance. No credit union may cause to be performed, by contract or otherwise, any credit union services for itself, whether on or off its premises, unless assurances satisfactory to the commissioner of finance are provided by both the credit union and the party performing such services, which indicate that the performance thereof will be subject to regulation and examination by the commissioner of finance or his duly authorized representative to the same extent as if such services were being performed by the credit union itself on its own premises. If this service is "on premises", then the prior written approval of the commissioner must
be obtained before service is sold or otherwise made available to any outside customer.

The assurances referred to above shall be submitted in the form of letters from both parties and signed by a duly authorized officer of the credit union and by the party (or duly authorized officer or representative of such party), stating that they will perform the services for the credit union, stating that the credit union and the party performing such services have entered into an agreement that the performance of the services will be subject to regulation and examination of the commissioner of finance and will be made available for examination. A copy of the contract or agreement covering these services shall accompany these letters.

The commissioner of finance shall fix a scale of examination fees to be paid by state credit unions, giving due consideration to the time and expense incident to such examinations, and to the ability of state credit unions to pay such fees, such fees to be fixed at a minimum charge of $5.00 and not to exceed a charge of $50.00 per examiner day, plus three cents (3¢) per $100.00 of assets up to and including $500,000, plus one cent (1¢) per $100.00 of assets over $500,000 but not in excess of $1,000,000, plus one-half cent (½¢) per $100.00 of assets over $1,000,000, which fees shall be assessed against and paid by each state credit union promptly after the completion of such examination. Examination fees collected under the provisions of this section shall be deposited in the banking and investment company administration fund, and shall be available for the purposes specified in section 26-2101. For failure to file reports when due, unless excused for cause, the credit union shall pay to the treasurer of the state $5.00 for each day of its delinquency.

If the commissioner of finance determines that the credit union is violating the provisions of this act, or is insolvent, the commissioner of finance may serve notice on the credit union of his intention to revoke the certificate of approval. If, for a period of fifteen (15) days after said notice, said violation continues, the commissioner of finance may revoke said certificate and take possession of the business and property of said credit union and maintain possession until such time as he shall permit it to continue business or its affairs are finally liquidated. He may take similar action if said report remains in arrears for more than fifteen (15) days. If the commissioner of finance or his duly authorized representative determines that the credit union is violating any of the rules of the commissioner or provisions of this chapter, or is insolvent, the commissioner of finance may revoke, cancel or suspend the certificate of approval. In case of suspension, the commissioner may cancel such suspension when the credit union has corrected the violation.
SECTION 4. That Section 26-2109, Idaho Code, be, and the same is hereby amended to read as follows:

26-2109. DIRECTORS AND OFFICERS — DUTIES. — At their first meeting the directors shall elect from their own number a president, vice-president, treasurer and clerk, of whom the last two (2) named may be the same individual. It shall be the duty of the directors to have general management of the affairs of the credit union, particularly:

a. To act on applications for membership, and to appoint a membership officer to act on applications for membership and report monthly to the board of directors.

b. To determine interest rates on loans and on deposits, and to establish interest refunds, and to authorize an interest refund to members of record at the close of any dividend period in proportion to the interest paid by them during that dividend period.

c. To fix the amount of the surety bond which shall be required of all officers and employees handling money.

d. To declare dividends, and to transmit to the members recommended amendments to the by-laws.

e. To fill vacancies in the board and in the credit committee until successors are chosen and qualify.

f. To determine the maximum individual share holdings and the maximum individual loan which can be made with and without security.

g. To have charge of investments other than loans to members.

h. To authorize the amount of the compensation to be paid the treasurer.

The duties of the officers shall be as determined in the by-laws, except that the treasurer shall be the general manager. No member of the board or of either committee shall, as such, be compensated, except the treasurer.

SECTION 5. That Section 26-2116, Idaho Code, be, and the same is hereby amended to read as follows:

26-2116. LOANS. — A credit union may loan to members. Loans must be for a provident or productive purpose and are made subject to the conditions contained in the by-laws. A borrower may repay his loan in whole or in part any day the office of the credit union is open for business. No director, officer or member of an elected committee may borrow from the credit union in which he holds office beyond the amount of his holdings in it in shares and deposits, nor may he indorse for borrowers, co-sign, endorse, or in any way act as guarantor for others in the credit union in which said director, official or member of the elected committee holds office. Applications for such loans must have the approval of the majority of the
board of directors and of the credit committee at a meeting at which the applicant will not be present, and loans to such officials shall not be on more favorable terms than loans extended to other borrowers. No director, officer or member of an elected committee may borrow, or in the aggregate may they borrow, in excess of ten per cent (10%) of the assets, except that in addition, a director, officer, or members of an elected committee may borrow up to the amount of his shareholdings and/or deposits.

SECTION 6. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-2124, Idaho Code, and to read as follows:

26-2124. SUPERVISION BY COMMISSIONER OF FINANCE – RULES AND REGULATIONS. – The administration of the provisions of this chapter shall be under the general supervision and control of the commissioner of finance. The commissioner may from time to time make, amend and rescind such rules, regulations and forms necessary to carry out the provisions of this chapter. No rule, regulation or form may be made unless the commissioner finds that the action is necessary or appropriate for the public interest or for the protection of the credit union's welfare consistent with the purposes of this chapter.

SECTION 7. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-2125, Idaho Code, and to read as follows:

26-2125. CEASE AND DESIST ORDER. – Whenever it appears to the commissioner that it is in the public interest, he may order a certificate holder under this chapter to cease and desist from acts, practices and omissions which constitute a violation of this chapter.

SECTION 8. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-2126, Idaho Code, and to read as follows:

26-2126 JUDICIAL REVIEW. – Any person aggrieved by a final order or decision of the commissioner may obtain judicial review of that order pursuant to the provisions of section 67-5215, Idaho Code.

SECTION 9. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-2127, Idaho Code, and to read as follows:

26-2127. ADMINISTRATIVE PROCEEDINGS. – All administrative proceedings under this chapter shall be conducted pursuant to chapter 52, title 67, Idaho Code.

SECTION 10. That Chapter 21, Title 26, Idaho Code, be, and the same
is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-2128, Idaho Code, and to read as follows:

26-2128. ADMINISTRATION OF OATHS — ATTENDANCE OF WITNESSES. — For the purpose of any investigation or proceeding under this chapter, the commissioner or any officer designated by him may administer oaths and affirmation, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the commissioner deems relevant or material to the inquiry.

In case of contumacy by or refusal to obey a subpoena issued to any person, any court of competent jurisdiction, upon application by the commissioner, may issue to that person an order requiring him to appear before the commissioner of finance or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence relating to the matter under investigation or in question and any failure to obey such order of the court may be punished by the court as a contempt of court.

No person is excused from attending and testifying, from producing any document or record before the commissioner or from obeying the subpoena of the commissioner or any officer designated by him or in any proceeding instituted by the commissioner on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after claiming his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Approved February 1970.

CHAPTER 60
(S. B. No. 1457)

AN ACT
ESTABLISHING PROCEDURE FOR WITNESSES AGREEING TO GIVE TESTIMONY OR OFFER EVIDENCE WHICH MAY BE INCriminating AND PRESCRIBING THE CONDITIONS AND
EFFECT; ESTABLISHING PROCEDURE TO COMPEL WITNESSES TO GIVE TESTIMONY OR OFFER EVIDENCE WHICH MAY BE INCrimINATING AND PRESCRIBING THE CONDITIONS AND EFFECT; AND AMENDING SECTION 19-1601, IDAHO CODE, RELATING TO GROUNDS FOR SETTING ASIDE INDICTMENT, BY PROVIDING THAT THE INDICTMENT MUST BE SET ASIDE BY THE COURT WHEN THE DEFENDANT HAS BEEN GRANTED IMMUNITY FROM PROSECUTION IN CONNECTION WITH HIS TESTIMONY.

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

SECTION 1. In any criminal proceeding or in any investigation or proceeding before a grand jury in connection with any criminal offense, if a person has advised the prosecuting attorney that he will refuse to answer a question or produce evidence, if called as a witness, on the ground that he may be incriminated thereby, the person may agree in writing with the prosecuting attorney of the county to testify voluntarily pursuant to this section. Upon written request of such prosecuting attorney being made to the district court in and for that county, said district court shall approve such written agreement, unless the court finds that to do so would be clearly contrary to the public interest. If after court approval of such agreement, and if, but for this section, the person would have been privileged to withhold the answer given or the evidence produced by him, that person shall not be prosecuted or subjected to penalty or forfeiture for or on account of any fact or act concerning which, in accordance with such agreement, he answered or produced evidence, but he may, nevertheless, be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering or in producing evidence in accordance with such agreement. If such person fails to give any answer or to produce any evidence in accordance with such agreement, that person shall be prosecuted or subjected to penalty or forfeiture in the same manner and to the same extent as he would be prosecuted or subjected to penalty or forfeiture but for this section: provided, that if such person fails to give any answer or to produce any evidence in accordance with such agreement, the prosecuting attorney may request the district court to compel the person to answer or produce evidence, in accordance with section 2 of this act.

SECTION 2. In any criminal proceeding or in any investigation or proceeding before a grand jury in connection with any criminal offense, if a person refuses to answer a question or produce evidence of any other kind on the ground that he may be incriminated thereby, and if the prosecuting
attorney of the county in writing requests the district court in and for that county to order that person to answer the question or produce the evidence, a judge of the district court shall set a time for hearing and order the person to appear before the court and show cause, if any, why the question should not be answered or the evidence produced, and the court shall order the question answered or the evidence produced unless it finds that to do so would be clearly contrary to the public interest, or could subject the witness to a criminal prosecution in another jurisdiction, and that person shall comply with the order. After complying, and if, but for this section, he would have been privileged to withhold the answer given or the evidence produced by him, that person shall not be prosecuted or subjected to penalty or forfeiture for or on account of any fact or act concerning which, in accordance with the order, he was required to answer or produce evidence. But he may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing, or failing to produce, evidence in accordance with the order.

SECTION 3. That Section 19-1601, Idaho Code, be, and the same is hereby amended to read as follows:

19-1601. GROUNDS FOR SETTING ASIDE INDICTMENT. – The indictment must be set aside by the court in which the defendant is arraigned, upon his motion, in either of the following cases:

1. When it is not found, indorsed and presented as prescribed in this code.

2. When the names of the witnesses examined before the grand jury, or whose depositions may have been read before them, are not inserted at the foot of the indictment, or indorsed thereon.

3. When a person is permitted to be present during the session of the grand jury, and when the charge embraced in the indictment is under consideration, except as provided in chapter 11 of this title.

4. When the defendant has not been held to answer before the finding of the indictment, on any ground which would have been good ground for challenge, either to the panel or to any individual grand juror.

5. When the defendant has been granted immunity from prosecution in connection with his testimony as a witness, if the present prosecution is for a crime involving any fact or act concerning which he testified or produced evidence in accordance with an immunity agreement or an order of a district court pursuant to the provisions of sections 1 and 2 of this act.

Approved February 25, 1970.
CHAPTER 61
(S. B. No. 1461)

AN ACT
AMENDING SECTION 33-802, IDAHO CODE, TO PROVIDE FOR A
MAJORITY VOTE BY SCHOOL DISTRICT ELECTORS, VOTING IN
AN ELECTION, FOR ANY MAINTENANCE AND OPERATION
LEVY EXCEEDING 30 MILLS; AND DECLARING AN
EMERGENCY.

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

SECTION 1. That Section 33-802, Idaho Code, be, and the same is
hereby amended to read as follows:

33-802. GENERAL SCHOOL LEVIES. — Any tax levied for school
purposes shall be a lien on the property against which the tax is levied. The
board of trustees shall determine in mills upon each dollar of taxable
property in the district the tax levies for the ensuing fiscal year as follows:

1. Such levies as shall be required to satisfy all maturing bond, bond
interest, and judgment obligations.

2. Such levies, not exceeding thirty (30) mills, as shall be necessary to
pay all other lawful expense of maintaining and operating the schools
of the district and for the payment of tuition and transportation.

No levy in excess of thirty (30) mills shall be made for the purposes of
paragraph 2 of this section unless such a levy in a specified amount be first
authorized through an election held in the manner and by the percentage of
votes required for the authorization of school bond issues, pursuant to
sections 33-103 and 33-401 — 33-406. Idaho Code, and approved by a
majority of the district electors voting in such election.

SECTION 2. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect on and after
its passage and approval.

Approved February 25, 1970.

CHAPTER 62
(S. B. No. 1462)

AN ACT
AMENDING SECTION 36-102, IDAHO CODE, RELATING TO THE
IDAHO FISH AND GAME COMMISSION, BY STRIKING THE
ANNUAL SALARY LIMITATION OF ONE THOUSAND DOLLARS
THAT MAY BE RECEIVED BY A MEMBER OF SAID COMMISSION.

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

SECTION 1. That Section 36-102, Idaho Code, be, and the same is hereby amended to read as follows:

36-102. ABOLITION OF FISH AND GAME COMMISSION — CREATION OF IDAHO FISH AND GAME COMMISSION. — (a) The fish and game commission of the state of Idaho is hereby abolished and there is hereby created in its place the Idaho fish and game commission. The fish and game department of the state of Idaho is hereby placed under the supervision, management and control of the Idaho fish and game commission, hereinafter referred to as the commission, or as said commission. The terms of office of all members of the fish and game commission of the state of Idaho, hereby abolished, are hereby terminated, and the governor is hereby authorized and directed to appoint members of the Idaho fish and game commission, as herein provided for, subject to removal by the governor, at his pleasure. Provided further, that said members so appointed shall act and assume full powers and duties, as herein provided for, upon appointment but such appointments to be subject to confirmation by the senate at its next session.

(b) Membership — Appointment — Qualifications. The commission shall consist of five (5) members, to be appointed by the governor of the state of Idaho, who shall hold office during the pleasure of the governor and who shall be subject to removal by him, and upon removal of any member of said commission, the governor shall appoint a member to fill the vacancy for the unexpired term, but subject to removal as herein provided for. The selection and appointment of said members shall be made solely upon consideration of the welfare and best interests of the fish and game department, and no person shall be appointed a member of said commission unless he shall be well informed upon, and interested in, the subject of wildlife conservation and restoration, or who shall hold any other elective or appointive office, state, county or municipal, or any office in any political party organization, and not more than three (3) of the members of said commission shall at any time belong to the same political party. Each of the members of said commission shall be a citizen of the United States, and of the state of Idaho, and a bona fide resident of the district from which he is appointed as hereinafter set forth.

(c) Creation of Districts — Residence of Members — Terms of Office. For the purpose of this act, the state of Idaho is divided into five (5) districts, numbered from one (1) to five (5) respectively.
District No. 1 shall consist of the counties of Boundary, Bonner, Kootenai, Shoshone, and Benewah;

District No. 2 shall consist of the counties of Latah, Clearwater, Nez Perce, Lewis and Idaho;

District No. 3 shall consist of the counties of Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore and Owyhee;

District No. 4 shall consist of the counties of Camas, Gooding, Jerome, Twin Falls, Cassia, Blaine, Lincoln, Minidoka, Lemhi, Custer and Butte;

District No. 5 shall consist of the counties of Clark, Fremont, Jefferson, Madison, Teton, Bingham, Bonneville, Power, Bannock, Caribou, Oneida, Franklin and Bear Lake.

Each of the said above enumerated districts shall, at all times, be represented by one (1) member of said commission, appointed from said district and the governor's appointment of said commissioners shall be made as follows: one commissioner from District No. 1, one commissioner from District No. 2, one commissioner from District No. 3, one commissioner from District No. 4, and one commissioner from District No. 5. The governor shall appoint the members of said commission within thirty (30) days after the passage and approval of this act.

The members of said commission to be appointed from District No. 1 shall be appointed for a term of two (2) years; the members appointed from District No. 2 and District No. 3 shall be appointed for the term of four (4) years; the members appointed from District No. 4 and District No. 5 shall be appointed for the term of six (6) years; and thereafter as the term of each commissioner expires his successor shall be appointed from the same district for a term of six (6) years; provided, that in the case of the death of any commissioner, or his removal from the district from which he was appointed, or his resignation, or his removal from office as hereinbefore provided, the governor shall appoint a successor from the same district for the unexpired term, which successor shall possess the qualifications hereinabove specified.

(d) Oath of Office Bond. Each commissioner shall, before entering upon his official duties, take and subscribe to the official oath, in writing, as provided by section 59-401, to which said official oath there shall be added a declaration as to the name of the political party to which such commissioner belongs; and shall execute and file with the secretary of state, running to the state of Idaho, a bond in the penal sum of one thousand dollars ($1,000.00) with sureties to be approved by the state treasurer, conditioned for the faithful performance of his duties, and that he will account for and pay over to the fish and game fund of the state of Idaho all moneys which shall be
received by him in his official capacity. The premium on such bond shall be paid out of the fish and game fund.

(e) Compensation and Reimbursement for Expenses. Each member of the commission shall receive twenty-five dollars ($25.00) for each day while attending official meetings of the commission called as provided herein, or while on official business authorized by said commission. Each commissioner shall be entitled to reimbursements for actual and necessary transportation expenses in the discharge of his official duties authorized by the said commission, all of said compensation and expenses to be paid from the fish and game fund, but no member of said commission shall receive as salary more than one thousand dollars ($1,000) in any one (1) year.

(f) Quorum. A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power.

(g) Office and Supplies. The commission shall have its principal office in the city of Boise. The commission is authorized to purchase all supplies, equipment, printed forms, and notices, and to issue such publications as it may deem necessary to carry out the purpose of sections 36-102 – 36-106, 36-108 – 36-111.

Approved February 25, 1970.

CHAPTER 63
(S. B. No. 1472)

AN ACT
REPEALING SECTION 50-610, IDAHO CODE, RELATING TO THE POWERS OF MAYORS TO REMIT FINES AND FORFEITURES AND TO GRANT REPRIEVES AND PARDONS FOR ALL OFFENSES ARISING UNDER CITY ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 50-610, Idaho Code, be, and the same is hereby repealed.

SECTION 2. This act shall be effective at 12:01 a.m. on January 11, 1971.

Approved February 25, 1970.
AN ACT
AMENDING SECTION 19-4706, IDAHO CODE, BY CORRECTING THE TERM "COUNTY TREASURER" TO READ "COUNTY AUDITOR"; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 19-4706, Idaho Code, be, and the same is hereby amended to read as follows:

19-4706. REMISSION OF FINES TO STATE TREASURER. — The ten per cent (10%) apportionment of fines and forfeitures to be remitted to the state treasurer for deposit in the state general fund shall be remitted within five (5) days after the end of the month in which such fines and forfeitures were remitted to the county treasurer auditor.

SECTION 2. This act shall be effective at 12:01 a.m. on January 11, 1971.

Approved February 25, 1970.

AN ACT
AMENDING SECTION 67-3604, IDAHO CODE, RELATING TO APPROPRIATIONS, BY PROVIDING THAT ACCOUNTS ARE CLOSED AT THE END OF EACH FISCAL YEAR; AMENDING SECTION 67-3613, IDAHO CODE, RELATING TO ALLOTMENTS OF APPROPRIATIONS, BY PROVIDING FOR ANNUAL BUDGETING; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-3604, Idaho Code, be, and the same is hereby amended to read as follows:

67-3604. CLOSING ACCOUNTS BY STATE AUDITOR. — The state auditor shall close his accounts as to all appropriations on the day following the close of the second each fiscal year in each biennium, and transfer all balances unencumbered at the close of business on the preceding day to the funds from which such appropriations are severally made.
SECTION 2. That Section 67-3613, Idaho Code, be, and the same is hereby amended to read as follows:

67-3613. LIMITATION ON AMOUNT OF ALLOTMENTS. — Not more than three-fourths of the total of any single appropriation may be allotted for expenditure or encumbrance prior to January 1 of the second year of any biennium fiscal year, except as provided in section 67-3612 hereof.

SECTION 3. This act shall be in full force and effect on and after July 1, 1971.

Approved February 27, 1970.

CHAPTER 66
(H. B. No. 438)

AN ACT
AMENDING CHAPTER 35, TITLE 67, IDAHO CODE, RELATING TO THE STATE BUDGET, BY STRIKING "BIENNIAL" AND INSERTING IN LIEU THEREOF THE WORDS "FISCAL YEAR"; REPEALING SECTION 67-3506, IDAHO CODE, RELATING TO SUPPLEMENTAL REPORT TO THE LEGISLATURE; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-3502, Idaho Code, be, and the same is hereby amended to read as follows:

67-3502. BLANKS TO BE FURNISHED. — In the preparation of a state budget, the director of budget shall, not later than the fifteenth day of July in the year preceding the convening of the legislature distribute to all departments and to all offices and institutions of the state government (including the elective officers in the executive department, the judicial department, the legislative department and the state board of education) the proper blanks necessary to the preparation of budget estimates. Such blanks shall be in such form as shall be prescribed by the director of budget, to procure the following information:

1. The revenues from all sources including appropriations for the preceding biennium, the amount of appropriations to be in full and the receipts from other sources to show amount actually received for the first twelve (12) months of the biennium fiscal year and an estimate of the
receipts for the last twelve (12) months current fiscal year. Receipts shall be segregated to show source of income.

2. A statement of expenditures made from appropriations during the first twelve (12) months of the biennium preceding fiscal year and an estimate of the amounts to be expended during the last twelve (12) months current fiscal year. The expenditures to be itemized according to the standard classification set forth in this chapter.

3. A statement of expenditures made of revenues from other sources during the first twelve (12) months of the biennium preceding fiscal year and an estimate of the amounts of such revenues to be expended during the last twelve (12) months current fiscal year. These expenditures to be itemized according to the standard classification set forth in this chapter.

4. An estimate of the revenues anticipated during the next biennium succeeding fiscal year from sources other than appropriations by the legislature, such anticipated revenues to be segregated as to source.

5. A statement of the purposes for which it is expected to expend the revenues anticipated from sources other than appropriations. Said statement to show purposes classified according to the standard classification where possible and where not so classified an explanation of the reasons for failure to so classify.

6. An estimate of appropriations needed for the succeeding biennium fiscal year, said estimate to show each primary program or major objective as a separate item of the request as required by the blanks provided by the director of the budget, said primary program or major objective to be further itemized according to the standard classification.

SECTION 2. That Section 67-3503, Idaho Code, be, and the same is hereby amended to read as follows:

67-3503. PREPARATION AND RETURN OF ESTIMATES. — Each department, office and institution (including elective officers in the executive and judicial departments and including the state board of education) shall, not later than the fifteenth day of August, prepare and file in the office of the director of budget upon the blanks described in section 67-3502 its report of receipts from all sources including appropriations made by the legislature, its expenditures of all sums received from all sources, segregated as provided for in the blanks, and its estimates of the amount required and its estimate of receipts and expenditures for the succeeding biennium fiscal year; provided, that any department, office or institution operating under a continuing appropriation shall, in accordance with the provisions of this chapter, prepare and file in the office of the director of
budget its expenditures as provided for in the blanks furnished by the bureau of budget and its estimates of the amount required for the succeeding biennium fiscal year of all the expenses for the administrative functions of each department, office or institution; provided further, that any department, office, or institution, operating in part or in whole under the a continuing appropriation or fund authorized by the legislature in either of the funds as follows, to wit: “State Fish and Game Fund,” “Heyburn Park Fund,” “Penitentiary Income Fund,” “Charitable Institutions Fund,” “Normal School Fund,” “School for Deaf and Blind Fund,” “Industrial Training School Fund,” “the continuing appropriation authorized by section 66-1107, for the State Hospital North Fund,” “Insane Asylum Fund,” “Athletic Fund,” “Motor Vehicle Fund,” “Occupational License Fund,” “the continuing appropriation authorized by section 67-4405, providing continuing appropriation for Lava Hot Springs Foundation,” “Banking and Investment Company Administration Fund,” “Inheritance Transfer Fund,” “State Aeronautics Fund,” and “Game Warden’s Predatory Animal Fund,” shall, in accordance with the provisions of this chapter prepare and file in the office of the director of budgets upon the blanks described in section 67-3502 its report of receipts from all sources, its expenditures of all sums received from all sources, segregated as provided for in the blanks, and its estimates of the amount required and its estimates of receipts and expenditures for the succeeding biennium fiscal year; provided further, that for the biennium 1941 and 1942, and for each biennium thereafter, any department, office or institution operating under a continuing appropriation in either of the funds as follows, to wit: “Weights and Measures Inspection Fund,” “the continuing appropriation authorized by section 66-1107 for the Southern Branch of the University of Idaho,” “Public School Income Fund,” and “State Highway Fund,” shall, in accordance with the provisions of this chapter, prepare and file in the office of the director of budgets upon the blanks described in section 67-3502 its report of receipts from all sources, its expenditures of all sums received from all sources, segregated as provided for in the blanks, and its estimates of the amount required and its estimates of receipts and expenditures for the succeeding biennium fiscal year. In its estimate of receipts each office, department or institution shall itemize the sources from which expected; and its estimates of expenditures shall be segregated as provided in the standard classification. Such estimates shall be accompanied by a statement in writing, giving facts and explanation of reasons for each item of expenditure requested. In listing expenditures for the past biennium fiscal year each office, institution or department shall set forth its expenditures to the first day of July preceding the preparation of
the estimate and a further an estimate of the amounts which will be required to July first next.

SECTION 3. That Section 67-3504, Idaho Code, be, and the same is hereby amended to read as follows:

67-3504. FURTHER DUTIES OF DIRECTOR OF BUDGET. — It shall be the duty of the director of budget to make such further inquiries and investigations as to any item included either in the report of expenditures or the estimate for the succeeding biennium fiscal year which may be included in the report and estimates furnished by any department, officer or institution. In making such investigation he shall be allowed his necessary expenses of travel and subsistence in visiting any institution or department in the state. He may upon approval of the board of examiners employ additional clerical help whenever in his discretion it may be necessary to check the items of expenditure or the estimates submitted by any department, office or institution. The director of budget shall have power to demand and it is hereby made the duty of every department, officer, board, commission, or institution receiving appropriations from the legislature to furnish upon demand any and all information so requested by the director of budget.

SECTION 4. That Section 67-3505, Idaho Code, be, and the same is hereby amended to read as follows:

67-3505. PREPARATION OF THE BUDGET. — Upon receipt of the reports of expenditures and the estimates of requirements for the succeeding biennium fiscal year, and after checking and investigating the same, the director of budget, shall on or before the 20th day of November next succeeding prepare, print and submit to the governor, and to the governor-elect if one there be, a budget setting forth the following:

1. Receipts for the preceding biennium fiscal year of each department, office and institution of the state (including the elective officers in the executive and judicial departments of the state and the state board of education) which receipts shall be segregated as to sources.

2. A statement showing the amounts expended during the preceding biennium fiscal year by each department, office and institution of funds received from sources other than from direct appropriation by the legislature; said expenditures shall be itemized according to the standard classification hereinafter set forth.

3. The amounts appropriated by the preceding legislature itemized according to the standard classification.

4. The amounts expended from such appropriations itemized according to the standard classification up to July first and the amounts estimated to
be necessary for the carrying on of the work of such department, office or institution up to July first next, similarly itemized according to the standard classification.

5. The amount estimated by the department, office or institution to be necessary for the carrying on of the work of such department, office or institution for the coming biennium similarly itemized.

65. The amount approved by the director of budget as necessary for the carrying on of the work of each department, office or institution similarly itemized.

76. A summary showing the appropriations for each department, office and institution for the preceding biennium fiscal year and estimates of the amounts necessary for the succeeding biennium fiscal year as approved by the director of budget.

The governor's budget when so prepared and printed shall include a summary of receipts and expenditures for the preceding biennium fiscal year, an estimate of receipts and expenditures for the current biennium fiscal year, together with his recommendations for the succeeding biennium fiscal year, and shall be submitted to the legislature by the governor, as soon as possible after the legislature shall convene and not later than five days thereafter.

SECTION 5. That Section 67-3506, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 67-3509, Idaho Code, be, and the same is hereby amended to read as follows:

67-3509. TIME WHEN APPROPRIATION AVAILABLE. — When an appropriation shall be made without restrictions as to the time of its use, it shall be available for expenditure for the purposes and to the amount therein stated, from the first day of July of the year during which such appropriation is made to and including the thirtieth day of June of the year in which the next regular session of the legislature shall convene following.

SECTION 7. That Section 67-3514, Idaho Code, be, and the same is hereby amended to read as follows:

67-3514. APPROPRIATION BILLS TO BE PREPARED BY JOINT COMMITTEES — ITEMIZATION. — The joint committees of the legislature in charge of appropriation measures, after considering the budget, shall prepare and introduce appropriation bills covering the requirements of the various departments, offices and institutions of the state; provided, that in the case of any department, office or institution operating under a continuing appropriation the joint committees of the legislature in charge of
the appropriation measures shall prepare and introduce appropriation bills covering the requirements for the administrative functions of such department, office, or institution; providing further, that for any department, office, or institution operating in part or in whole under the a continuing appropriations or fund authorized by the legislature in either of the funds as follows, to wit: "State Fish and Game Fund," "Heyburn Park Fund," "Penitentiary Income Fund," "Charitable Institutions Fund," "Normal School Fund," "School for Deaf and Blind Fund," "Industrial Training School Fund," the continuing appropriation authorized by section 66-1107 for the State Hospital North Fund, "Insane Asylum Fund," "Athletic Fund," "Motor Vehicle Fund," "Occupational License Fund," the continuing appropriation authorized by section 67-4405, providing continuing appropriation for Lava Hot Springs Foundation, "Banking and Investment Company Administration Fund," "Inheritance Transfer Fund," "State Aeronautics Fund," and "Game Warden's Predatory Animal Fund;" the joint committees of the legislature having jurisdiction of appropriations shall, after examining the budget, prepare and introduce appropriation bills covering all the requirements of the respective departments, offices, and institutions of the state operating under each such continuing appropriation; provided further, that for the biennium 1941 and 1942, and for each biennium thereafter, that for any department, office, or institution operating under continuing appropriation in either of the funds as follows, to wit: "Weights and Measures Inspection Fund," the continuing appropriation authorized by section 66-1107 for the Southern Branch of the University of Idaho, "Public School Income Fund," and "State Highway Fund," the joint committees of the legislature having jurisdiction of appropriations shall, after examining the budget, prepare and introduce appropriation bills covering all the requirements of the respective departments, offices, and institutions of the state operating under each such continuing appropriation. All bills carrying appropriations shall be itemized in accordance with the standard classification hereinbefore set forth.

SECTION 8. That Section 67-3516, Idaho Code, be, and the same is hereby amended to read as follows:

67-3516. APPROPRIATION ACTS DEEMED FIXED BUDGETS — RATE OF EXPENDITURE. — Appropriation acts when passed by the legislature of the state of Idaho, and allotments made thereunder, whether the appropriation is fixed or continuing, are fixed budgets beyond which state officers, departments, bureaus and institutions may not expend. It is assumed that the rate of expenditure from said appropriations, as a general
rule, should not exceed approximately 25% of such appropriations each six
three months of the biennium fiscal year.

SECTION 9. That Section 67-3517, Idaho Code, be, and the same is
hereby amended to read as follows:

67-3517. REQUESTS FOR ALLOTMENT BY OFFICIALS,
DEPARTMENTS, BUREAUS AND INSTITUTIONS. — In order to guard
against excessive expenditure of appropriations, and as an act of economy,
efficiency and control relating to said appropriations, it is hereby made the
duty of each officer, department, bureau and institution, to file with the
budget bureau, a request for allotment of funds to be made available on a six
three-month basis, from the appropriation to said officer, department,
bureau or institution. Said requests for allotment shall be submitted to the
budget bureau not later than 45 days prior to the time of expiration of the
current allotment and shall be in such form as prescribed by the state board
of examiners.

SECTION 10. That Section 67-3522, Idaho Code, be, and the same is
hereby amended to read as follows:

67-3522. SUPPLEMENTAL REQUESTS FOR INCREASES IN
ALLOTMENTS. — With the approval of the state board of examiners,
officers, departments, bureaus and institutions, may make supplemental
requests for increase in the current allotment in cases of emergency, not
exceeding the appropriation, in the case of fixed appropriations, and not
exceeding the amount which will in the judgment of the state board of
examiners be received into the appropriated fund and be available for
expenditure within the unexpired portion of the then current biennium
fiscal year, in the case of continuing appropriations.

SECTION 11. That Section 67-3525, Idaho Code, be, and the same is
hereby amended to read as follows:

67-3525. DETERMINATION OF EXPENSE ATTRIBUTABLE TO
SPECIAL FUNDS SEMI-ANNUALLY — TRANSFER OF SUMS FROM
SPECIAL FUNDS TO GENERAL FUND. — For the purpose of carrying
into effect the public policy herein declared, and to reimburse the general
fund and equitably distribute governmental overhead, the state auditor shall
calculate the amount due from each of such special funds according to the
following schedule:

On the first $5,000, or fraction thereof, of moneys received by, and
credited to, such fund during any fiscal year .................. 1%
On the next $5,000, or fraction thereof, of moneys received by, and
credited to, such fund during any fiscal year .................. 3%
On the next $40,000, or fraction thereof, of moneys received by, and credited to, such fund during any fiscal year .............. 2%
On the next $50,000, or fraction thereof, of moneys received by, and credited to, such fund during any fiscal year .............. 1 1/2%
On the next $400,000, or fraction thereof, of moneys received by, and credited to, such fund during any fiscal year .............. 1 %
On the next $500,000, or fraction thereof, of moneys received by, and credited to, such fund during any fiscal year .............. 3/4%
On the next $4,000,000, or fraction thereof, of moneys received by, and credited to, such fund during any fiscal year .............. 1/2%
On the next $5,000,000, or fraction thereof, of moneys received by, and credited to, such fund during any fiscal year .............. 1/10%

Each quarter of the biennium fiscal year the state auditor shall calculate the amount due from each special fund upon the receipts credited to such special fund during the expired portion of the biennium fiscal year and shall present a claim for that amount then due from each special fund to the board of examiners. Upon approval of such claim by the state board of examiners, the state auditor and state treasurer shall transfer the sum so determined from the special funds to the general fund of the state.

SECTION 12. This act shall be in full force and effect on and after July 1, 1970.

Approved February 27, 1970.

CHAPTER 67
(S. B. No. 1416)

AN ACT
AMENDING CHAPTER 437, LAWS OF 1969, RELATING TO AN APPROPRIATION FROM THE PARK FUND TO THE STATE LAND BOARD FOR YOUTH CONSERVATION PROJECT, BY MAKING THE APPROPRIATION TO THE PARK BOARD INSTEAD OF THE STATE LAND BOARD; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 437, Laws of 1969, be, and the same is hereby amended to read as follows:

AN ACT

APPROPRIATING MONEYS FROM THE FUND ENUMERATED FOR THE PERIOD FROM THE APPROVAL OF THIS ACT TO JUNE 30,
1971, OF THE STATE LAND TO THE PARK BOARD FOR YOUTH CONSERVATION PROJECT, AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the period from the approval of this act to June 30, 1971, of the State Land to the Park Board for Youth Conservation Project.

FOR MAJOR AND MINOR PROGRAMS:

ADMINISTRATION
BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

SALARIES AND WAGES $32,132
TRAVEL 2,550
OTHER CURRENT EXPENSES 26,818
CAPITAL OUTLAY 3,500

FROM:

PARK FUND $65,000

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 27, 1970.

CHAPTER 68
(S. B. No. 1484, As Amended)

AN ACT

AMENDING SECTION 57-722, IDAHO CODE, RELATING TO THE INVESTMENT POWERS OF THE BOARD OR TRUSTEES OVER THE INVESTMENT OF THE PERMANENT ENDOWMENT FUNDS OF THE STATE OF IDAHO BY PROVIDING THAT THE BOARD OR ITS TRUSTEES MAY INVEST THE PERMANENT ENDOWMENT FUNDS OF THE STATE OF IDAHO IN CORPORATE OBLIGATIONS DESIGNATED AS CORPORATE CONVERTIBLE DEBT SECURITIES SO LONG AS THE RIGHT OF CONVERSION IS NOT EXERCISED; AMENDING SECTION 57-724, IDAHO CODE,
RELATING TO DISTRIBUTION OF INCOME FROM INVESTMENTS AND THE DETERMINATION OF NET CAPITAL GAINS OR LOSSES BY ADDING THAT SECTION 68-1007, IDAHO CODE, OF THE IDAHO UNIFORM PRINCIPAL AND INCOME ACT SHALL NOT APPLY TO THE DISTRIBUTION OF INCOME FROM INVESTMENTS AND THE DETERMINATION OF NET CAPITAL GAINS OR LOSSES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 57-722, Idaho Code, be, and the same is hereby amended to read as follows:

57-722. INVESTMENT POWERS OF TRUSTEES — LIMITATIONS.
— The board or its trustees may, and they are hereby authorized to, invest the permanent endowment funds of the state of Idaho in the following manner and in the following investments or securities and none others:

(1) For a period of two (2) years following the effective date of this act {March 25, 1969}, not more than fifty per cent (50%) of the endowment funds as now invested can be reinvested otherwise than in United States treasury bills, United States treasury notes, or other United States governmental debt instruments.

(2) United States, state, county, city, or school district bonds or state warrants.

(3) Bonds, notes, or other obligations of the United States or those guaranteed by, or for which the credit of, the United States is pledged for payment of the principal and interest or dividends thereof.

(4) Bonds, notes, or other obligations of the state of Idaho and its political subdivisions, or bonds, notes, and other obligations of other states and their political subdivisions, provided such bonds, notes or other obligations or the issuing agency for other than the state of Idaho and its political subdivisions have an AAA rating or higher by a commonly known rating service.

(5) Bonds or notes of any corporation organized, controlled and operating within the United States which have an A rating or higher by a commonly known rating service. Nothing in this subsection shall apply to the provisions of subsection (6) immediately following.

(6) Corporate obligations designated as corporate convertible debt securities, but within the limits hereinafter provided for the investment of stock, upon conversion so long as the right of conversion is not exercised.

(7) Obligations secured by mortgages constituting a first lien upon real property in the state of Idaho which are fully insured or guaranteed as
to the payment of the principal by the government of the United States or any agency thereof.

(8) Common or preferred stocks of corporations, provided that no more than twenty-five per cent (25%) of the principal amount of any one (1) permanent endowment fund may be invested in common or preferred stock of corporations in the first year following the enactment hereof. Thereafter, the per cent of the principal amount of the fund invested in common or preferred stock of corporations may be increased at the direction of the investment board by no more than ten per cent (10%) in any one (1) calendar year except that at no time shall the per cent of the principal amount of any endowment fund invested in common or preferred stock of corporations exceed fifty per cent (50%). In computing the per cent of the principal amount of the fund which may be invested in common or preferred stock of corporations, the board shall consider the cost of common or preferred stocks which the fund is holding at the time of computation and not the current market value thereof.

SECTION 2. That Section 57-724, Idaho Code, be, and the same is hereby amended to read as follows:

57-724. DISTRIBUTION OF INCOME FROM INVESTMENTS — DETERMINATION OF NET CAPITAL GAINS OR LOSSES. — The trustee or trustees shall distribute the income from the investments or securities in accordance with the Idaho Uniform Principal and Income Act, except as provided in section 68-1007, Idaho Code, and except as the same may be in conflict with section 3 of article 9 of the Idaho constitution, as it applies to the public school fund. For the purposes of this act, income shall not include capital gains derived from the sale of investments or securities. In computing the percentage of net capital gains or net capital losses the board shall use the marketable value of the securities as of the effective date hereof for its computation on July 1, 1971, and shall thereafter use the marketable value of the securities as of June 30 of the preceding two (2) year settlement date. All net capital losses realized from investments made under section 57-722 shall be made up from an appropriation from the general fund on a biennial basis, and shall be credited to the appropriate fund. All net income or net losses from the investments or securities shall be distributed to each participating fund in the same ratio as each fund’s average daily balance bears to the total average daily balance of all participating funds.
SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 27, 1970.

CHAPTER 69
(S. B. No. 1468)

AN ACT
ESTABLISHING THE IDAHO COMMISSION ON WOMEN'S PROGRAMS; SPECIFYING THE PURPOSES OF THE COMMISSION; PROVIDING FOR APPOINTMENT OF MEMBERS BY THE GOVERNOR AND FOR PAYMENT OF THEIR EXPENSES; APPROPRIATING $10,000 FROM THE GENERAL FUND FOR THE EXPENSES OF THE COMMISSION FOR THE PERIOD COMMENCING ON THE EFFECTIVE DATE OF THIS ACT AND ENDING JUNE 30, 1971; AUTHORIZING THE COMMISSION TO ACCEPT FEDERAL FUNDS AND PRIVATE GIFTS AND DONATIONS; PROVIDING THAT THE COMMISSION SHALL HAVE THE COOPERATION OF ALL EXECUTIVE DEPARTMENTS AND AGENCIES; REQUIRING THE COMMISSION TO SUBMIT REPORTS TO THE GOVERNOR; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby established the Idaho commission on women's programs. The purpose of the commission shall be to encourage and stimulate women to increase their participation in and contributions, whether paid or unpaid, to the social, political and economic progress of the local communities, the state and the nation, acting independently or in cooperation with similar commissions and committees established by the President of the United States and the governors of other states.

SECTION 2. The commission shall consist of thirty-five (35) members to be appointed by the governor, not more than thirty (30) of whom shall be women. Of the members first to be appointed, eleven (11) shall be appointed for terms of one (1) year, twelve (12) shall be appointed for terms of two (2) years, and twelve (12) shall be appointed for terms of three (3) years, beginning on July 1, 1970. All subsequent appointments shall be for terms
of three (3) years. Vacancies shall be filled in the same manner as the original appointments and for the balance of the unexpired term. The governor shall designate a chairman and a vice-chairman from the members of the commission. The chairman shall be the chief executive officer of the commission. The commission may appoint such other officers from its membership as it deems necessary.

SECTION 3. The members of the commission shall serve without pay, but shall receive travel and subsistence expenses in amounts to be determined by the governor and the chairman, but not in excess of the amounts provided by the standard travel pay and allowance act. There is hereby appropriated to the commission, out of the general fund of the state of Idaho, the sum of ten thousand dollars ($10,000) or so much thereof as may be necessary, for the purpose of paying expenses of the commission, for the period commencing on the effective date of this act and ending June 30, 1971, subject to the standard appropriations act of 1945.

SECTION 4. The commission may accept federal funds granted by congress or executive order for all or any of the purposes of this act as well as gifts and donations from individuals and private organizations or foundations.

SECTION 5. The commission shall have the full cooperation of all executive departments and agencies of the state in obtaining information and performing its duties.

SECTION 6. On or before the first day of November of each year next preceding the first session of each legislature the commission shall submit a report to the governor, including recommendations based upon its studies.

SECTION 7. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 28, 1970.
The struck material in Section 3 above was vetoed by the Governor February 28, 1970.
CHAPTER 70

(H. B. No. 466, As Amended in the Senate)

AN ACT

PROVIDING A COMPREHENSIVE RECODIFICATION AND REVISION OF THE LAWS OF THE STATE OF IDAHO RELATING TO THE LICENSING OF MORTICIANS AND EMBALMERS; PROVIDING FOR GENERAL PROVISIONS FOR THE LICENSING, SUPERVISION, REGULATION, AND DISCIPLINE OF MORTICIANS, FUNERAL DIRECTORS AND RESIDENT TRAINEES; DEFINING THE TERMS MORTICIAN, FUNERAL DIRECTOR, RESIDENT TRAINEE AND RELATED TERMS; MAKING IT UNLAWFUL TO PRACTICE AS A MORTICIAN, FUNERAL DIRECTOR OR LICENSED TRAINEE WITHOUT A LICENSE; PROVIDING FOR EXEMPTIONS; ESTABLISHING THE BOARD OF MORTICIANS AND PROVIDING FOR THE QUALIFICATION, APPOINTMENT AND ORGANIZATION OF SAID BOARD; PROVIDING FOR THE COMPENSATION, POWERS AND DUTIES OF SAID BOARD; PROVIDING FOR THE QUALIFICATIONS AND EXAMINATIONS OF APPLICANTS FOR LICENSES, AND THE ISSUANCE AND RENEWAL OF LICENSES; PROVIDING FOR LICENSE FEES; PROVIDING GROUNDS FOR THE SUSPENSION OR REVOCATION OF LICENSES; PROVIDING FOR THE PROCEDURE FOR THE SUSPENSION OR REVOCATION OF LICENSES AND FOR REVIEW OF PROCEEDINGS OF THE BOARD OF MORTICIANS; PROHIBITING THE INTERFERENCE OF FREE CHOICE OF SELECTION OF A MORTICIAN; GRANTING JURISDICTION TO THE DEPARTMENT OF HEALTH OVER DEAD HUMAN BODIES AND PROVIDING REGULATIONS FOR THE TRANSPORTATION OF DEAD HUMAN BODIES; PROVIDING FOR THE ACCOUNTING OF INCOME AND EXPENSES RECEIVED OR INCURRED UNDER THE ACT BY THE DEPARTMENT OF LAW ENFORCEMENT; PROVIDING FOR REGULATIONS RELATING TO THE SALE OF PERSONAL PROPERTY OR SERVICES UNDER PREARRANGED FUNERAL PLANS; REQUIRING THE PROCEEDS THEREOF TO BE HELD IN TRUST; PROVIDING FOR REPORTS TO BE MADE ON SUCH TRUST AND EXAMINATION THEREOF BY THE COMMISSIONER OF FINANCE; PROVIDING A PROCEDURE FOR APPEALS FROM DECISIONS OF THE
COMMISSIONER OF THE DEPARTMENT OF LAW ENFORCEMENT UNDER THE ACT; PROVIDING FOR INJUNCTIVE PROCEDURE AGAINST VIOLATIONS OF THE ACT; DECLARING VIOLATIONS OF THE ACT TO BE MISDEMEANORS UNLESS OTHERWISE PUNISHABLE AS A FELONY UNDER THE LAW; PROVIDING A GENERAL SAVINGS CLAUSE; REPEALING CHAPTER 11 OF TITLE 54, IDAHO CODE; REPEALING SECTION 67-2909, IDAHO CODE; AMENDING SECTION 67-2919, IDAHO CODE, BY ELIMINATING THE REFERENCE TO RENEWAL FEES FOR EMBALMERS AND FUNERAL DIRECTORS; AND PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THIS ACT.

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

SECTION 1. The practice and processes involved in processing and making final disposition of human bodies is hereby declared to affect the public interest, health, safety and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the processes involved in preparing and making final disposition of human bodies should be so controlled as to protect the public interest and merit the confidence of the public, and to that end that only qualified persons be permitted to practice such acts in the state of Idaho. This act shall be liberally construed to carry out these objects and purposes.

SECTION 2. As used in this act:

A. "Mortician" means any person engaged in or conducting, or holding himself out as engaged in or conducting, any of the following activities:

(1) Caring for or preparing dead human bodies for burial or disposal.
(2) Disinfecting or preparing dead human bodies by embalming, or otherwise, for funeral service, transportation, burial or disposal.
(3) Directing or supervising the burial or disposal of dead human bodies.
(4) Arranging for funeral services for dead human bodies.
(5) Selling funeral supplies to the public.
(6) Conducting, directing or supervising a funeral service.
(7) Arranging for or selling mortician services to the public.

B. "Funeral director" means any person engaged in or conducting, or holding himself out as engaged in or conducting, any of the following activities:

(1) Conducting funeral services.
(2) Supervising or directing the burial or disposal of dead human bodies.
(3) Performing any act or service connected with such acts which is not included within the meaning of the term embalming as used in this act. Provided, however, this definition shall apply only to those persons who are holders of a funeral director's license which is valid to June 30, 1970.

C. "Embalming" means the disinfecting, preparing or preserving for final disposition of dead human bodies, in whole or in part, or any attempt to do so, by the use or application of chemical substances, fluids or gases on the body, or by the introduction of the same into the body by vascular or hypodermic injection or by direct introduction into organs or cavities, or by any other method or process.

D. "Burial" means the interment, cremation or entombment of dead human bodies in any manner.

E. "Resident trainee" means a person who is engaged in preparing to become licensed as a mortician, and who practices embalming or other acts of a mortician under the direct and immediate personal supervision of a licensed mortician pursuant to a license from the department of law enforcement.

F. "Funeral establishment" means a place of business conducted at a specific street address or location devoted to the embalming and care and preparation for burial or disposal of dead human bodies including all portions of such business premises and all tools, instruments and supplies used in the preparation and embalming of dead human bodies for burial or disposal, and including any chapel or other facility in which funeral or other religious services may be conducted.

G. "Department" means the department of law enforcement of the state of Idaho.

H. "Commissioner" means the commissioner of the department of law enforcement.

I. "Board" means the state board of morticians of the state of Idaho or any successor thereof.

J. "Mortician license" means a yearly license issued by the department of law enforcement to act as a mortician and perform mortician services as defined in this act.

K. "Funeral director license" means a yearly license issued by the department of law enforcement to act as a funeral director and perform funeral director services as defined in this act.

L. "Funeral establishment license" means a yearly license issued by the department of law enforcement authorizing the licensee to conduct a funeral establishment as defined in this act.
M. "Resident trainee license" means a yearly license issued by the department of law enforcement to act as a licensed resident trainee and perform mortician services under the direct personal supervision of a licensed mortician as defined in this act.

N. "Funeral services" means any funeral or religious service conducted in connection with, or preparatory to, the burial or disposal of a dead human body.

O. "Mortician services" means the services of a mortician defined in subsection A of this section.

P. "Funeral director services" means the services of a funeral director defined in subsection B of this section.

Q. "Funeral supplies" means caskets, vaults, burial receptacles and any other personal property sold for use in the burial or disposal of a human body.

SECTION 3. A. It shall be unlawful for any person to perform, offer to perform or hold himself out as performing mortician services or any of the acts of a mortician, unless he shall first obtain a mortician license or resident trainee license as provided in this act; and it shall be unlawful for a licensed resident trainee to perform mortician services or any of the acts of a mortician except under the personal supervision of a resident mortician licensed under this act.

B. It shall be unlawful for any person to perform, offer to perform or hold himself out as performing funeral director services unless he has a funeral director's license as provided in this act; provided, however, any mortician licensed under this act shall be authorized to perform funeral director services, and a resident trainee licensed under this act shall be authorized to perform funeral director services under the personal supervision of a licensed mortician.

C. It shall be unlawful for any person to operate a funeral establishment unless he shall first obtain a funeral establishment license as provided in this act.

SECTION 4. There is hereby exempted from the terms and provisions of this act and from the enforcement of the provisions hereof, the following:

A. Manufacturers, wholesalers and jobbers of caskets, funeral supplies, vaults or other burial receptacles not engaged in other functions or in performing mortician services and not selling to the public.

B. Cemeteries selling vaults or burial receptacles to the public.

C. Any duly authorized representative of any church, fraternal order or other association or organization honoring the dead who performs a funeral
or other religious service under the authority of and pursuant to the religious

tenets or practices of such organization.

SECTION 5. There is hereby established a state board of morticians to
be composed of three (3) members appointed by the commissioner in the
manner hereinafter set forth. Each member of the board shall be a duly
licensed mortician under the laws of the state of Idaho and resident of the
state of Idaho for a period of at least five (5) years next preceding his
appointment, during which time he shall have been continuously engaged in
the practice as a mortician as defined in this act. No person shall be eligible
for appointment to the board of morticians who is financially interested,
directly or indirectly, in any embalming college, wholesale funeral supply
business, or casket manufacture business.

The commissioner shall appoint the members of the board from a list of
qualified morticians of triple the number of persons to be appointed, who
shall be proposed and submitted to him by the Idaho funeral service
association; or other statewide organization or association of licensed
morticians whose membership is composed of a majority of all licensed
morticians of the state; provided, however, all members of the board of
embalming examiners existing as of the effective date of this act are hereby
automatically appointed as members of the board of morticians to serve for
the remainder of their appointed terms.

All members of the board of morticians shall be appointed to serve for
a term of three (3) years, to expire on May 1 of the year of termination of
their term, and until their successors have been appointed and qualified;
provided, however, the commissioner is hereby granted the power to alter
the term of office of the members of the board first appointed hereunder so
that the term of office of not more than one (1) member of the board shall
terminate in any one (1) year. In case of a vacancy occurring on said board
of morticians by reason of the death of any member, or his resignation,
icapacity, neglect or refusal to act, or in any other way, the commissioner
shall appoint a qualified member for the remainder of the unexpired term of
the vacant office from a list of duly qualified morticians prepared and
submitted in the manner prescribed herein for the initial appointment of
members to the board. Any member of the board of morticians who
willfully fails to properly discharge his duties may be removed by the
commissioner.

The board shall meet, not less than annually, to elect a chairman,
vice-chairman and secretary and take official board action on pending
matters by majority vote of all the members of the board of morticians, and
in doing so a majority of the members of said board shall at all times constitute a quorum. Notice of any meeting shall be given by the chairman to all members of the board at least ten (10) days in advance of each meeting unless such notice is waived in writing by all of the members of the board.

Each member of the board of morticians shall receive the sum of twenty-five dollars ($25.00) per day, together with their actual expenses incurred during the time necessarily devoted to the performance of their duties.

SECTION 6. The state board of morticians shall have the following powers and duties:

A. To prepare, conduct, and grade examinations of applicants for mortician licenses.

B. To certify to the commissioner the results of examinations of applicants and certify the applicant as having “passed” or “failed”.

C. To conduct hearings and proceedings in connection with the suspension or revocation of licenses by the department of law enforcement and report its findings and recommendations to the department of law enforcement.

D. To make findings and recommendations to the commissioner on any and all matters relating to the enforcement of the provisions of this act.

E. To perform all other duties and exercise all other powers granted under this act, the laws of the state of Idaho, or rules and regulations of the commissioner.

SECTION 7. The commissioner of law enforcement, in addition to powers and duties granted to him elsewhere under the law, shall have the following powers and duties under this act:

A. To determine and pass upon the qualifications of applicants for all licenses under this act.

B. To issue all licenses provided for under the provisions of this act.

C. To annually renew licenses under this act.

D. To collect all fees prescribed and required herein.

E. To conduct hearings and proceedings for the suspension or revocation of licenses and to suspend or revoke any license for any of the causes hereinafter defined and set forth under this act; provided, however, that the commissioner shall not revoke or suspend any license without first receiving written findings and recommendations from the board of morticians.

F. To keep general books of record of all official acts, proceedings and transactions of the department while acting under this act, including the following:
(1) A cash book showing in detail all receipts and disbursements of the department received or expended under this act.

(2) A special register containing the names and addresses of all applicants, the date the application was received, the result of the examination, and whether the applicant received a license or was rejected, and a full statement of the reasons therefor.

(3) All books of record kept by the department shall be prima facie evidence of all matters therein recorded, and shall be public records in charge of the department of law enforcement.

G. To prescribe rules and regulations for the implementation and enforcement of the provisions of this act.

H. To publish and distribute copies of this act and the rules and regulations issued by the department to applicants, licensees and the public.

SECTION 7A. The board of morticians shall have the sole power for determining the nature, type and extent of examinations to be taken by applicants for a mortician’s license, but such examinations shall include generally the following subjects: anatomy, chemistry, physiology, psychology, sanitary science, the care, disinfection, preservation, transportation of and burial, or other final disposition of dead human bodies, the law of the state of Idaho and the rules and regulations of the state department of health relating to infectious diseases and quarantine. The board shall grade, or cause to have graded by licensed morticians, the examinations and shall determine whether the applicant has passed or failed such examination. Examinations may be written or oral, or both, as determined in the discretion of the board, and shall be held at such times and at such places within the state of Idaho as determined by the board of morticians. Provided, however, in the event any applicant for a mortician’s license is a licensed mortician, or its equivalent, in any other state which has requirements at least equivalent to those in this act, or has passed the national conference examination which was taken at an accredited embalming college, the board of morticians shall prepare, conduct and grade a special examination for such applicant which shall deal only with the laws of the state of Idaho dealing with morticians and the department of health as it relates to morticians, and rules and regulations of the department of health relating to infectious diseases and quarantine and the transportation of dead human bodies. Upon the conclusion of grading any and all of the above examinations, the board of morticians shall certify the results thereof to the commissioner listing each applicant as having failed or passed the examination, and such determination shall not be subject to review by the commissioner.
SECTION 8. The commissioner shall issue to any person a mortician's license to practice as a mortician and perform mortician services within the state of Idaho who has complied with and fulfilled all of the following requirements:

A. Has attained the age of twenty-one (21) years.
B. Is of good moral character.
C. Has completed and received credit for at least sixty (60) semester hours' or ninety (90) quarter-hours' instruction in a duly accredited college or university and has obtained at least a C grade average for all courses of instruction; provided, however, at least three-fourths (3/4ths) of all of such credits must be for courses in the fields of liberal arts, business or science as defined and specified by the board of morticians.
D. Has successfully completed a course of not less than twelve (12) months in an embalming school accredited by the American Board of Funeral Service Education, Inc., or such other embalming school as approved by the board of morticians.
E. Has practiced as a licensed resident trainee in the state of Idaho under the personal supervision of a licensed resident mortician for not less than twelve (12) continuous consecutive months, and has assisted in embalming at least twenty-five (25) dead human bodies; provided, however, such practice as a licensed resident trainee of the state of Idaho may be filled and performed either before or after the required post high school education; and provided further, this requirement shall be deemed fulfilled by any person who has been a licensed mortician, or its equivalent, in another state which has requirements at least equivalent to those in this act. The board shall have the sole discretion for determining whether the required service in training of the applicant has continued for twelve (12) consecutive months and in doing so, it may disregard involuntary interruptions of such service in training caused by military service, illness or other causes beyond the applicant's control.
F. Has filed an application with the commissioner as required by this act and paid the required filing fee therefor.
G. Has passed the required examination prepared and conducted by the board of morticians. Provided further, that the commissioner shall determine compliance with all of the above qualifications, except subparagraph G relating to examinations, at the time the applicant files his application as hereinafter provided and before the examination is conducted by the board of morticians.
SECTION 9. Upon the payment of the required fee, the commissioner shall issue a funeral director license, and annual renewals thereof, to any person holding a license as a funeral director in the state of Idaho which is valid to June 30, 1970. Provided, however, no new original funeral director licenses shall be issued to any person after June 30, 1970. A funeral director license may be revoked or suspended by the commissioner as provided by section 15 of this act.

SECTION 10. A. The commissioner shall issue a funeral establishment license to any person, partnership, association, corporation or other organization to conduct a funeral establishment at specific locations only, which has met the following requirements:

1. That the applicant, if an individual, is a licensed mortician or funeral director under this act and is a resident of the state of Idaho.
2. That the applicant has not been refused a license as a mortician, or its equivalent, or as a funeral establishment, or its equivalent; nor has said applicant had a mortician's or funeral establishment license revoked in Idaho or in any other state.
3. That the applicant has designated the name under which the funeral establishment will operate and has designated locations for which the general establishment license is to be issued.
4. That the applicant has at least one (1) mortician licensed under this act who is a resident of the state of Idaho and who will be, in the employ or service of the funeral establishment at its location on a full-time basis.
5. That the applicant has filed an application with the commissioner as required by this act and paid the required filing fee therefor.

Provided further, that the commissioner shall make the determination of qualifications of all applicants within a reasonable time after the filing of an application with the commissioner and his determination shall be final. No funeral establishment license shall be transferable, but an applicant may make application for more than one (1) funeral establishment license so long as all of the requirements are met for each license.

B. In the event a licensed funeral establishment ceases to have a resident full-time licensed mortician in its employ at its place of business, its license shall be canceled immediately by the commissioner upon finding such fact; provided, however, in the event of the death of a licensed mortician who leaves a funeral establishment as part of the assets of his estate, the legal representative of the estate of the deceased mortician shall be entitled to operate the funeral establishment under the license, or renewals thereof, for a period not to exceed two (2) years from date of death of the mortician.
without meeting the qualifications of an applicant and without having a full-time licensed mortician in his employ; provided further, however, this provision shall not permit an unlicensed person to perform mortician services.

SECTION 11. The commissioner shall issue to any person a resident trainee license to practice as a resident trainee and perform mortician services at a particular funeral establishment under the personal supervision of a specified licensed mortician within the state of Idaho who has complied with and fulfilled all of the following requirements:

A. Has attained the age of eighteen (18) years, and is a resident of the state of Idaho.
B. Is of good moral character.
C. Has graduated from an accredited high school or has received an equivalent education as determined by the standards set and established by the state board of education.
D. Has filed an application with the commissioner as required by this act and paid the required filing fee therefor. Provided further, that the commissioner shall make the determination of qualifications of all applicants within a reasonable time after the filing of an application with the commissioner and his determination shall be final. Provided further, no person shall be eligible to be licensed as a resident trainee or apprentice for a total cumulative period of more than two (2) years in the state of Idaho.

SECTION 12. All applications for all licenses to be issued under the provisions of this act shall be filed with the commissioner, together with the required filing fee, upon such forms as prescribed by the commissioner with the advice of the board of morticians, and shall contain statements of facts relating to each of the qualifications prescribed in this act for which the license is sought as well as any other information specified by the commissioner or the board of morticians. The commissioner may require, as part of the application, certified copies of documents showing compliance with the requirements for the license sought by the application, including but not limited to certified copies of diplomas or graduation certificates from high schools, colleges and embalming colleges, certified copies of birth certificates, and certified copies of articles of incorporation. The application shall also list and describe the location of court records of any felony of which the applicant has been convicted in a court of law. All applications shall be signed by the applicant who shall verify the contents thereof under oath. All applications shall remain with the commissioner and be a permanent record in his office.
Applications for the renewal of licenses shall be in such abbreviated form as prescribed by the commissioner and shall require any information specified by the board of morticians.

SECTION 13. A. Any person holding a license as an embalmer in the state of Idaho which is valid to June 30, 1970 shall thereafter be deemed eligible to be licensed as a mortician under the provisions of this act.

B. Any person holding a license as a registered apprentice in the state of Idaho which is valid to June 30, 1970 shall thereafter be deemed eligible to be licensed as a resident trainee under the provisions of this act, and shall receive credit towards fulfilling the requirements of a mortician for the approved time spent as such apprentice prior to June 30, 1970 as though he were a licensed resident trainee; provided, this section shall not permit a person to practice as a resident trainee for more than two (2) years as prohibited by section 11 of this act.

SECTION 14. There shall be paid to the commissioner with the filing of any application for an original license, or the applications for any renewal of a license, the following license fees:

A. Twenty-five dollars ($25.00) for a mortician license.
B. Twenty-five dollars ($25.00) for a funeral director license.
C. Thirty-five dollars ($35.00) for a funeral establishment license.
D. Fifteen ($15.00) for a resident trainee license. All licenses shall be issued on a calendar or fiscal year basis, as determined by the commissioner, and there shall be no proration of fees for a part year license.

SECTION 15. The commissioner may refuse to issue or may refuse to renew or may suspend or may revoke any license, or may place the holder thereof on a term of probation, after proper hearing, upon finding that the holder of such license committed any of the following acts or omissions:

A. Conviction of a crime involving moral turpitude.
B. Conviction of a felony.
C. Unprofessional conduct, which is hereby defined to include:
   (1) Misrepresentation or fraud in the conduct of mortician or funeral director services;
   (2) False or misleading advertising as the holder of a license for the practice of mortician or funeral director services; advertising or using the name of an unlicensed person in connection with that of any funeral establishment;
   (3) Solicitation of dead human bodies by the licensee, his agents, assistants or employees, whether such solicitation occurs before death or after death; provided, that this shall not be deemed to prohibit general advertising;
(4) Employment by the licensee of persons known as "cappers," or "steerers," or "solicitors," or other such persons to solicit or obtain agreements with the public for the performance of mortician services;

(5) Employment, directly or indirectly, of any resident trainee, agent, assistant, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular mortician, funeral director or funeral establishment;

(6) The direct or indirect payment, or offer of payment, of a commission by the licensee, his agents, assistants, or employees for the purpose of securing business;

(7) Gross immorality;

(8) Aiding or abetting an unlicensed person to practice mortician or funeral director services;

(9) Using profane, indecent or obscene language in the presence of a dead human body, or within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed of;

(10) Violation of any of the provisions of this act;

(11) Violation of any state law, or municipal or county ordinance, or regulation authorized under this act affecting the handling, custody, care, processing or transportation of dead human bodies;

(12) Fraud or misrepresentation in obtaining or renewing a license;

(13) Refusing to promptly surrender the custody of a dead human body upon the express order of the person lawfully entitled to the custody thereof;

(14) Solicitation or acceptance, directly or indirectly, of a request, before need, for an agreement to provide mortician services or funeral supplies at a price less than that offered by such person to others at time of need;

(15) Violation of any statutes of any state having to do with prearrangement or prefinancing of mortician services or funeral supplies.

SECTION 16. Upon a written complaint filed with the commissioner by the board of morticians, or any other person, or upon the written complaint of the commissioner, the commissioner shall cause to be held a hearing to determine whether a license of any person issued under this act should be suspended or revoked, or the issuance or renewal thereof refused, because of a violation of any of the causes set forth in the preceding section 15. At least fifteen (15) days prior to the date set for such hearing, the
commissioner shall cause written notice to be sent by certified mail to the licensee or applicant at his last known address, which notice shall contain a statement of the charges made, and the date, time and place set for the hearing. The commissioner, or his designated agent, shall preside at said hearing and shall hear the testimony of witnesses, under oath administered by the commissioner or his agent, and a stenographic report of the proceedings shall be taken and transcribed and kept in the file of the commissioner. The accused applicant or licensee shall have the right to be present in person or by counsel at such hearing and confront all witnesses and cross-examine them in connection with the charges made against him.

Notification of such hearing shall also be given by certified mail to each of the members of the board of morticians at least fifteen (15) days before the date of such hearing, notifying them of the name and address of the applicant or licensee under review, the nature of the charges, and the date, time and place of the hearing. The members of the board of morticians shall be entitled to be present at the hearing and examine or cross-examine all witnesses testifying at the hearing.

Within ten (10) days from the conclusion of the hearing, the board of morticians shall file their written findings and recommendations to the commissioner as to what action should be taken with regard to the issuance or renewal of a license, or the revocation or suspension thereof, and mail a copy thereof to the applicant or licensee under review. The commissioner shall, within ten (10) days from receiving the findings and recommendations of the board of morticians, issue his decision and action upon the complaint and mail copies thereof by certified mail to the applicant or licensee under review and each of the members of the board of morticians. The commissioner shall not be bound by the findings or recommendations of the board of morticians, but in the event his decision is contrary thereto, he shall state the reasons or basis for his decision in writing.

SECTION 17. A. It shall be unlawful for any public officer or employee, an official of any public institution, any physician or surgeon, or any other person who had a professional relationship with any decedent to send or cause to be sent to any funeral establishment or mortician the remains of any deceased person without having first made due inquiry as to the desires of the next of kin and of the persons who may be chargeable with the funeral expenses of such decedent. And if any such kin be found, his or her authority and directions shall govern the disposal of the remains of such decedent.

No person licensed as a mortician or anyone acting for him shall participate in any transaction or business which in any way interferes with
the freedom of choice of the general public to choose a mortician or a funeral establishment to perform the burial or disposal of a human body, except where the body or a part thereof is given for anatomical purposes.

Nothing herein contained shall be construed to govern or limit the authority of any administrator or executor, trustee, or other person having a fiduciary relationship with the deceased.

B. No company, corporation or association engaged in the business of paying, or providing for the payment, of the expenses for mortician services or funeral supplies, or engaged in the business of providing insurance upon the life of any person for the payment of such expenses upon his death, shall pay any such insurance or benefits to any mortician, funeral director, funeral establishment, or other person in any manner which might or could deprive the representative, next of kin, or family of a deceased person of their freedom of choice in procuring mortician services and funeral supplies for the burial or disposal of the dead human body of such deceased person.

SECTION 18. The department of health shall have the jurisdiction to regulate, control and supervise the preservation, embalming, handling, transportation and burial or disposal of all dead human bodies and all methods preparatory thereto; and that said department is hereby authorized to make and enforce such rules and regulations relating thereto as in its opinion are necessary to preserve and protect the public health.

SECTION 19. It shall be unlawful for any public transportation agent of any public transportation facility to receive a dead human body for shipment or transportation by any means of transportation or conveyance to or from any point in this state, or to a point outside this state, unless said human body is accompanied by a removal or shipping permit signed by a health officer authorized by the state board of health, and a certificate, attached to the outside of the shipping container, showing the name and official number of the mortician by whom it was prepared.

SECTION 20. All income and expenses received or incurred under the provisions of this act shall be itemized, validated, and audited and allowed by the department of law enforcement.

SECTION 21. In all cases when, prior to his death, a person or someone in his behalf makes an agreement for the final disposition of his body, under which agreement, pursuant to a prearranged funeral plan, personal property or services will be delivered or performed upon his death or the professional services of a mortician will then be furnished, all money paid, directly or indirectly, under such agreement, or under any agreement collateral thereto, shall be held in trust for the purpose for which it was paid until the obligation is fulfilled according to its terms; provided, however,
that any payment made pursuant to this section shall be released upon death of the person for whose benefit such payment was made, and no payments so made shall be subject to forfeiture. Accruals of interest upon this money shall be subject to the same trust. Provided further, in the event an agreement described in this section relates to the sale of real property or cemetery lots as well as services and personal property described herein, the total payments made under said agreement shall be placed in trust as provided herein unless such agreement clearly and distinctly specifies on the face thereof what portion of the payments are for the purchase of real property or cemetery lots and the care and maintenance thereof.

SECTION 22. For purposes of sections 21 through 24, inclusive, of this act, the term "trustee" shall mean any bank, trust company or savings institution in the state of Idaho insured with the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation; the word "depositor" shall mean any person to whom such money has been paid and who is obligated under this act to place the same in trust; the term "beneficiary" shall be the person for whom such fund was established.

SECTION 23. All funds received as herein provided shall be placed in trust with a trustee pursuant to an agreement executed by the depositor and trustee which shall provide that the trustee shall hold the same in trust for the purposes for which deposited, and that the trustee shall pay the same to the depositor upon the filing of a certified copy of the death certificate or other satisfactory evidence of the death of the beneficiary with the trustee; provided, however, that the said agreement shall further provide that the beneficiary or his duly appointed guardian may, in writing, demand the return of the money, together with accrued interest, if any, less costs incurred in the operation of such trust, and the depositor shall be entitled to receive such money from the trustee for payment to the beneficiary upon delivery of such written demand to the trustee. The payment of such funds and accumulated interest, pursuant to the terms of this act and the agreement herein referred to, shall relieve the trustee of any further liabilities with regard to such funds or interest thereon.

SECTION 24. For the purpose of ascertaining compliance with law, the commissioner of finance of the state of Idaho or his accredited examiners may, as often as he deems reasonably necessary, examine the accounts, records, documents and transactions of a depositor as that term is defined in section 22 of this act, pertaining to or affecting agreements within the purview of section 21 of this act. The commissioner shall determine the reasonable cost of such examination, which shall be paid by the department or office of the commissioner of finance. Each such depositor is hereby
required to file not less than annually with the said commissioner of finance a certified audit report revealing the number of such agreements executed by him during the preceding year, the total value of said agreements, the amount of money collected and paid in trust pursuant to said agreements and the name of the trustee.

SECTION 25. Any person, applicant or licensee aggrieved by a final decision of the commissioner made under this act, including decisions with regard to the issuance, renewal, revocation or suspension of any license issued under and pursuant to this act, may appeal to the district court of the county of the main office of the commissioner, and such proceedings shall be in accordance with the provisions of section 67-515, Idaho Code.

SECTION 26: The attorney general of the state of Idaho, the board, or any resident citizen may maintain an action in equity in their name or in the name of the state of Idaho to perpetually enjoin any person from persisting in the doing of any acts constituting a violation of this act or in failing to do any acts required by this act. Such action shall be brought in the district court of the county in which such acts or omissions, or some of them, are claimed to have been or are being committed, by filing a verified complaint. The court, or a judge thereof at chambers if satisfied from such complaint or by affidavits that the acts complained of have been or are being committed and will probably be persisted in, may issue a temporary writ, without notice or bond, enjoining the defendant from the commission of any such act or acts pending further hearing of the cause. The cause shall then proceed as in other cases for injunction.

SECTION 27. Any person who shall knowingly violate any provision of this act, or any licensee under this act who shall commit an act of unprofessional conduct as defined and designated under the provisions of section 15 C of this act except subsections (7) and (9) thereof, shall be guilty of a misdemeanor unless such conduct is punishable as a felony elsewhere under the law. It shall be the duty of the department of law enforcement to see that the provisions of this act are properly administered and enforced throughout the state, and all peace officers and prosecuting attorneys shall aid in their several capacities in discharge of these duties.

SECTION 28. That chapter 11, title 54, Idaho Code, be, and the same is hereby repealed.

SECTION 29. That Section 67-2909, Idaho Code, be, and the same is hereby repealed.

SECTION 30. That Section 67-2919, Idaho Code, be, and the same is hereby amended to read as follows:

67-2919. RENEWAL OF LICENSES — FEE. — The licentiate shall pay
to the department of law enforcement annually a renewal fee of not less than two dollars ($2.00), provided, however, that in the following licensed occupations, the fee for renewal of a license shall be:

1. For architects, a fee of twenty dollars ($20.00) per annum;
2. For podiatrists, a fee of twenty dollars ($20.00) per annum.
3. For chiropractors, a fee of twenty dollars ($20.00) per annum.
4. For embalmers, a fee of twenty dollars ($20.00) per annum.
5. For funeral directors, a fee of twenty dollars ($20.00) per annum.
6. For optometrists, a fee of twenty dollars ($20.00) per annum.
7. For veterinarians, a fee of twenty dollars ($20.00) per annum.
8. For barbers, a fee of twelve dollars ($12.00) per annum.
9. For cosmeticians, a fee of eight dollars ($8.00) per annum.

SECTION 31. If any provision or provisions of this act shall be held to be unconstitutional or invalid or unenforceable, such unconstitutional, invalid or unenforceable provision or provisions shall be considered severable from the remainder of this act although contained in sections containing other provisions and shall be excluded from this act, and the fact that said provision or provisions shall be held unconstitutional, invalid or unenforceable shall in no wise affect any other provision of this act although contained in the same section.

Approved March 2, 1970.

CHAPTER 71
(H. B. No. 474)

AN ACT
CREATING AND ESTABLISHING A POST-SECONDARY VOCATIONAL SCHOOL, TO BE DESIGNATED AND KNOWN AS THE EASTERN IDAHO VOCATIONAL SCHOOL, AND TO BE LOCATED IN BONNEVILLE COUNTY, IDAHO; PROVIDING THAT THE GENERAL SUPERVISION, GOVERNMENT, AND CONTROL OF THE EASTERN IDAHO VOCATIONAL SCHOOL SHALL BE VESTED IN THE STATE BOARD FOR VOCATIONAL EDUCATION; PROVIDING THAT EASTERN IDAHO VOCATIONAL SCHOOL SHALL BE CORPORATE AND BODY POLITIC; PROVIDING CERTAIN POWERS OF THE STATE BOARD FOR VOCATIONAL EDUCATION; PROVIDING FOR AN ADVISORY COUNCIL; AND DECLARING AN EMERGENCY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby established in Bonneville County, Idaho a post-secondary vocational school to be designated and known as the Eastern Idaho Vocational School, consisting of such vocational and technical training courses as the state board for vocational education may, from time to time authorize.

SECTION 2. The Eastern Idaho Vocational School is hereby declared to be a body politic and corporate, with its own seal and having power to sue and be sued in its own name. The general supervision, government and control of the Eastern Idaho Vocational School is vested in the state board of vocational education of the state of Idaho.

SECTION 3. The Eastern Idaho Vocational School shall offer and give instruction in vocational and technical courses as are usually included in post-secondary vocational schools. Such courses or programs may be given or conducted on or off campus, or in night school, summer school, or by extension courses. The state board for vocational education shall grant certificates of completion for successful completion of courses or programs prescribed by the school.

SECTION 4. The state board for vocational education shall have the power:

1. To adopt rules and regulations for its own government and the government of the Eastern Idaho Vocational School;

2. To employ professional and non-professional persons and to prescribe their qualifications;

3. To acquire and hold, and to dispose of, real and personal property, and to construct, repair, remodel and remove buildings;

4. To contract for the acquisition, purchase or repair of buildings, in the manner prescribed for trustees of school districts;

5. To dispose of real and personal property in the manner prescribed for trustees of school districts;

6. To convey and transfer real property of the school upon which no buildings used for instruction are situated, to non-profit corporations, school districts, junior college housing commissions, counties or municipalities, with or without consideration; to rent real or personal property for the use of the school, its students or faculty, for such terms as may be determined by the state board for vocational education; and to lease real or personal property of the school not actually in use for school instructional purposes on such terms as may be determined by the state board for vocational education;

7. To acquire, hold, and dispose of, water right;

8. To accept grants or gifts of money, materials, or property of any
kind from any governmental agency, or from any person, firm, or association, on such terms as may be determined by the grantor;

9. To cooperate with any governmental agency, or any person, firm or association in the conduct of any educational program; to accept grants from any source for the conduct of such program, and to conduct such program on, or off, campus;

10. To employ a superintendent of the school and, with his advice, to appoint such assistants, instructors, specialists and other employees as are required for the operation of the school; to fix salaries and prescribe duties; and to remove the superintendent or any other employee for cause;

11. With the advice of the superintendent, to prescribe the courses and programs of study, the requirements for admission, the time and standards for completion of such courses and programs, and to grant certificates of completion for those students entitled thereto;

12. To employ architects or engineers in planning the construction, remodeling or repair of any building or property and, whenever no other agency is designated by law so to do, to let contracts for such construction, remodeling or repair and to supervise the work thereof;

13. To have at all times, general supervision and control of all property, real and personal, appertaining to the school, and to insure the same.

SECTION 5. The state board for vocational education may appoint an advisory council consisting of not less than twelve (12) nor more than fifteen (15) persons to offer counsel and advice in the organization, establishment and conduct of the Eastern Idaho Vocational School. Members of the council will serve without salary but shall be entitled to actual expenses at a rate determined by the state board of examiners. Members of said council shall be appointed from as nearly as is practicable the vocational area to be served by the Eastern Idaho Vocational School as determined by the state board for vocational education.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 2, 1970.
CHAPTER 72
(H. B. No. 467)

AN ACT
TO ESTABLISH A PROGRAM PROVIDING LIFESAVING TREATMENT
FOR CHRONIC RENAL DISEASE AND REQUIRING STANDARDS
FOR DETERMINING ELIGIBILITY TO BE ESTABLISHED; AND
DECLARING AN EMERGENCY.

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

SECTION 1. It is the intent of the legislature of Idaho to insure the
establishment of a program for the care and treatment of persons suffering
from chronic renal diseases. This program shall assist persons suffering from
chronic renal diseases who require lifesaving care and treatment for such
renal disease, but who are unable to pay for such services on a continuing
basis.

SECTION 2. The board of vocational education shall establish a
vocational rehabilitation program to provide treatment to persons suffering
from chronic renal diseases, including dialysis and other medical procedures
and techniques which will have a lifesaving effect in the care and treatment
of persons suffering from these diseases. The board shall extend financial
assistance to persons suffering from chronic renal diseases in obtaining the
medical, nursing, pharmaceutical, and technical services necessary to care for
such diseases, including the rental or purchase of home dialysis equipment
and supplies. The board shall establish standards for determining eligibility
for care and treatment under this program in order that treatment shall be
provided to those who are financially unable to obtain such treatment
without causing severe economic imbalance in the family economic unit.
Such standards shall be established without reference to maximum or
minimum income levels.

SECTION 3. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect on and after
its passage and approval.

Approved March 2, 1970.
CHAPTER 73
(S. B. No. 1411)

AN ACT
AMENDING SECTION 42-1711, IDAHO CODE, RELATING TO DEFINITIONS OF TERMS, BY AMENDING THE DEFINITION OF A DAM AND BY AMENDING THE DEFINITION OF OWNER, BY PROVIDING THAT THE UNITED STATES SHALL NOT PAY FEES, AND SHALL SUBMIT PLANS AND SPECIFICATIONS FOR INFORMATION PURPOSES ONLY; AMENDING SECTION 42-1713, IDAHO CODE, RELATING TO FEES FOR DAMS TO BE ENLARGED, ALTERED AND REPAIRED.

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

SECTION 1. That Section 42-1711, Idaho Code, be, and the same is hereby amended to read as follows:

42-1711. DEFINITIONS. — Unless the context otherwise requires, the following definitions govern the construction of this act.

(a) "Department" means the department of reclamation.

(b) "Dam" means any artificial barrier, together with appurtenant works, which is twenty (20) ten (10) feet or more in height from the natural bed of the stream or watercourse at the downstream toe of the barrier, as determined by the department, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation, or has or will have an impounding capacity at maximum storage elevation of fifty (50) acre feet or more. No obstruction in a canal used to raise or lower water therein or divert water therefrom and no fill or structure determined by the department to be designed primarily for highway or railroad traffic shall be considered a dam.

(c) "Reservoir" means any basin which contains or will contain the water impounded by a dam.

(d) "Owner" includes any of the following who own, control, operate, maintain, manage, or propose to construct a dam or reservoir:

1. The state of Idaho and its departments, agencies, institutions and political subdivisions;

2. The United States of America and any of its departments, bureaus, agencies and institutions; provided that the United States of America shall not be required to pay any of the fees required by section 42-1713, Idaho Code, and shall submit plans, drawings and specifications as required by section 42-1712, Idaho Code, for information purposes only;
(3) Every municipal or quasi-municipal corporation;
(4) Every public utility;
(5) Every person, firm, association, organization, partnership, business trust, corporation or company;
(6) The duly authorized agents, lessees, or trustees of any of the foregoing; or
(7) Receivers or trustees appointed by any court for any of the foregoing.

(e) "Alterations," "repairs," or either of them, mean only such alterations or repairs as may directly affect the safety of the dam or reservoir, as determined by the department.

(f) "Enlargement" means any change in or addition to an existing dam or reservoir, which raises or may raise the water storage elevation of the water impounded by the dam.

(g) "Water storage elevation" means the maximum elevation of water surface which can be obtained by the dam or reservoir.

(h) "Storage capacity" means the total storage at the maximum storage elevation.

(i) "Days" used in establishing deadlines means calendar days including Sundays and holidays.

(j) "Certificate of approval" means a certificate issued by the department for all dams listing restrictions imposed by the department, and without which no new dams shall be allowed to impound water.

SECTION 2. That Section 42-1713, Idaho Code, be, and the same is hereby amended to read as follows:

42-1713. FEES. — Fees provided for in this act shall be required of all enumerated in the definition of owner. Fees for an enlargement to an existing dam shall be based upon the increase in storage capacity. Fees for alterations or repairs of an existing dam shall be based on an estimate, made by the department of reclamation, of costs of inspections to be made by said department; however, in no case shall such fees exceed that which would be required by the fee schedule for construction of the dam.

(a) For 1,000 acre-feet capacity or less, $5 for each 10 acre-feet or part thereof.

(b) For over 1,000 acre-feet capacity but not exceeding 10,000 acre-feet capacity, $500 plus $.50 for each 10 acre-feet or part thereof over the first 1,000 acre-feet capacity.

(c) For storage in excess of 10,000 acre-feet, $950 plus $.10 for each 10 acre-feet or part thereof over the first 10,000 acre-feet capacity. In no case, however, shall the fee be more than $3,000.
All plans, drawings and specifications shall not be considered by the department until the filing fee is received. All moneys received by the department of reclamation under the provisions of this chapter shall be deposited in the water administration fund created under section 42-238a, Idaho Code, and shall be available to the department of reclamation in carrying out provisions of this act. Fees submitted shall not be refunded.

Approved March 2, 1970.

CHAPTER 74
(S. B. No. 1418)

AN ACT
AMENDING SECTION 1 OF CHAPTER 379, LAWS OF 1969, TO INCREASE THE LINE ITEM APPROPRIATION OF SALARIES AND WAGES BY $12,300.00, TO DECREASE THE LINE ITEM APPROPRIATION OF OTHER CURRENT EXPENSE BY $8,300.00 AND TO DECREASE THE LINE ITEM APPROPRIATION OF CAPITAL OUTLAY BY $4,000.00 FOR THE PERIOD JULY 1, 1969, TO JUNE 30, 1971, OF THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 379, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Public Employee Retirement System.

FOR MAJOR PROGRAMS:

ADMINISTRATION $574,521

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

SALARIES AND WAGES $330,663 $342,963
TRAVEL 46,246
OTHER CURRENT EXPENSE 192,612 184,312
CAPITAL OUTLAY 5,000 1,000

FROM:

PUBLIC EMPLOYEE RETIREMENT FUND $574,521
SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 2, 1970.

CHAPTER 75
(S. B. 1424, As Amended)

AN ACT
AMENDING SECTION 67-2739, IDAHO CODE, BY PROVIDING THAT STATE DEPOSITORIES WHICH REFUSE TIME DEPOSITS SHALL NOT BE ENTITLED TO RECEIVE DEMAND DEPOSITS, AND BY ESTABLISHING COMPENSATING BALANCES FOR STATE DEPOSITORIES FOR CLEARING STATE WARRANTS WITH THE STATE TREASURER; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-2739, Idaho Code, be, and the same is hereby amended to read as follows:

67-2739. NO PREFERENCE TO BE GIVEN – APPORTIONMENT. –
The treasurer shall not give a preference to any one or more designated state depositories in the amount he may deposit, under the provisions of this chapter, but shall keep deposited with each designated state depository, as nearly as practicable such proportion of the total deposits as the capital and surplus of such depositories as certified to him by the department of finance bears to the total capital and surplus of all state depositories, but during such time as any designated state depository declines to accept (or) its full proportion as required by this chapter, the state treasurer shall deposit the surplus thereof in the other designated state depositories desiring the same in such proportion as nearly as practicable as the capital and surplus of each depository so participating in the deposit of such excess bears to the total capital and surplus of all so participating. The refusal at any time by a designated state depository to accept its allocated share of time deposits shall affect its entitlement hereunder to its proportionate share of demand deposits. If a designated state depository refuses to accept its allocated share of time deposits, it shall not be entitled to its proportionate share of demand deposits.
State depositories with demand deposits clearing state warrants directly with the state treasurer shall be entitled to a compensating balance of one dollar ($1.00) per warrant. The compensating balance shall, if funds are available for deposit, be calculated on the number of warrants cleared by a state depository in the previous fiscal year. The compensating balances shall be maintained throughout each succeeding fiscal year, and shall be deducted from the sum total of public funds available for deposit with state depositories before any other formula for depositing state funds is calculated or applied.

Except in the cases provided for by section 67-2741, the amount deposited in any depository shall not vary more than twenty per cent (20%) from the proportion it is authorized to receive under all the foregoing provisions of this section.

For the purpose of apportioning deposits among designated depositories as required by this section, every banking corporation or national banking association operating branches which at the close of business on March 31, 1935, holds any deposit of state funds made by the state treasurer under this chapter shall, on or before said date, and as a condition of continuing to hold the same thereafter, file in the office of the commissioner of finance, the affidavit of one of its officers containing the information hereinafter specified, and all such corporations or associations receiving like deposits after the close of business on March 31, 1935, shall, before receiving the same, file or have on file in the office of the commissioner of finance a like affidavit. All such affidavits shall state the total capital and surplus of the corporation or association and the number and location of each of its banking offices where deposits are received and the definite portion of the total capital and surplus of such corporation or association which it elects to allocate to each such banking office for the purpose of apportioning the deposits of the state treasurer among the designated state depositories under the provisions of this section. The allocation so made may be in any amount to any one or more of such banking offices receiving deposits as such corporation or association desires, not exceeding for all the total capital and surplus of the corporation or association, but the allocation made to any such banking office must be a separate amount for that office alone and no office to which no amount is allocated shall be designated to act as a state depository under this chapter. The allocation, if any, made for the purpose of apportioning deposits of public funds under this public depository law may differ from the allocations made hereunder as to amounts or otherwise. Such affidavits
and the allocations made thereby shall be effective for the purposes of this section to and including January 31st next following the date of their filing but no longer, on or before which date, if such corporation or association is to continue as a designated state depository under this chapter, allocation must be made in like manner for the succeeding year, provided however, that the corporation or association may at its option change such allocation on the occasion of any change in the number or location of its banking offices where deposits are received or any change in its capital stock by filing like affidavit with the commissioner within thirty (30) days after such change, which affidavit and the allocation made thereby shall in turn remain in effect to and including January 31st next following, but no longer. Each banking office of every corporation or national banking association operating branches at which office deposits are received and to which office capital and surplus is so allocated may, if and when otherwise qualified, be designated as a state depository and receive and/or hold deposits made by the treasurer of the state of Idaho under the provisions of this chapter so long as such affidavit and the allocation made thereby remain in effect, and for the purposes of apportioning such deposits as required by this section, each such banking office so designated shall be deemed a separate designated state depository having the capital and surplus so allocated to it, but no corporation or national banking association operating branch banks, nor any branch or office thereof, shall be designated as a state depository or receive or hold deposits of nor act as depository for the funds of the state of Idaho in the hands of the treasurer of said state unless and until an affidavit making an allocation as herein required and which still continues in effect is filed with the commissioner of finance of the state of Idaho in accordance with the provisions hereof.

SECTION 2. This act shall be in full force and effect on and after July 1, 1970.

Approved March 2, 1970.

CHAPTER 76
(S. B. No. 1491)

AN ACT
AMENDING SECTION 50-1013, IDAHO CODE, TO ALLOW A CITY TREASURER TO INVEST IN CITY COUPON BONDS PROVIDED
FOR UNDER SECTION 50-1019, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-1013, Idaho Code, be, and the same is hereby amended to read as follows:

50-1013. DEPOSIT OF FUNDS. — The treasurer shall be required to keep all money in his hands belonging to the corporation in such place or places of deposit as shall be provided by ordinance; provided, however, that the treasurer may be directed and empowered by resolution, to invest any money in his hands in securities of the United States government, or of the state of Idaho, county bonds, highway bonds, revenue bonds issued under the Revenue Bond Act, or in local improvement district bonds, or in city coupon bonds provided for under section 50-1019. Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 2, 1970.

CHAPTER 77
(S. B. No. 1494)

AN ACT
AMENDING CHAPTER 25, TITLE 67, IDAHO CODE, BY ADDING THERETO A NEW SECTION, 67-2508, IDAHO CODE, TO PERMIT AN EMPLOYEE OF ANY DEPARTMENT TO ACCEPT ADDITIONAL EMPLOYMENT IN ANY EDUCATIONAL PROGRAM SUPERVISED BY THE STATE BOARD OF EDUCATION AND BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO UNDER CONDITIONS PRESCRIBED BY THIS ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 25, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-2508, Idaho Code, and to read as follows:

67-2508. COMPENSATION FOR PUBLIC SERVICE. — No employee in the several departments, employed at a fixed compensation, shall be paid for any extra service performed by such employee in the ordinary course of
his employment, unless expressly authorized by law.

Whenever the public interest may be served thereby, an employee of any department, with the written approval of the employing department, may be permitted to accept additional employment by the same, or another department, in any educational program conducted under the supervision of the state board of education or the board of regents of the university of Idaho, when such additional employment is not in the ordinary course of the employment of such employee and will be performed in addition to, and beyond, the hours of service required in the ordinary course of employment. The written approval of the employing department shall be filed with the secretary of the state board of examiners together with a statement that such additional employment is not in the course of the employee's employment, and will be performed in addition to the statutory hours of employment.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 2, 1970.

CHAPTER 78  
(S. B. No. 1495)

AN ACT  
AMENDING SECTION 1, CHAPTER 160, LAWS OF 1969, TO INCREASE THE LINE ITEM APPROPRIATION OF OTHER CURRENT EXPENSES BY $4,000.00, TO DECREASE THE LINE ITEM APPROPRIATION OF CAPITAL OUTLAY BY $4,000.00 FOR THE PERIOD JULY 1, 1969, TO JUNE 30, 1971, OF THE INDUSTRIAL ACCIDENT BOARD; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 160, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period of July 1, 1969, to June 30, 1971, of the Industrial Accident Board.
FOR MAJOR AND MINOR PROGRAMS:
  ADMINISTRATION $397,970

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:
  SALARIES AND WAGES $298,800
  TRAVEL 9,024
  OTHER CURRENT EXPENSES 80,246 84,246
  CAPITAL OUTLAY 9,900 5,900

FROM:
  INDUSTRIAL ADMINISTRATION FUND $391,970
  RECEIPTS TO APPROPRIATIONS 6,000

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 2, 1970.

CHAPTER 79
(S. B. No. 1496)

AN ACT
AMENDING SECTION 33-107, IDAHO CODE, TO PERMIT THE STATE BOARD OF EDUCATION AND BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO TO ACQUIRE, HOLD AND DISPOSE OF TITLE TO AND INTEREST IN REAL AND PERSONAL PROPERTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-107, Idaho Code, be, and the same is hereby amended as follows:

33-107. GENERAL POWERS AND DUTIES OF THE STATE BOARD. — The state board shall perform all duties prescribed for it by the school laws of the state; have general supervision and direction of all departments of public education supported in whole or in part by state funds; enforce the school laws; study the educational conditions and needs of the state; acquire, hold and dispose of title to or interest in real and personal property; and recommend to the legislature needed changes in existing laws, or additional legislation.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 2, 1970.
CHAPTER 80
(S. B. No. 1497)

AN ACT
AMENDING SECTION 33-2125, IDAHO CODE, RELATING TO BONDS ISSUED BY DORMITORY HOUSING COMMISSIONS OF JUNIOR COLLEGES TO PROVIDE THAT THE PROCEEDS OF GRANTS OF FUNDS RECEIVED OR TO BE RECEIVED FROM THE UNITED STATES OR ANY AGENCY OR INSTRUMENTALITY THEREOF SHALL BE CONSIDERED AS REVENUES OF THE PROJECT FOR WHICH SUCH BONDS ARE ISSUED; AMENDING SECTION 33-2126, IDAHO CODE, TO REQUIRE DORMITORY HOUSING COMMISSIONS OF JUNIOR COLLEGES TO FIND A PROJECT NECESSARY AND ECONOMICALLY FEASIBLE BEFORE ISSUING REVENUE BONDS FOR DORMITORY PROJECTS AS DEFINED IN TITLE 33, CHAPTER 21, IDAHO CODE, AND PROVIDING THAT SUCH BONDS MUST BE SOLD AT PUBLIC SALE AT NOT LESS THAN PAR, UNLESS SUCH BONDS ARE SOLD TO THE UNITED STATES OF AMERICA, OR ANY AGENCY OR INSTRUMENTALITY THEREOF, AND ELIMINATING THE LIMITATION OF INTEREST RATES RELATING TO BONDS ISSUED BY DORMITORY HOUSING COMMISSIONS OF SIX PER CENT PER ANNUM; AMENDING SECTION 33-2127, IDAHO CODE, TO AUTHORIZE DORMITORY HOUSING COMMISSIONS OF JUNIOR COLLEGES TO PLEDGE THE PROCEEDS OF GRANTS AND FUNDS RECEIVED OR TO BE RECEIVED FROM THE UNITED STATES OR ANY AGENCY OR INSTRUMENTALITY THEREOF PURSUANT TO AGREEMENT ENTERED INTO BETWEEN THE COMMISSION AND THE UNITED STATES PRIOR TO THE ISSUANCE OF THE BONDS AND PROVIDING THAT SUCH FUNDS SHALL BE CONSIDERED AS REVENUE OF THE PROJECT AS REFERRED TO AND DEFINED IN TITLE 33, CHAPTER 21, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-2125, Idaho Code, be, and the same is hereby amended to read as follows:

33-2125. BONDS. ... A dormitory housing commission shall have power to issue bonds from time to time in its discretion, for any of its corporate purposes. A commission shall also have power to issue refunding
bonds for the purpose of paying or retiring bonds previously issued by it. In order to carry out the purposes of this act, a commission may issue, upon proper resolution, bonds on which the principal and interest are payable (a) exclusively from the income and revenue of a dormitory project financed with the proceeds of such bonds; or (b) exclusively from such income and revenues together with grants and contributions from the federal government or other source in aid of such project; provided that the proceeds of grants of funds and moneys received or to be received from the United States of America or any agency or instrumentality thereof, pursuant to agreements entered into between the commission and the United States of America or any agency or instrumentality thereof prior to the issuance of the bonds, may be considered as revenue of the project for which such bonds are issued.

Neither the commissioners nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of a commission (and such bonds and obligations shall so state on their face) shall not be a debt or liability, direct or indirect, of the junior college district, the state, or any political subdivision thereof, and neither the junior college district, the state or any political subdivision thereof, shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds other than those of the commission or funds due the commission. Bonds of a commission are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes.

SECTION 2. That Section 33-2126, Idaho Code, be, and the same is hereby amended to read as follows:

33-2126. FORM AND SALE OF BONDS. — When the commission shall find the proposed dormitory project or projects to be necessary for the proper operation of the junior college and economically feasible and such finding is recorded in the minutes of the commission, Bonds of a the commission shall be authorized by its resolution and may be issued in one (1) or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding six percentum (6%) per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture, or the bonds so issued may provide.

The bonds may be sold at public or private sale at not less than par;
provided, however, that if such bonds are sold to the United States of America or an agency or instrumentality thereof, they may be sold at private sale.

In case any of the commissioners or officers of the commission whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signature shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

In any suit, action or proceedings involving the validity or enforceability of any bond of a commission or the security therefor, any such bond, reciting in substance that it has been issued by the commission to aid in financing a dormitory housing project to provide dwelling accommodations for students attending a junior college, shall be conclusively deemed to have been issued for a dormitory housing project of such character, and said project shall be conclusively deemed to have been planned, located and constructed in accordance with purposes and provisions of this act.

SECTION 3. That Section 33-2127, Idaho Code, be, and the same is hereby amended to read as follows:

33-2127. PROVISIONS OF BONDS AND TRUST INDENTURES. — In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, the commission, in addition to its other powers, shall have power:

(a) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence, the proceeds of grants of funds and moneys received or to be received from the United States of America or any agency or instrumentality thereof pursuant to agreements entered into between the commission and the United States of America or any agency or instrumentality thereof prior to the issuance of the bonds may be considered as revenues of the project as referred to in this chapter.

(b) To covenant against pledging all or any part of its rents, fees and revenues, or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any dormitory housing projects or any part thereof; and to covenant as to what other or additional debts or obligations may be incurred by it.
(c) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(d) To covenant (subject to the limitations contained in this act) as to the rents and fees to be charged in the operation of a dormitory housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

(e) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(f) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(g) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(h) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by said commission, to take possession of any dormitory housing project or part thereof, and (so long as said commission shall continue in default) to retain such possession and use, operate and manage said project, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the commission with said trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights
securing or relating to the bonds.

(i) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein but not contrary hereto.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 2, 1970.

CHAPTER 81
(S. B. No. 1502)

AN ACT
AMENDING SECTION 25-232, IDAHO CODE, RELATING TO TAX LEVIES ON LIVESTOCK, BY PROVIDING FOR A FEE TO BE CHARGED ON CATTLE, HORSES AND MULES TO BE COLLECTED BY THE BRAND INSPECTOR.

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

SECTION 1. That Section 25-232, Idaho Code, be, and the same is hereby amended to read as follows:

25-232. TAX LEVY AND FEES ON CATTLE, HORSES, MULES AND HOGS. — (a) There is hereby levied a tax not to exceed five (5) mills per dollar valuation on the assessed valuation of all cattle, horses, mules and hogs within the state of Idaho. Said tax shall be levied and assessed to and including December 31, 1971 and shall then expire.

(b) There is hereby imposed upon cattle, horses, and mules in the state of Idaho a fee of five cents ($0.05) per head to be in effect on and after July 1, 1970 to and including June 30, 1971. On and after July 1, 1971, the amount of said fee shall be ten cents ($0.10) per head. Said fee shall be collected at the time of every brand inspection when a charge for brand inspection is made as required by law. Such fee when collected shall be paid by the person paying the charge for brand inspection. The state brand inspector shall collect said fees in addition to, at the same time and in the
same manner, the fee collected for brand inspection. The fees so collected shall be deposited as provided in section 25-233, Idaho Code.

The state brand inspector shall be reimbursed for the reasonable and necessary expenses incurred for such collection, in an amount determined by the director of the bureau of animal industry and the inspector, but which shall not exceed one cent ($0.01) per head.

Approved March 2, 1970.

CHAPTER 82
(S. B. No. 1510)

AN ACT
RELATING TO CORONERS; AMENDING CHAPTER 28, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-2809, IDAHO CODE, ALLOWING A CORONER TO APPOINT DEPUTY CORONERS, AND PROVIDING THAT THEY SHALL BE PAID AS PRESCRIBED BY THE COUNTY COMMISSIONERS.

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

SECTION 1. That Chapter 28, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 31-2809, Idaho Code, and to read as follows:

31-2809. CORONER MAY APPOINT DEPUTIES. — A coroner may appoint a deputy or deputies as he deems necessary. Deputy coroners shall be paid at a rate fixed by the county commissioners.

Approved March 2, 1970.

CHAPTER 83
(S. B. No. 1513)

AN ACT
AMENDING SECTION 72-1367, IDAHO CODE, BY PROVIDING FOR MINIMUM WAGES NECESSARY TO MAKE INDIVIDUALS ELIGIBLE FOR BENEFITS, PROVIDING WEEKLY BENEFIT AMOUNT SHALL BE ONE TWENTY-SIXTH OF HIGHEST QUARTER WAGES ROUNDED TO THE NEXT HIGHEST DOLLAR
AND PROVIDING FOR A MAXIMUM WEEKLY BENEFIT AMOUNT, PROVIDING FOR A METHOD TO DETERMINE WEEKLY BENEFIT AMOUNT BASED UPON THE AVERAGE WEEKLY WAGE PAID BY COVERED EMPLOYERS, PROVIDING THAT AN ELIGIBLE INDIVIDUAL SHALL BE ENTITLED TO A TOTAL AMOUNT OF BENEFITS EQUAL TO HIS WEEKLY BENEFIT AMOUNT TIMES THE NUMBER OF FULL WEEKS OF BENEFIT ENTITLEMENT APPEARING IN THE TABLE CONTAINED IN THIS SECTION, PROVIDING THAT IF IN ANY COMPENSABLE WEEK THE TOTAL WAGES PAYABLE TO AN INDIVIDUAL FOR LESS THAN FULL TIME WORK EXCEEDS ONE-HALF HIS WEEKLY BENEFIT AMOUNT, THE EXCESS SHALL BE DEDUCTED FROM HIS WEEKLY BENEFIT AMOUNT, AND PROVIDING THAT AMOUNTS WHICH A BENEFIT CLAIMANT RECEIVES OR WOULD RECEIVE IF CLAIMED FOR HIS PRIMARY BENEFITS UNDER THE FEDERAL OLD AGE AND SURVIVORS INSURANCE LAW OR RETIREMENT PLAN IN WHICH HIS EMPLOYER HAS PAID ALL OR PART OF COSTS SHALL BE TREATED AS WAGES FOR THE PURPOSE OF CALCULATING BENEFIT AMOUNTS, AND PROVIDING THAT RETIREMENT PAYMENTS RECEIVED AS A RESULT OF SERVICE IN THE ARMED FORCES OF THE UNITED STATES OR MONETARY ENTITLEMENT UNDER SECTION 72-1367, IDAHO CODE, ACCRUING AS A RESULT OF COVERED EMPLOYMENT AFTER RETIREMENT SHALL NOT BE TREATED AS WAGES FOR BENEFIT CALCULATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 72-1367, Idaho Code, be, and the same is hereby amended to read as follows:

72-1367. BENEFIT FORMULA. — (a) The wage class for each individual who is eligible for benefits after July 1, 1961, shall be the class indicated in Part B of the following table opposite the minimum and maximum amounts shown in Part A of such table within which is included the total amount of wages paid to him. To be eligible an individual shall have at least four hundred sixteen dollars and one cent ($416.01) in total wages for services performed in covered employment for a covered employer in that the calendar quarter within his base period in which such wages were highest, except that it shall not exceed the wage class on the same line as that weekly benefit amount which is the applicable maximum weekly—
benefit amount and shall have total base period wages of at least one and one-quarter (1¼) times his high quarter wages.

(b) The weekly benefit amount shall be one twenty-sixth (1/26) of highest quarter wages rounded to the next higher dollar amount if not an even dollar amount except that it shall not exceed the applicable maximum weekly benefit amount. The maximum weekly benefit amount shall be established as follows:

(1) The director, by regulations as he may prescribe, prior to June 30 of each year, shall compute the average weekly wage paid by covered employers for the preceding calendar year; and in the event fifty-two and one-half per cent (52½%) of such amount when rounded to the nearest multiple of one dollar ($1.00) is more than forty dollars ($40.00), then it shall become the new maximum weekly benefit amount for benefit years beginning after June 30 of that year as shown under Part C of the following table.

(2) If fifty-two and one-half per cent (52½%) of such average weekly wage is less than forty dollars ($40.00) when rounded to the nearest multiple of one dollar ($1.00), then the maximum weekly benefit amount for benefit years beginning after June 30 of that year shall be forty dollars ($40.00).
<table>
<thead>
<tr>
<th>Part A</th>
<th>Part B</th>
<th>Part C</th>
<th>Part D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest Quarterly Wages</td>
<td>In Base Period</td>
<td>Weekly Class Benefit</td>
<td>Minimum Base Period Wages For Weeks of Benefits Specified</td>
</tr>
<tr>
<td>In Base Period</td>
<td>Amount</td>
<td>10</td>
<td>12</td>
</tr>
<tr>
<td>$065.00</td>
<td>$488.00</td>
<td>1</td>
<td>$17</td>
</tr>
<tr>
<td>$468.00</td>
<td>2</td>
<td>18</td>
<td>624</td>
</tr>
<tr>
<td>$475.00</td>
<td>3</td>
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<td>689</td>
</tr>
<tr>
<td>$520.00</td>
<td>4</td>
<td>20</td>
<td>765</td>
</tr>
<tr>
<td>$546.00</td>
<td>5</td>
<td>21</td>
<td>853</td>
</tr>
<tr>
<td>$579.00</td>
<td>6</td>
<td>22</td>
<td>952</td>
</tr>
<tr>
<td>$605.00</td>
<td>7</td>
<td>23</td>
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</tr>
<tr>
<td>$624.00</td>
<td>8</td>
<td>24</td>
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<tr>
<td>$660.00</td>
<td>9</td>
<td>25</td>
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<tr>
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<tr>
<td>$1128.00</td>
<td>24</td>
<td>40</td>
<td>7,264</td>
</tr>
</tbody>
</table>

In the event that the maximum weekly benefit amount computed according to this section rises above forty dollars, the table shall be extended by regulation. This extension shall be made according to the same method used in making the table and shall be effected as part of the table. A benefit claimant whose earnings exceed the amounts in the foregoing table shall have eligibility and number of weeks of benefits computed on the same basis as for individuals whose base period earnings come within the limits of the foregoing formula.
(b) To be eligible for benefits an individual shall have been paid wages for covered employment by a covered employer during his base period in more than one (1) calendar quarter, and such wages shall equal or exceed the amount shown in the first column of Part D of the foregoing table for his wage class—provided, however, that if his base period wages are less than the amount shown in Part D for his wage class but equal or exceed 150 percent (150%) of the high quarter wages in his base period as defined in subsection (a) of this section, then he shall be eligible for ten (10) weeks for the benefit amount appearing for his wage class.

(c) The weekly benefit amount of an eligible individual shall be the amount appearing in Part C of the foregoing table for his wage class.

(d)(c) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to his weekly benefit amount times the number of full weeks of benefit entitlement appearing at the top of the column in Part D of the foregoing table in which column, on the line for his wage class there appears the maximum amount that does not exceed his total wages for covered employment paid by a covered employer during his base period, in the following table on the line which includes his ratio of total base period earnings to highest quarter base period earnings.

<table>
<thead>
<tr>
<th>Ratio of Total Base Period Earnings to Highest Quarter Earnings</th>
<th>Full Weeks of Benefit Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>At Least Less Than</td>
<td>10</td>
</tr>
<tr>
<td>1.25</td>
<td></td>
</tr>
<tr>
<td>1.50</td>
<td>12</td>
</tr>
<tr>
<td>1.75</td>
<td>14</td>
</tr>
<tr>
<td>2.00</td>
<td>16</td>
</tr>
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<td>2.25</td>
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<td>2.50</td>
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<td>2.75</td>
<td>22</td>
</tr>
<tr>
<td>3.00</td>
<td>24</td>
</tr>
<tr>
<td>3.25</td>
<td>26</td>
</tr>
</tbody>
</table>

(e)(d) If in any compensable week the total wages payable to such individual for less than full-time work performed in such week exceed one-half (½) of his weekly benefit amount as shown in Part C of the foregoing table, the excess shall be deducted from his weekly benefit amount. Such excess, if not a multiple of a dollar, shall be computed to the next higher multiple of a dollar; provided, however, that for the purpose of this section all amounts to which a benefit claimant receives or would receive if claimed after normal retirement for his primary benefits under the Federal
Old Age and Survivors Insurance Act or a retirement plan in which his employer has paid all or a part of the cost shall be treated as wages, but this provision shall not apply to: retirement payments received as a result of service in the armed forces of the United States; or monetary entitlement under section 72-1367, Idaho Code, accruing as a result of covered employment after retirement.

SECTION 2. This act shall be in full force and effect on and after July 5, 1970.

Approved March 2, 1970.

CHAPTER 84
(H. B. No. 457)

AN ACT
CREATING AN AGENCY OF STATE PLANNING AND COMMUNITY AFFAIRS, AND PROVIDING FOR THE APPOINTMENT OF PERSONNEL; PROVIDING FOR THE RESPONSIBILITY OF THE AGENCY, AND PRESCRIBING DUTIES; PROVIDING FOR COMMUNITY AFFAIRS FUNCTIONS AND RESPONSIBILITIES; PROVIDING FOR TRANSFER AND EXPENDITURE CONTROL OF FEDERAL FUNDS; REPEALING SECTION 67-4707, IDAHO CODE; AND PROVIDING SEVERABILITY.

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

SECTION 1. There is hereby created an agency of state planning and community affairs. The agency will consist of a director of planning and community affairs and other necessary personnel. The director shall be appointed by the governor, with the advice and consent of the senate, to serve at the pleasure of the governor.

SECTION 2. The primary responsibility of the state planning and community affairs agency shall be to coordinate the development of physical, economic and human resource programs and to promote the efficient utilization of federal, state, local and private resources. To this end, the agency shall:

(1) prepare a statewide comprehensive plan, with a procedure for review and updating, to be approved by the governor and submitted to the legislature;

(2) coordinate the planning activities of local, state, federal and private
agencies and departments when they deal with the human and natural resources of the state;

(3) work to harmonize the planning activities of state agencies so that comprehensive statewide programs are consistent and to eliminate duplication where possible;

(4) enter into interagency agreements with other state agencies in developing plans and programs;

(5) provide technical planning assistance to other state agencies when requested;

(6) contract with universities, consultants and other public and private agencies in developing plans and programs;

(7) serve as a clearing house for information, data and material which may be helpful in determining needed legislation;

(8) have the power to petition for and receive monies such as grants or gifts to be used for state or local planning.

SECTION 3. The state planning and community affairs agency shall have the following community affairs functions and responsibilities:

(1) Administration or coordination of state programs and projects relating to community affairs planning. The programs and projects shall be consistent with local, regional and state comprehensive plans and policies.

(2) Cooperate with and provide technical and financial assistance to counties, cities, municipal corporations, governmental conferences or councils, regional planning commissions, parks or recreation boards, community development groups, community action agencies, Indian tribes and similar agencies created for the purposes of aiding and encouraging an orderly productive and coordinated development of the state, and to strengthen local planning responsibility and capability.

(3) Carry out continuing studies and analyses of the problems faced by communities within the state and develop such recommendations for administrative or legislative action as would appear necessary.

(4) Have the power to petition for and receive planning grants from the federal government for the purpose of undertaking and facilitating planning for communities, cities, metropolitan or regional areas, counties and Indian reservations lacking adequate planning resources, and to assist communities in rehabilitating, clearing and redeveloping their slum and blighted areas.

SECTION 4. When federal or other funds are received by the agency, they shall be promptly transferred to the state treasurer and thereafter be expended only upon the approval of the director.

SECTION 5. That Section 67-4707, Idaho Code, be, and the same is hereby repealed.
SECTION 6. The provisions of this act are hereby declared to be
severable and if any provision of this act or the application of such provision
to any person or circumstance is declared invalid for any reason, such
declaration shall not affect the validity of the remaining portions of this act.


CHAPTER 85
(H. B. No. 582)

AN ACT
CREATING THE OFFICE OF LEGISLATIVE AUDITOR, PROVIDING
FOR APPOINTMENT OF THE LEGISLATIVE AUDITOR, PROVIDING
FOR COMPENSATION OF THE LEGISLATIVE
AUDITOR, PROVIDING FOR THE LENGTH OF TERM OF
APPOINTMENT, PROVIDING FOR REMOVAL FROM OFFICE FOR
CAUSE; PROVIDING FOR QUALIFICATIONS FOR THE
LEGISLATIVE AUDITOR; PROVIDING FOR EMPLOYMENT OF
THE LEGISLATIVE AUDITOR'S STAFF; SPECIFYING THE
DUTIES OF THE LEGISLATIVE AUDITOR AND THE METHOD
FOR REPORTING HIS FINDINGS; PROVIDING THE METHOD FOR
REQUESTING AN AUDIT BE PERFORMED BY THE LEGISLATIVE
AUDITOR; PROVIDING THAT IT IS THE DUTY OF ALL
OFFICERS OF STATE GOVERNMENT TO PRODUCE RECORDS
OF THEIR RESPECTIVE UNIT OF GOVERNMENT FOR
EXAMINATION BY THE LEGISLATIVE AUDITOR; AND
PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The office of the legislative auditor for the state of Idaho
is hereby created and established. The legislative budget and fiscal committee
shall appoint the legislative auditor, subject to confirmation by the senate
and house of representatives at the next session of the legislature. The
legislative budget and fiscal committee shall set his compensation.

SECTION 2. The legislative auditor shall be appointed for a term of six
(6) years. He may be removed from office for cause at any time by the
legislative budget and fiscal committee.

SECTION 3. The legislative auditor shall be a citizen of the United
States, a certified public accountant licensed to practice in this state, and
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shall, prior to appointment, have at least five (5) years' experience in the field of private, public or governmental accounting, budgeting, auditing or administration.

SECTION 4. The legislative auditor may employ personnel and make expenditures, with the approval of the budget and fiscal committee and within the limits of the budget and fiscal committee appropriation, as necessary to carry out the performance of his duties as set forth in section 5 of this act.

SECTION 5. Upon the direction of the legislative budget and fiscal committee, the legislative auditor shall conduct financial and/or performance post audits, or furnish any other information that the committee may desire, concerning any branch, department, office, board, commission, agency, authority or institution of this state. He shall report in writing, directly to the budget and fiscal committee, his findings and recommendations for the improvement of management, efficiency, economy and effectiveness of any such governmental unit. After presentation to the committee, all final reports made by the legislative auditor shall become public documents and be available for public inspection in the office of the legislative auditor.

During any regular or special session of the legislature, the legislative auditor shall serve at the direction of the committees provided for in section 67-3513, Idaho Code.

SECTION 6. Any legislator, elected official, department head, or private citizen may request an audit of a governmental unit. The request must be submitted in writing to the budget and fiscal committee, and must include reasons which would substantially justify the request in order to receive consideration by the committee. The decision of the committee to grant or deny a request for an audit is final.

SECTION 7. Upon request of the legislative auditor, or any person duly appointed by the legislative auditor to make the examinations herein provided, it shall be the duty of any and all officers of state government to produce, for examination, the books of account and other records of their respective unit of government, and to answer all questions relating thereto.

SECTION 8. This act shall be in full force and effect on and after July 1, 1970.

CHAPTER 86
(H. B. No. 487)

AN ACT
AMENDING CHAPTER 3, TITLE 33, IDAHO CODE, BY THE ADDITION
OF A NEW SECTION, 33-310A, IDAHO CODE, PROVIDING FOR
THE SUBMISSION OF PETITIONS FOR THE CONSOLIDATION OF
CONTIGUOUS SCHOOL OPERATING DISTRICTS.

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

SECTION 1. That Chapter 3, Title 33, Idaho Code, be, and the same is
hereby amended by the addition thereto of a new section, to be known and
designated as Section 33-310A, Idaho Code, and to read as follows:

33-310A. CONSOLIDATION OF CONTIGUOUS SCHOOL
DISTRICTS. - In addition to the procedure contained in section 33-310,
Idaho Code:

A. five per cent (5%) or more of the registered voters from each of two
(2) or more contiguous school districts, when such districts coincide
with election precincts, or,

B. a number of registered voters equal to fifteen per cent (15%) or
more of the aggregate number of votes cast at the last three (3)
elections for school trustees in each of the school districts, may petition
in writing proposing the consolidation of their districts into a single
new district. One (1) copy of such petition shall be presented to the
board of trustees of each district included in the proposed
consolidation. The petition shall contain:

1. The names and addresses of the petitioners;
2. A map or maps showing the boundaries of the proposed new
district, the boundaries of the component consolidating districts,
the location of existing schoolhouses or other facilities of the
component districts, the proposed trustee zones, and the proposed
transportation routes, if any.

When the petitions are received by the boards of trustees, the provisions
of section 33-310, Idaho Code, shall become mandatory upon the boards so
affected. The petitioners shall have the right to cooperate in the formulation
of the proposed consolidated school district with the board of trustees of
each school district affected thereby. The provisions of section 33-310,
Idaho Code, shall be complied with and the proposed consolidation together
with the testimony given at the public hearings shall be submitted to the
state board of education within three (3) months after the first meeting of
the combined boards and the petitioners. The first meeting of the combined
boards and the petitioners shall be within fifteen (15) days after the petitions are submitted by the petitioners:


CHAPTER 87
(H. B. No. 497, As Amended)

AN ACT
SETTING OUT A DECLARATION OF PURPOSE OF PRESERVING AND PROTECTING THE WATER RESOURCES OF THE STATE OF IDAHO THROUGH THE ABATEMENT OF WATER POLLUTION; DEFINING SEWAGE TREATMENT WORKS, CONSTRUCTION, ELIGIBLE PROJECT, MUNICIPALITY AND FEDERAL POLLUTION ABATEMENT ASSISTANCE; AUTHORIZING THE STATE OF IDAHO TO AID MUNICIPALITIES WITH GRANTS OF FUNDS TO CONSTRUCT SEWAGE TREATMENT WORKS; PROVIDING THAT THE STATE BOARD OF HEALTH IS ADMINISTRATOR OF THIS PROGRAM AND IS AUTHORIZED TO ESTABLISH PRIORITIES OF PROJECTS; PROVIDING THAT THE BOARD OF HEALTH MAY GRANT TWENTY-FIVE PER CENT OF THE ESTIMATED REASONABLE COST OF THE PROJECT WHERE A FEDERAL GRANT FOR FIFTY PER CENT OF THE COST IS ASSURED; PROVIDING THAT THE BOARD OF HEALTH MAY ENTER INTO CONTRACTS WITH MUNICIPALITIES CONCERNING ELIGIBLE PROJECTS AND SUCH CONTRACTS MUST INCLUDE: AN ESTIMATE OF THE REASONABLE COST OF THE PROJECT AS DETERMINED BY THE BOARD OF HEALTH, AGREEMENT OF THE MUNICIPALITY TO COMPLETE THE PROJECT IN ACCORDANCE WITH APPROVED PLANS, AN AGREEMENT NOT TO DISCONTINUE OPERATION WITHOUT APPROVAL OF THE BOARD OF HEALTH, AN AGREEMENT TO OPERATE ACCORDING TO THE RULES OF THE BOARD OF HEALTH, AN AGREEMENT TO SECURE APPROVAL OF THE BOARD OF HEALTH BEFORE APPLYING FOR FEDERAL POLLUTION ABATEMENT ASSISTANCE, AND AN AGREEMENT TO PROVIDE FOR THE MUNICIPALITY’S SHARE OF THE COST OF THE PROJECT; AUTHORIZING THE BOARD OF HEALTH TO ADOPT
RULES AND REGULATIONS FOR EFFECTIVE ADMINISTRATION OF THIS ACT; PROVIDING THAT ALL CONTRACTS ENTERED INTO PURSUANT TO THIS SECTION ARE SUBJECT TO THE APPROVAL OF THE ATTORNEY GENERAL OF THE STATE OF IDAHO AS TO FORM; PROVIDING THAT PAYMENTS BY THE STATE SHALL BE MADE AFTER AUDIT AND UPON WARRANT AS PROVIDED BY LAW ON VOUCHERS APPROVED BY THE IDAHO BOARD OF HEALTH; CREATING A WATER POLLUTION CONTROL FUND IN THE STATE TREASURY; PROVIDING THAT ALL MONEYS IN THE WATER POLLUTION CONTROL FUND ARE APPROPRIATED PERPETUALLY TO BE USED BY THE BOARD OF HEALTH IN CARRYING OUT THIS ACT; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION STATE BONDS; AND DECLARING AN EMERGENCY.

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

SECTION 1. The legislature, recognizing that water is one of the state's most valuable natural resource and, realizing that some waters of the state of Idaho are becoming polluted to an intolerable degree, which is inconsistent with the public interest of the state of Idaho, has adopted water quality standards and authorized the state department of health to implement these standards. In order to provide and maintain maximum water quality in the state for domestic, industrial, agricultural (irrigation and stockwatering), mining, manufacturing, electric power generation, municipal, fish culture, artificial groundwater recharge, transportation and recreational purposes at the earliest possible date, and to conform to the expressed intent of congress to abate pollution of streams and lakes, the legislature declares the purpose of this act is to enhance and preserve the quality and value of the water resources of the state of Idaho and to assist in the prevention, control, and abatement of water pollution. In consequence of the benefits resulting to the public health, welfare and economy it is hereby declared to be the policy of the state of Idaho to protect this natural resource by assisting in preventing and controlling water pollution; to support and aid technical research leading to the prevention and control of water pollution, and to provide financial assistance to municipalities in the abatement, and prevention of water pollution. The Idaho department of health shall administer this act and nothing herein shall be construed as impairing or in any manner affecting the statutory authority or jurisdiction of municipalities in providing domestic water, sewage collection and treatment.

SECTION 2. A. "Sewage treatment works" means any facility for the
purpose of treating, neutralizing or stabilizing sewage or industrial wastes of a liquid nature, including treatment by disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishings thereof and their appurtenances.

B. "Construction" means the erection, building, acquisition, alteration, reconstruction, improvement or extension of sewage treatment works, preliminary planning to determine the economic and engineering feasibility of sewage treatment works, the engineering, architectural, legal, fiscal and economic investigations, reports and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of sewage treatment works, and the inspection and supervision of the construction of sewage treatment works.

C. "Eligible project" means a project for construction of sewage treatment works:

1. For which approval of the Idaho board of health is required under section 39-112, Idaho Code.
2. Which is, in the judgment of the Idaho board of health, eligible for federal pollution abatement assistance, whether or not federal funds are then available therefor;
3. Which conforms with applicable rules and regulations of the Idaho board of health; and
4. Which is, in the judgment of the Idaho board of health, necessary for the accomplishment of the state's policy of water purity as stated in this act.

D. "Municipality" means any county, city, special service district or other governmental entity having authority to dispose of sewage, industrial wastes, or other wastes, any Indian tribe or authorized Indian tribal organization, or any combination of two (2) or more of the foregoing acting jointly, in connection with an eligible project.

E. "Federal pollution abatement assistance" means funds available to a municipality, either directly or through allocation by the state, from the federal government as grants for construction of sewage treatment works pursuant to the Federal Water Pollution Control Act of 1956 (P.L. 84-660) as amended, or pursuant to any other federal act or program.

SECTION 3. A. The state of Idaho is hereby authorized to make grants, as funds are available, to any municipality to assist said municipality in the construction of sewage treatment works.

B. The Idaho board of health shall be the agency for administration of funds granted by this state.
C. In allocating state grants under this act, the Idaho board of health shall give consideration to the:
1. Public benefits to be derived by the construction;
2. Ultimate cost of constructing and maintaining the works;
3. Public interest and public necessity for the works;
4. Adequacy of the provisions made or proposed by the municipality for assuring proper and efficient operation and maintenance of the treatment works after the completion of construction thereof;
5. The applicant's readiness to start construction, including financing and planning; and
6. The applicant's financial need.

D. The Idaho board of health shall establish a list of priority projects based upon the criteria established in subsection C of this section and it shall be used as a method for allocation of funds granted under this act.

E. Grants may be made under this act for projects which were begun after July 1, 1967, and which have been, or were, certified by the state board of health for federal grants under the Federal Water Pollution Control Act of 1956 (P.L. 84-660) as eligible for such grants from funds which may become available from the water pollution control fund.

SECTION 4. A. The Idaho board of health may make payments of twenty-five per cent (25%) of the estimated reasonable cost of the project where water quality standards have been established for the waters into which the project discharges and where such action will result in a federal grant of not less than fifty per cent (50%) of the estimated reasonable cost of the project.

B. The Idaho board of health may, in the name of the state of Idaho, enter into contracts with municipalities, and any such municipality may enter into a contract with the Idaho board of health, concerning eligible projects. Any such contract may include such provisions as may be agreed upon by the parties thereto, and shall include, in substance, the following provisions:
1. An estimate of the reasonable cost of the project as determined by the Idaho board of health.
2. An agreement by the municipality:
   a. To proceed expeditiously with, and complete, the project in accordance with plans approved pursuant to section 39-112, Idaho Code.
   b. To commence operation of the sewage treatment works on completion of the project, and not to discontinue operation or dispose of the sewage treatment works without the approval of the
Idaho board of health.

c. To operate and maintain the sewage treatment works in accordance with applicable provisions, rules and regulations of the Idaho board of health.

d. To secure approval of the Idaho board of health before applying for federal assistance for pollution abatement, in order to maximize the amounts of such assistance received or to be received for all projects in Idaho; and

e. To provide for the payment of the municipality's share of the cost of the project.

C. The board of health may adopt rules and regulations necessary for the making and enforcing of contracts hereunder and establishing procedures to be followed in applying for state grants herein authorized as shall be necessary for the effective administration of this act.

D. All contracts entered into pursuant to this section shall be subject to approval by the attorney general as to form. All payments by the state pursuant to such contracts shall be made after audit and upon warrant as provided by law on vouchers approved by the Idaho board of health.

SECTION 5. There is hereby created and established in the state treasury a separate fund to be known as the water pollution control fund. The fund shall have paid into it:

1. The moneys provided for in section 14-425, Idaho Code, that are paid over to the state treasurer shall be deposited to the credit of the water pollution control fund, and not to the credit of the state general fund;

2. All donations and grants from any source which may be used for the provisions of this act;

3. Any other funds which may hereafter be provided by law.

SECTION 6. All moneys in the water pollution control fund are hereby perpetually appropriated for the purposes of this act. The purposes of this act are:

1. To provide the state's matching share of grants made under the provisions of this act.

2. To provide revenue for the payment of general obligation bonds issued pursuant to this act and the provisions of section 5, article VIII of the constitution of the state of Idaho.

SECTION 7. A. Water pollution control bonds, as provided by section 5, article VIII of the constitution of the state of Idaho, shall be authorized by resolution of the state board of health. The bonds may be issued in one
(1) or more series, may bear such date or dates, may be in such denomination or denominations, may mature at such time or times, may mature in such amount or amounts, may bear interest at the most advantageous rate or rates available to the state at the time offered, payable semiannually, may be in such form, either coupon or registered, may carry such registration and such conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be subject to such terms of redemption, with or without premium, as such resolution or other resolutions may provide. The bonds, if sold to a federal agency, may be sold at a private sale at not less than par and accrued interest, without advertising the same at competitive bidding. If not sold to a federal agency, the bonds shall be sold publicly in a manner to be provided by the state board of health. The bonds shall be fully negotiable within the meaning and for all purposes of the Uniform Commercial Code.

B. The moneys derived from the sale of any bonds shall be deposited in the state treasury to the credit of the water pollution control fund for the purposes of that fund.

C. All bonds issued pursuant to this act shall be obligations of the state and shall be payable in accordance with the terms of this act and the provisions of section 5, article VIII of the constitution of the state of Idaho.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.


CHAPTER 88
(H. B. No. 448)

AN ACT
PROVIDING THAT CERTAIN SCHOOL DISTRICTS MAY PARTICIPATE IN THE FOUNDATION PROGRAM WITHOUT LEVYING MINIMUM MILL Levy.

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

SECTION 1. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 33-1002A, Idaho Code, and to read as follows:

33-1002A. EXCEPTION TO SECTION 33-1002 (7)a AND (7)b,
IDAHO CODE. — In the event a school district may not levy the mill levy set forth in section 33-1002 (7)a and (7)b, Idaho Code, due to the application of section 63-2220, Idaho Code, then (7)a and (7)b of section 33-1002, Idaho Code, shall not apply and the school district shall participate in the state or county education foundation program as provided in chapter 10, title 33, Idaho Code, for that school year. However, before a school district may claim the right provided in this section, the school district shall submit to the state department of education such information as required by the department verifying that the school district is levying the maximum mill levy allowable within the provisions of section 63-2220, Idaho Code.


CHAPTER 89
(H. B. No. 509, As Amended)

AN ACT
AMENDING CHAPTER 4, TITLE 42, IDAHO CODE, RELATING TO APPROPRIATION OF WATER FOR USE OUTSIDE THE STATE, BY THE ADDITION OF A NEW SECTION 42-411, IDAHO CODE, TO PROVIDE FOR THE APPROPRIATION OF WATER FOR USE IN THE STATE OF WASHINGTON AND PRESCRIBING THE USES FOR SUCH WATER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 4, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 42-411, Idaho Code, and to read as follows:

42-411. APPROPRIATION OF WATER FOR USE IN WASHINGTON.
— Any application to the state reclamation engineer of Idaho for permit to appropriate and divert public waters within the state of Idaho for use within the state of Washington, shall be allowed precisely as if the proposed place of beneficial use were within the state of Idaho; and any application to said reclamation engineer to change the point of diversion or place of use of the waters of any interstate stream from a point of diversion or place of use within the state of Idaho to a point of diversion or place of use within the state of Washington, shall be allowed precisely as if the proposed change of point of diversion or place of use were to a point or place within the state of Idaho. All water appropriated under this section shall be appropriated for
municipal and industrial use within the city of Pullman, Washington, and/or Washington State University, at Pullman, Washington.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.


CHAPTER 90
(H. B. No. 412, As Amended, As Amended in the Senate, As Amended in the Senate)

AN ACT
ESTABLISHING SEVEN PUBLIC HEALTH DISTRICTS AND DEFINING THEIR BOUNDARIES; CREATING AND ESTABLISHING DISTRICT HEALTH DEPARTMENTS AND BASIC SERVICES PROVIDED, CREATING AND ESTABLISHING DISTRICT BOARDS OF HEALTH AND SETTING OUT THEIR AUTHORITY; PROVIDING FOR THE APPOINTMENT, QUALIFICATION, AND TERM OF OFFICE OF THE DISTRICT BOARD OF HEALTH MEMBERS; PROVIDING FOR MEETINGS OF THE DISTRICT BOARD OF HEALTH AND PROVIDING COMPENSATION AND EXPENSES OF THE BOARD; PROVIDING FOR THE APPOINTMENT OF A DISTRICT HEALTH DIRECTOR AND ESTABLISHING HIS POWERS AND DUTIES; SETTING OUT THE AUTHORITY OF THE DISTRICT BOARD OF HEALTH WITH REGARD TO QUARANTINE; PROVIDING FOR PENALTIES FOR VIOLATION OF PUBLIC HEALTH LAWS AND RULES AND REGULATIONS; ESTABLISHING A HEARING PROCEDURE FOR PARTIES AGGRIEVED BY ANY ACTION OR INACTION BY THE DISTRICT BOARD; PROVIDING FOR A JUDICIAL REVIEW OF A FINAL DETERMINATION OF THE DISTRICT BOARD; AUTHORIZING THE DISTRICT BOARD TO ADOPT, AMEND OR RESCIND RULES AND REGULATIONS; AUTHORIZING THE DISTRICT BOARD TO COMMENCE AND MAINTAIN CIVIL AND CRIMINAL ACTIONS AND ADMINISTRATIVE PROCEEDINGS; AUTHORIZING THE DISTRICT BOARD TO ENGAGE SPECIAL COUNSEL; AUTHORIZING THE DISTRICT BOARD TO EXERCISE ENUMERATED POWERS AND DUTIES; CREATING A SPECIAL

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby established within the state of Idaho seven (7) public health districts more particularly defined as follows:

District No. 1 shall include the counties of Boundary, Bonner, Kootenai, Benewah and Shoshone;

District No. 2 shall include the counties of Latah, Clearwater, Nez Perce, Lewis and Idaho;

District No. 3 shall include the counties of Adams, Washington, Payette, Gem, Canyon and Owyhee;

District No. 4 shall include the counties of Valley, Boise, Ada and Elmore;

District No. 5 shall include the counties of Camas, Blaine, Gooding, Lincoln, Jerome, Minidoka, Twin Falls and Cassia;

District No. 6 shall include the counties of Power, Oneida, Bannock, Franklin, Caribou, Bear Lake, Bingham and Butte;

District No. 7 shall include the counties of Lemhi, Custer, Clark, Jefferson, Bonneville, Teton, Madison and Fremont.

SECTION 2. There is hereby created and established in each of the above described public health districts a district health department, hereinafter referred to as the district department. The district health department shall have as its head the district board of health.
The district health department will provide the basic services of health education, public health nursing, sanitary control of the environment, and public health administration, but this listing shall not be construed to restrict the service programs of the district department solely to these categories.

SECTION 3. There is hereby created and established in each of the public health districts a district board of health, hereinafter referred to as the district board, which shall be vested with the authority, control, supervision and administration of the district health department, and with such powers as required to perform the duties as are set forth in this act and shall be responsible for supervision of all district health programs.

SECTION 4. The district board of health shall consist of seven (7) members to be appointed by the boards of county commissioners within each district acting jointly. Each member of the district board of health shall be a citizen of the United States, a resident of the state of Idaho and the public health district for three (3) years immediately last past, and a qualified elector. One (1) member of the district board, if available to serve, shall be a physician licensed by the Idaho state board of medicine and no more than one (1) member shall be appointed from any professional or special interest group. All members shall be chosen with due regard to their knowledge and interest in public health and in promoting the health of the citizens of the state and the public health district. Not more than four (4) members of the board shall be from any one political party and representation shall be assured from rural as well as urban population groups. All appointments to the district board shall be confirmed by a majority vote of all the county commissioners of all the counties located within the public health district. Any member of the district board may be removed by majority vote of all the county commissioners of all the counties located within the district. The members of the district board, each year, shall select a chairman and a vice-chairman.

The members of the district board of health shall be appointed for the purpose of organization as follows: One (1) member to be appointed for a term of one (1) year, one (1) for two (2) years, one (1) for three (3) years, two (2) for four (4) years and two (2) for five (5) years. Each succeeding vacancy to be filled by the boards of county commissioners within the district acting jointly and confirmation as herein described for a term of five (5) years, subject to reappointment; and vacancies on the board for an unexpired term shall be filled in the same manner as for an expired term. Each member shall file with the state board of health and the secretary of the district board a declaration of the political party to which the member
belongs.

SECTION 5. The district board shall hold such meetings as may be necessary for the orderly conduct of its business and such meetings may be called upon seventy-two (72) hours notice by the chairman or a majority of the members. Five (5) members shall be necessary to constitute a quorum and the action of the majority of members present shall be the action of the board. The members of the board shall be paid for their actual and necessary travel expenses and twenty-five dollars ($25.00) per day while in session or traveling to and from the sessions.

SECTION 6. A district health director shall be appointed by the district board and he shall be a doctor of medicine licensed in Idaho when one is available, pursuant to the standards and qualifications established by the state board of health. The director shall have and exercise the following powers and duties in addition to all other powers and duties inherent in the position or delegated to him or imposed upon him by law or rule, regulation, or ordinance:

(1) To be secretary and administrative officer of the district board of health;
(2) To prescribe such rules and regulations as may be necessary for the government of his department, the conduct and duties of his employees, the orderly and efficient handling of his business and the custody, use and preservation of its records, papers, books and property belonging to the public health district;
(3) To administer oaths for all purposes required in the discharge of his duties;
(4) With the approval of the district board to:
   (a) Prescribe the qualifications of all personnel under the district health director on a nonpartisan merit basis in accordance with the objective standards approved by the district board, subject to the approval of the state board of health, and in conformance with chapter 53, title 67, Idaho Code.
   (b) Fix the rate of pay and appoint, promote, demote, and separate such employees and to perform such other personnel actions as are needed from time to time in conformance with the requirements of chapter 53, title 67, Idaho Code.
   (c) Create such units and sections as are or may be necessary for the proper and efficient functioning of the duties herein imposed.

SECTION 7. The public health district shall have the same authority, responsibility, powers, and duties in relation to the right of quarantine within the public health district as does the state board of health.
SECTION 8. (1) It shall be unlawful for any person, association, or corporation, and the officers thereof to wilfully violate, disobey, or disregard the provisions of the public health laws or the terms of any lawful notice, order, standard, rule, regulation, or ordinance issued pursuant thereto; or

(2) Any person, association, or corporation, or the officers thereof, violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not less than ten dollars ($10.00) and not exceeding one hundred dollars ($100), or by imprisonment in the county jail for a term not exceeding six (6) months, or by both such fine and imprisonment. In addition to fine and imprisonment, any person, association or corporation, or the officers thereof, found to be in violation of this act or the rules and regulations promulgated thereunder shall be liable for any extraordinary expense incurred by the district board of health in enforcing this act, or in removing or terminating any nuisance, source of filth, cause of sickness, or health hazard. Conviction under the penalty provisions of this act or any other health law or rules and regulations promulgated thereunder shall not relieve any person from any civil action in damages that may exist for any injury resulting from any violation of the public health laws or rules and regulations promulgated by the district board of health.

SECTION 9. Any person, association or corporation, or the officers thereof, aggrieved by any action or inaction by the district board shall be afforded an opportunity for hearing in conformance with the provisions of chapter 52, title 67, Idaho Code, and the rules and regulations promulgated thereunder by the state board of health. The hearings herein provided may be conducted by the district board or by its designated agent and in either case the district board or its agent shall have the power to administer oaths, examine witnesses, and issue in the name of the district board subpoenas requiring the testimony of witnesses and the production of evidence. The provisions of this section shall not apply to the internal administrative affairs of the district board or department nor to its subordinate sections and units.

SECTION 10. Judicial review of a final determination of the district board may be secured by any person adversely affected thereby by filing a petition for review as prescribed by chapter 52, title 67, Idaho Code, in the district court of the county wherein he lives within thirty (30) days after receipt of notice of the district board's final determination. The petition for review shall be served upon the district health director and the administrator of health of the state of Idaho. The state board of health may appear in any such hearing as a matter of right. Such service shall be jurisdictional and the provisions of this section shall be the exclusive procedure for appeal.
SECTION 11. The district board by the affirmative vote of a majority of its members may adopt, amend or rescind regulations, rules and standards as it deems necessary to carry out the purposes and provisions of this act. Before such rules, regulations, and standards may become effective they must be approved by the state board of health.

Every rule, regulation or standard adopted, amended, or rescinded by the district board shall be done in a manner conforming to the provisions of chapter 52, title 67, Idaho Code, and the rules and regulations promulgated thereunder by the state board of health.

This section does not apply to measures adopted in the operation of the district board in its administrative functions and duties.

SECTION 12. The district board in its name shall commence and maintain all proper and necessary civil actions and proceedings to enforce the provisions of this act and the preservation and protection of the public and is specifically directed to abate nuisances when necessary for the purpose of elimination of sources of filth, infestations, infections, communicable diseases, health hazards, and conditions not compatible with the preservation and protection of the public health.

SECTION 13. The district board is hereby authorized to engage special counsel to defend it and the members in all actions and proceedings brought against it or them with respect to their official duties hereunder. In addition, such special counsel may bring any civil action requested by the district board to abate a condition or remedy a situation which exists in violation of, or for the enforcement of, the health laws or the standards, orders, rules and regulations of the district board established or issued under the provisions of this act. The special counsel must be approved by the attorney general and when so approved may enter an appearance as a special assistant attorney general.

SECTION 14. The district board of health shall have and may exercise the following powers and duties:

(1) To administer and enforce all state health laws, regulations, and standards.

(2) To do all things expressly delegated to it by the state board of health and any and all other things required for the preservation and protection of the public health and preventive health as authorized and approved by the state board of health.

(3) To determine the location of its main office and to determine the location, if any, of branch offices.

(4) To enter into contracts with any other governmental or public agency whereby the district board agrees to render services to or for
such agency in exchange for a fee reasonably calculated to cover the cost of rendering such service. This authority is to be limited to services voluntarily rendered and voluntarily received and shall not apply to services required by statute, rule, and regulations, or standards promulgated pursuant to this act or the state board of health act.

(5) All fees, moneys or payment received or collected by gift, grant, devise, or any other way shall be deposited to the respective division account of the public health district in the public health district fund authorized by section 15.

(6) To establish a fiscal control policy corresponding as substantially as possible to that required to be followed by the state department of health.

(7) To cooperate in the highest degree with the state board of health in all manners and to this end be available to meet with the state board of health as may be convenient to both boards, but in no event more frequently than quarterly.

(8) To enter into contracts with other governmental agencies, and this act hereby authorizes such other agencies to enter into contracts with the health district, as may be deemed necessary to fulfill the duties imposed upon the district in providing for the health of the citizens within the district.

(9) To purchase real property and construct, rent, or lease such buildings as may be required for the accomplishment of the duties imposed upon the district and to further obtain such other personal property as may be necessary to its functions.

(10) To accept, receive and utilize any gifts, grants, or funds and personal and real property that may be donated to it for the fulfillment of the purposes outlined in this act.

SECTION 15. (1) There is hereby authorized and established in the state treasury a special fund to be known as the public health district fund. Within the public health district fund there shall be seven (7) divisions, one (1) for each of the seven (7) public health districts. Each division within the fund will be under the exclusive control of its respective district board of health and no funds shall be withdrawn from such division of the fund unless authorized by the district board of health or their authorized agent. The state department of health will act as fiscal officer of the various health districts and perform such administrative functions as are necessary for deposits and withdrawals, and accounting for the funds of each division and the public health district fund.

(2) The expenditure of moneys from the public health district fund
will be in accordance with Idaho law authorizing expenditures by other state agencies and departments.

SECTION 16. The chairmen of the boards of county commissioners located within the public health district are hereby constituted as the budget committee of the public health district.

The district board will submit to the budget committee on the first Monday in November of each year the preliminary budget for the public health district and the estimated cost of each county, as determined by the provisions of section 19.

On the first Monday in December, there will be held at a time and place determined by the budget committee a budget committee meeting and public hearing upon the proposed budget of the district. At such meeting, the state board of health shall submit a tentative projection of state aid available as determined in compliance with the provisions of section 18.

Between the first Monday in December and the first Monday in January, a budget for the public health district shall be agreed upon and approved by a majority of the budget committee. Such determination shall be binding upon all counties within the district and the district itself.

SECTION 17. The cost of maintenance of the district by the individual participating counties shall be determined on the basis of the total population of the county in proportion to the total population of the public health district. The population will be determined by the last general census or any subsequent special census. The proportion shall be the percentage of cost each county shall participate in the public health district.

SECTION 18. (1) The state board of health, based upon its appropriation and funds available, shall prescribe a percentage of general state aid to be used to assist in financing the public health district, but in no case shall this be less than thirty-five per cent (35%). The percentage of general state aid shall be uniform throughout all districts. The moneys computed as general state aid will be deposited directly to the account of the district. If the determined amount of participation by a county would exceed the amount which could be raised applying the maximum levy prescribed in section 31-862, Idaho Code, that county’s participation shall be reduced to the maximum amount which can be raised thereby.

(2) The foregoing provision shall not limit the state board from authorizing or granting additional funds for selected projects to individual health districts in excess of the percentage of participation of general aid granted all health districts.

SECTION 19. All public health districts shall budget sufficient funds to allow for participation in the Idaho public employees retirement system
as created by chapter 13, title 59, Idaho Code.

SECTION 20. That Chapter 4, Title 39, Idaho Code, be, and the same is hereby repealed.

SECTION 21. If any provisions of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the balance of the provisions of this act, or the application thereof, and to this end, the provisions of the act are declared to be severable.

SECTION 22. This act shall be in full force and effect on and after July 1, 1971.


CHAPTER 91
(H. B. No. 428)

AN ACT

AMENDING SECTION 33-1501, IDAHO CODE. RELATING TO TRANSPORTATION OF PUPILS, BY PROVIDING FOR THE TRANSPORTATION OF BOTH PUBLIC AND PRIVATE SCHOOL PUPILS WITHIN THE SCHOOL DISTRICT.

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

SECTION 1. That Section 33-1501, Idaho Code, be, and the same is hereby amended to read as follows:

33-1501. TRANSPORTATION AUTHORIZED. — To afford more equal opportunity for public school attendance, the board of trustees of each district, including specially chartered school districts, shall, where practicable, provide transportation for the public and private school pupils of within the district, under conditions and limitations herein set forth. In approving the routing of any school bus or other passenger equipment, or in the maintenance and operation of all such transportation equipment, or in the appointment or employment of chauffeurs, the primary requirements to be observed by the board of trustees are the safety and adequate protection of the health of the pupils. Nothing herein contained shall prevent any board of trustees from denying transportation to any pupil in any school bus or other transportation equipment operated by or under the authority of said board, upon good cause being given, in writing, to the parents or guardian, or either of them, of such pupil.

No board of trustees shall be required to provide transportation for any
pupil living less than one and one-half (1½) miles from the nearest appropriate school. That distance shall be determined by the nearest and best route from the junction of the driveway of the pupil's home and the nearest public road, to the nearest door of the schoolhouse he attends, or to the bus stop, as the case may be. The board may transport any pupil a lesser distance when in its judgment the age or health or safety of the pupil warrants.

To effectuate the public policy hereby declared, the board of trustees of any school district may purchase or lease, and maintain and operate school buses and other passenger equipment; may enter into contracts with individuals, firms, corporations or private carriers; or may make payments to parents or guardians, subject to the limitations herein provided, when transportation is not furnished by the district.

Approved March 5, 1970.

CHAPTER 92
(H. B. No. 494)

AN ACT
REPEALING SECTION 47-601, IDAHO CODE, RELATING TO LOCATION OF LODE MINING CLAIMS; AMENDING CHAPTER 6, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-601, IDAHO CODE, TO PROVIDE AUTHORIZATION FOR LOCATION OF MINING CLAIMS UPON THAT PUBLIC DOMAIN IN THE STATE OF IDAHO WHICH IS OPEN TO LOCATION UNDER THE MINING LAWS OF THE UNITED STATES; REPEALING SECTION 47-602, IDAHO CODE, RELATING TO THE ERECTION OF MONUMENTS AND THE NOTICE OF LOCATION ON LODE MINING CLAIMS; AMENDING CHAPTER 6, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-602, IDAHO CODE, TO PROVIDE THE METHOD BY WHICH MINING CLAIMS SHALL BE LOCATED IN THE STATE OF IDAHO; REPEALING SECTION 47-603, IDAHO CODE, RELATING TO THE REQUIREMENT OF THE SINKING OF A SHAFT UPON A LOCATED LODE MINING CLAIM; REPEALING SECTION 47-603A, IDAHO CODE, RELATING TO THE QUALIFICATION OF OPEN CUTS AND DRILL HOLES ON LODE MINING CLAIMS IN LIEU OF A DISCOVERY SHAFT; AMENDING SECTION 47-604, IDAHO
CODE, BY STRIKING THE PROVISIONS ALLOWING THE RECORDING OF MINING CLAIM LOCATION NOTICES WITH THE DEPUTY RECORDER OF A MINING DISTRICT AND BY PROVIDING THAT FAILURE TO FILE MINING CLAIM NOTICE OF LOCATION WITHIN NINETY DAYS SHALL CONSTITUTE AN ABANDONMENT OF THE CLAIM; AMENDING SECTION 47-606, IDAHO CODE, BY STRIKING THEREFROM THE WORDS "OR DEPUTY MINERAL RECORDER"; AMENDING SECTION 47-607, IDAHO CODE, BY STRIKING THEREFROM THE REQUIREMENTS FOR DEEPENING THE SHAFT OR EXTENDING THE OPEN CUT OR TUNNEL; REPEALING SECTION 47-610, IDAHO CODE, RELATING TO THE APPOINTMENT OF DEPUTY RECORDERS; AMENDING SECTION 47-611, IDAHO CODE, BY STRIKING THE WORD "QUARTZ" AND SUBSTITUTING THE WORD "LODE" AND BY STRIKING THE WORDS "OR ANY PART THEREOF" AND BY STRIKING THAT LANGUAGE WHICH RELATES TO THE OPENING OF NEW GROUND; AMENDING SECTION 47-612, IDAHO CODE, BY STRIKING THEREFROM THOSE PROVISIONS RELATING TO THE DEPUTY RECORDER OF A MINING DISTRICT; REPEALING SECTION 47-613, IDAHO CODE, RELATING TO THE TRANSMISSION OF MINING LOCATION NOTICES BY THE DEPUTY RECORDER TO THE COUNTY RECORDER; REPEALING SECTION 47-614, IDAHO CODE, RELATING TO THE TRANSMISSION OF NOTICES OF LOCATION OF MINING CLAIMS FROM THE COUNTY RECORDER TO THE DEPUTY RECORDER; REPEALING SECTION 47-615, IDAHO CODE, RELATING TO DEPUTY RECORDERS, THEIR OFFICIAL SEAL AND THE LIMITATION OF THEIR POWERS; REPEALING SECTION 47-616, IDAHO CODE, RELATING TO THE LOCATION OF PLACER MINING CLAIMS; REPEALING SECTION 47-617, IDAHO CODE, RELATING TO THE MANNER OF LOCATING PLACER MINING CLAIMS; AMENDING CHAPTER 6, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-613, IDAHO CODE, PROVIDING THAT GEOLOGICAL, GEOCHEMICAL AND GEOPHYSICAL SURVEYS CONDUCTED BY QUALIFIED EXPERTS SHALL QUALIFY AS ANNUAL ASSESSMENT WORK ON MINING CLAIMS; AMENDING CHAPTER 6, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-614, IDAHO CODE, PROVIDING THE DEFINITIONS FOR THE TERMS
"GEOL OGICAL SURVEYS", "GEOCHEMICAL SURVEYS",
"GEOPHYSICAL SURVEYS" AND "QUALIFIED EXPERTS".

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

SECTION 1. That Section 47-601, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 6, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 47-601, Idaho Code, and to read as follows:

47-601. MINING CLAIM LOCATIONS AUTHORIZED. – Persons are authorized to locate mining claims upon that public domain in the state of Idaho which is open to location under the mining laws of the United States. The location of a mining claim shall be made by posting notice of location and by marking the boundaries as provided in section 47-602 of this chapter.

SECTION 3. That Section 47-602, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 6, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 47-602, Idaho Code, and to read as follows:

47-602. METHOD OF LOCATING MINING CLAIM. – The locator of a mining claim must at the time of making his location designate his claim by posting at one corner of the claim his notice of location in writing in which there shall be stated:

1. The name of the locator or locators.
2. The name of the claim and whether located as a lode mining claim or as a placer mining claim.
3. The date of the location and the mining district, if any, and the county in which the claim is located.
4. The directions and distances which describe the claim.
5. The direction and distance from the corner where notice is posted to such natural object or permanent monument, if any such there be, as will fix and describe in the notice itself the site of the claim.

Before recording his notice of location, the locator must mark the boundaries of his mining claim by placing at each corner or angle of the claim a substantial monument or a post at least four (4) feet in height and four (4) inches square or in diameter. Each post and monument shall be marked with the name of the claim, the position or number of the corner or angle and the direction of the boundary lines. The locator shall mark the boundary lines so that they can be readily traced. Where it is impracticable to place a monument or post in its true position, a witness monument shall be erected and marked to indicate the true
position of the corner or angle.

SECTION 5. That Section 47-603, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 47-603A, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 47-604, Idaho Code, be, and the same is hereby amended to read as follows:

47-604. NOTICE MUST BE RECORDED. — Within ninety days after the location of the claim the locator or his assigns must file for record in the office of the county recorder of the county, or of the deputy recorder of the mining district in which the claim is situated, a substantial copy of his notice of location. Failure to file notice of location for record within ninety (90) days after location of the claim shall constitute an abandonment of the claim.

SECTION 8. That Section 47-606, Idaho Code, be, and the same is hereby amended to read as follows:

47-606. AFFIDAVIT OF PERFORMANCE OF LABOR — NOTICE OF ACCEPTANCE OF WAIVER, SUSPENSION OR EXTENSION — FEES — EFFECT AS EVIDENCE. — Within sixty days after any time set or period allowed for the performance of labor, or making improvements upon any lode or placer claim, the person in whose behalf such work or improvement is performed, or some person for him, must make and record an affidavit in substance as follows:

State of Idaho, county of ________ ss.

Before me, the subscriber, personally appeared ________, who being first duly sworn says, that at least ________ dollars worth of work or improvements were performed or made upon ________ claim, situate in ________ mining district, County of ________, State of Idaho:

That such expenditure was made by, for, or at the expense of ________, owner of said claim, for the purpose of holding said claim; all stakes, monuments or trees marking boundaries of said claim are in proper place and position.

Subscribed and sworn to before me this ________ day of ________, 19____.

The fee for administering the oath and recording the foregoing affidavit, when taken before any county recorder or deputy mineral recorder, shall be seventy-five cents; provided, however, that up to ten claims in the same mining district, belonging to the same person or persons, association or corporation, may be included in one affidavit without additional charge, but a fee of five cents per claim shall be charged for all
claims in excess of ten included in the one affidavit. The fee for recording
the same when the oath is taken before any other officer authorized to
administer oaths shall be fifty cents, plus the additional charge of five cents
for each claim in excess of ten included in the affidavit.

Such affidavit, or a certified copy thereof in case the original is lost,
shall be prima facie evidence of the performance of such labor. The failure to
file such affidavit shall be considered prima facie evidence that such labor
has not been done.

When the performance of annual labor upon any lode or placer claim is
suspended, extended or waived by act of congress of the United States, and
provision is therein made for filing or recording a notice, affidavit or
statement by the claimant or other person for him, accepting the provisions
of said act, then the same shall be filed as herein provided for affidavit of
performance of annual labor, and the same fees shall be charged therefor and
the same effect shall be given thereto, and the same presumptions shall arise
therefrom as provided herein for said affidavit of performance of annual
labor.

SECTION 9. That Section 47-607, Idaho Code, be, and the same is
hereby amended to read as follows:

47-607. LOCATION OF ABANDONED CLAIM. — The location of
abandoned claims shall be done in the same manner as if the location were of
a new claim; but the locator may, instead of sinking a new discovery shaft,
sink the original discovery shaft ten feet deeper than it was at the time of his
location, or he may drive the open cut, or tunnel, ten feet further along the
course of the lead, lode, or vein, and must erect including the erection of new
posts or monuments.

SECTION 10. That Section 47-610, Idaho Code, be, and the same is
hereby repealed.

SECTION 11. That Section 47-611, Idaho Code, be, and the same is
hereby amended to read as follows:

47-611. AFFIDAVIT OF LOCATORS. — At or before the time of
presenting a location notice for record, whether it be for a quartz lode or
placer claim, one of the locators named in the same must make and subscribe
an affidavit, in writing on or attached to the notice, substantially in the
following form, to wit:

State of Idaho, county of ____, ss.

I, ____, do solemnly swear that I am a citizen of the United States
of America (or have declared my intentions to become such), and that I am
acquainted with the mining ground described in this notice of location, and
herewith called the ______ lode, lode or placer claim; that the ground
and claim therein described or any part thereof has not, to the best of my knowledge and belief, been previously located according to the laws of the United States and this state, or if so located, that the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws, and (in the case of quartz claims) that I have opened new ground to the extent or depth of ten feet as required by the laws of Idaho.

Signature

Subscribed and sworn to before me this _____ day of _____ 19__.

Signature

SECTION 12. That Section 47-612, Idaho Code, be, and the same is hereby amended to read as follows:

47-612. MANNER OF RECORDING NOTICES — FEES. — The location notice herein required to be recorded must be recorded in the office of the county recorder of the county in which the claim is located, by the deputy appointed for the district (when the legal fee therefor is tendered), in a book kept for that purpose. Said book must be indexed, with the names of all the locators arranged in alphabetical order, according to the family or surname of each. The fee to be tendered for making such record, administering the oath to the locator and certifying the same, for indexing the names appearing on the notice, and to include recording the notice by the recorder as hereinafter required, and the indexing by said recorder, is two dollars, which fee must be equally divided between the county recorder and the deputy, and no other additional sum of money must be demanded or received by either of them, for any services connected with the recording of any location notice made pursuant to the requirements of this chapter: provided, that in counties where no deputy has been appointed, the fee shall be two dollars for each original location notice and two dollars for each amended or additional location notice.

SECTION 13. That Section 47-613, Idaho Code, be, and the same is hereby repealed.

SECTION 14. That Section 47-614, Idaho Code, be, and the same is hereby repealed.

SECTION 15. That Section 47-615, Idaho Code, be, and the same is hereby repealed.

SECTION 16. That Section 47-616, Idaho Code, be, and the same is hereby repealed.

SECTION 17. That Section 47-617, Idaho Code, be, and the same is hereby repealed.

SECTION 18. That Chapter 6, Title 47, Idaho Code, be, and the same
is hereby amended by the addition thereto of a new section, to be known and designated as Section 47-613, Idaho Code, and to read as follows:

47-613. CERTAIN SURVEYS MAY QUALIFY AS ANNUAL LABOR. — Annual assessment work or labor upon a mining claim as required by the United States Mining laws shall be defined to include, without being limited to, geological, geochemical and geophysical surveys conducted by qualified experts and verified by a detailed report filed for record in the office of the county recorder of the county in which the claim is located which sets forth fully (1) the location of the work performed in relation to the boundaries of the claim, (2) the nature, extent, and costs thereof, (3) the basic findings therefrom, and (4) the name, address, and professional background of the person or persons conducting the work. Surveys of this kind, however, may not be applied as labor for more than two (2) consecutive years or for more than a total of five (5) years on any one (1) mining claim, and each of these surveys shall be nonrepetitive of any previous survey on the same claim.

SECTION 19. That Chapter 6, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 47-614, Idaho Code, and to read as follows:

47-614. DEFINITIONS. As used in section 47-613:

1. the term "geological surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of geology as they relate to the search for and discovery of mineral deposits;

2. the term "geochemical surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of chemistry as they relate to the search for and discovery of mineral deposits;

3. the term "geophysical surveys" means surveys on the ground for mineral deposits through the employment of generally recognized equipment and methods measuring physical differences between rock types or discontinuities in geological formations;

4. the term "qualified expert" means an individual qualified by education or experience to conduct geological, geochemical, or geophysical surveys.

Approved March 5, 1970.
CHAPTER 93
(H. B. No. 404, As Amended, As Amended in the Senate)

AN ACT
AMENDING CHAPTER 9, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-921, IDAHO CODE, PROVIDING FOR AGREEMENT BETWEEN HUSBAND AND WIFE AS TO STATUS OF PROPERTY, TO TAKE EFFECT UPON DEATH OF EITHER, PROVIDING THAT RIGHTS OF CREDITORS BE SAVED, PROVIDING FOR RECORDING THE AGREEMENT, PROVIDING FOR DIVORCE, PROVIDING FOR THE RECORDING OF A DEATH CERTIFICATE, AND PROVIDING THAT A SURVIVOR MAY ELECT TO HAVE THE DECEDENT'S ESTATE ADMINISTERED.

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

SECTION 1. That Chapter 9, Title 32, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 32-921, Idaho Code, and to read as follows:

32-921. AGREEMENT AS TO PROPERTY. — Nothing contained in any provisions of this chapter or in any law of this state, shall prevent the husband and wife from jointly entering into any agreement concerning the status or disposition of the whole or any portion of the community property, then owned by them or afterwards to be acquired, to take effect upon the death of either; provided, however, that a legal description of any real property to be affected by the agreement must be included therein. But such agreement may be made at any time by the husband and wife by the execution of an instrument in writing, and executed and acknowledged or proved in the same manner as deeds to real property are required to be, under the laws of the state, and the same may at any time thereafter be altered or amended in the same manner; provided, however, that such agreement shall not derogate from the right of creditors, and any debt, chose in action, cause of action, or other legal obligation which could have been presented as a claim against the community property of a deceased spouse's estate shall survive against the surviving spouse. Statutes of limitations on any debt, chose in action, cause of action, or other legal obligation against the community property of the husband and wife shall continue to run, as though the deceased spouse had survived. Any action brought against the surviving spouse to recover a judgment on any such obligation shall be commenced within the time limited for commencement of such action against the deceased spouse, if he had survived.
Before any agreement entered into hereunder shall be effective, the agreement, and any amendments thereto, shall, prior to the death of either spouse, be recorded in the recorder's office of each county in which there is real property described in the agreement or amendments.

Divorce of the parties entered into an agreement hereunder shall revoke the agreement.

Nothing contained herein shall prevent the surviving spouse to such an agreement from electing to disregard the right of survivorship contained in the agreement and having the decedent's estate administered under the laws of Idaho.

Upon the death of either of the spouses who have entered into an agreement under this section, a certificate of death for such spouse must be recorded in the recorder's office of each county in which the agreement is recorded.

Approved March 5, 1970.

CHAPTER 94
(H. B. No. 554)

AN ACT
AMENDING SECTION 22-1401, IDAHO CODE, RELATING TO DEFINITIONS OF TRACK BUYER, CASH BUYER, AGENT, AND CONSIGNEE, BY ADDING TO SUCH DEFINITIONS THE WORD "WAREHOUSEMAN", AND DEFINING WAREHOUSEMAN; AMENDING SECTION 22-1406, IDAHO CODE, RELATING TO BOND REQUIRED FOR TRACK BUYER OR CASH BUYER, BY PROVIDING THAT WAREHOUSEMAN WILL BE PROTECTED UNDER A TRACK BUYER OR CASH BUYER BOND, AND INCREASING SAID BOND TO TEN THOUSAND DOLLARS; AND AMENDING SECTION 22-1407, IDAHO CODE, RELATING TO AN ACTION ON THE BOND OF A TRACK BUYER OR CASH BUYER, BY PROVIDING THAT SUCH ACTION MAY BE BROUGHT BY A WAREHOUSEMAN.

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

SECTION 1. That Section 22-1401, Idaho Code, be, and the same is hereby amended to read as follows:

22-1401. DEFINITIONS. — The term "track buyer" as used in this act
shall be deemed to mean every person who shall receive on consignment or
solicits from the producer or a warehouseman thereof, any farm products for
sale on commission on behalf of such producer or warehouseman, or who
shall accept any farm products in trust from the producer thereof or a
warehouseman for the purpose of resale, or who shall sell or offer for sale on
commission on any farm products, or who shall buy, load or receive loaded
any car, truck, or public carrier of farm products for shipment for resale,
storage or processing.

The term "cash buyer" as used in this act shall be deemed to mean any
person who obtains from the producer thereof or a warehouseman, for the
purpose of resale, possession or control of any farm products by paying to
the producer or warehouseman at the time of obtaining such possession or
control the full agreed price of such commodity in lawful money of the
United States.

The term "agent" as used in this act shall be deemed to mean any
person who contracts for, or solicits any farm products from a producer or a
warehouseman thereof, or who negotiates the consignment or purchase of
any farm products, or who receives for sale, resale or for shipment for
storage or processing of any farm products on behalf of any track buyer.

The term "consignee" as used in this act shall be deemed to mean any
person who receives for sale, resale, storage or processing for the account of
the producer, warehouseman or consignor in an out of state warehouse or
elevator, farm products from the producer, warehouseman or consignor.

The term "consignor" as used in this act shall be deemed to mean any
person or warehouseman who ships or delivers to any track buyer any farm
products for sale, resale, storage or processing.

The term "consignment agreement" as used in this act shall be deemed
to mean the official consignment agreement printed by or under the
supervision of the commissioner of agriculture.

The term "producer" as used in this act shall be deemed to mean any
person engaged in the business of growing or producing farm products.

The term "warehouseman" when used in this act includes every
corporation or person, their lessees, trustees, receivers or trustees appointed
by any court whatsoever, owning, controlling, operating or managing any
building or structure in which farm products are regularly stored within this
state and/or in which dried beans or dried peas are regularly cleaned for
compensation, in connection with or to facilitate the transportation of such
products by a common carrier or vessel, or the loading or unloading of the
same, other than a dock, wharf or structure owned, operated, controlled or
managed by a wharfinger.
The term "farm products" as used in this act shall be deemed to mean all field grains, dry beans, dry peas, seeds, wool and hay.

The term "person" as used in this act shall be deemed to mean every individual, firm, association, partnership or corporation.

The term "commissioner" as used in this act shall be deemed to mean the commissioner of agriculture of the state of Idaho.

SECTION 2. That Section 22-1406, Idaho Code, be, and the same is hereby amended to read as follows:

22-1406. BOND OF APPLICANT FOR LICENSE – ADDITIONAL BOND. – Each person applying for a track buyer's or cash buyer's license in accordance with this act shall, as a condition to the granting thereof, execute and file with the commissioner of agriculture a good and sufficient bond other than personal security to the state, to secure the faithful performance of his obligations as a track buyer or cash buyer under all the laws of the state, and rules and regulations prescribed hereunder, and of such additional obligations as a track buyer or cash buyer as may be assumed by him under contracts with the respective producers or warehousemen of farm products. Said bond shall be in such form and amount, shall have such surety or sureties, and shall contain such terms and conditions as the commissioner of agriculture may prescribe to carry out the purposes of this act, including the requirements of fire insurance. In no event shall the bond for a track buyer be less than ten thousand dollars ($10,000) and in no event shall the bond for a cash buyer be less than ten thousand dollars ($10,000). Whenever the commissioner of agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the track buyer or cash buyer concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor, the license of such track buyer or cash buyer may be suspended or revoked.

SECTION 3. That Section 22-1407, Idaho Code, be, and the same is hereby amended to read as follows:

22-1407. ACTION ON BOND BY PERSONS OR WAREHOUSEMEN INJURED. – Any person or warehouseman injured by the breach of any obligation to secure which a bond is given, under the provisions of section 22-1406, shall be entitled to sue on the bond in his own name in a court of competent jurisdiction to recover the damages he may have sustained by such breach; provided, that the liability of the surety upon the bond required to be given by the track buyer or cash buyer as provided in section 22-1406, shall be limited to the amount specified in the bond, and in case of recoveries had by two (2) or more persons for violation of the conditions of
such bond in excess of the amount of the bond, such recovery shall be prorated and the total recovery as against the surety shall not exceed the amount of the bond.

Approved March 5, 1970.

CHAPTER 95
(H. B. No. 530)

AN ACT
AMENDING SECTION 54-1213, IDAHO CODE, RELATING TO APPLICATION AND REGISTRATION FEES, BY INCREASING THE MAXIMUM REGISTRATION FEES FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS; INCREASING THE MINIMUM AMOUNTS WHICH MUST ACCOMPANY APPLICATIONS FOR REGISTRATION AS PROFESSIONAL ENGINEERS AND SURVEYORS; INCREASING THE MAXIMUM CERTIFICATION FEE FOR CORPORATIONS OR JOINT STOCK ASSOCIATIONS SEEKING TO PRACTICE PROFESSIONAL ENGINEERING; INCREASING THE AMOUNT WHICH MUST ACCOMPANY AN APPLICATION FOR SUCH CERTIFICATION AND REQUIRING THAT SEPARATE APPLICATION FEES ACCOMPANY ALL APPLICATIONS FOR EACH OF THREE CLASSES OF EXAMINATION; AMENDING SECTION 54-1214, IDAHO CODE, RELATING TO ENGINEERING AND LAND SURVEYING EXAMINATIONS, BY INCREASING THE FEE REQUIRED OF ONE SEEKING REEXAMINATION; AMENDING SECTION 54-1216, IDAHO CODE, RELATING TO EXPIRATION OF LICENSES, BY INCREASING THE MAXIMUM FEE FOR RENEWAL OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND INCREASING THE MAXIMUM FEE IN THE EVENT OF LATE RENEWAL; AMENDING SECTION 54-1219, IDAHO CODE, RELATING TO RECIPROCAL CERTIFICATION, BY INCREASING THE FEE FOR SUCH REGISTRATION OF PROFESSIONAL ENGINEERS; AND AMENDING SECTION 54-1223, IDAHO CODE, RELATING TO EXEMPTIONS, BY PROVIDING A FEE FOR ONE SEEKING TO TEMPORARILY PRACTICE PROFESSIONAL ENGINEERING OR LAND
SURVEYING IN IDAHO, HAVING BEEN DULY LICENSED IN
ANOTHER STATE.

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

SECTION 1. That Section 54-1213, Idaho Code, be, and the same is
hereby amended to read as follows:

54-1213. APPLICATIONS AND REGISTRATION FEES. –
Applications for registration as professional engineers or land surveyors, or
certification as engineers-in-training, shall be on forms prescribed and
furnished by the board. The application shall be made under oath, and shall
show the applicant's education and a detail summary of his technical work.
An applicant for registration as a professional engineer or land surveyor shall
furnish not less than five (5) references, of whom three (3) or more should
be registered professional engineers having personal knowledge of the
applicant's engineering or surveying experience. An applicant for
certification as an engineer-in-training shall furnish three (3) character
references. Applications for certification of corporations and joint stock
associations shall be made in accordance with section 54-1235 hereof.

The maximum registration fee for professional engineers shall be fifty
dollars ($50.00), seventy-five dollars ($75.00), of which a fee not to exceed
forty dollars ($40.00), sixty-five dollars ($65.00) shall accompany the
application for examination, and the remaining fee, not to exceed ten dollars
($10.00), shall be paid prior to issuance of the certificate.

The maximum registration fee for an applicant who seeks a license only
as a land surveyor, or the maximum certification fee for an applicant who
seeks a certificate as an engineer-in-training shall be thirty dollars ($30.00),
fifty dollars ($50.00), of which a fee not to exceed twenty dollars ($20.00),
fifty dollars ($40.00) shall accompany the application, and the remaining
fee, not to exceed ten dollars ($10.00), shall be paid prior to issuance of the
certificate.

The maximum certification fee for corporations or joint stock
associations shall be one hundred dollars ($100.00), one hundred fifty dollars
($150.00), of which a fee not to exceed ninety dollars ($90.00), one hundred
forty dollars ($140.00) shall accompany the application, and the remaining
fee, not to exceed ten dollars ($10.00), shall be paid prior to issuance of the
certificate.

Separate application fees shall accompany all applications for each of
the three (3) classes of examinations: land surveying, engineer-in-training and
professional engineering.

The amount of the registration fee or certificate fee shall be fixed by
the board prior to June 30th of any year and shall continue in force until changed. Said fees shall not be subject to change except at the beginning of each fiscal year.

Should the board deny the issuance of a certificate of registration or authorization to any applicant, the initial fee deposited shall be retained as an application fee.

SECTION 2. That Section 54-1214, Idaho Code, be, and the same is hereby amended to read as follows:

54-1214. EXAMINATION. — Written and/or oral examinations shall be held at such time and place as the board shall determine. If examinations are required on fundamental engineering subjects (such as are ordinarily given in college curricula), the applicant may be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit toward the applicant’s complete professional examination for a period not to exceed ten (10) years.

The scope of the examination and the methods of procedure shall be prescribed by the board with special reference to the applicant’s ability to design and supervise engineering works so as to insure the safety of life, health and property. Examinations shall be given for the purpose of determining the qualifications of applicant for registration simultaneously in professional engineering and in land surveying. Examinations for engineer-in-training enrollment shall be given at such times as the board may prescribe. A candidate failing his first examination may apply for reexamination at the expiration of six (6) months without filing a new application and shall be entitled to such reexamination on payment of an additional fee of not to exceed a maximum of $40.00 sixty-five dollars ($65.00) if the examination is for registration as a professional engineer and not to exceed a maximum of $20.00 forty dollars ($40.00) if the examination is for registration as a land surveyor or for certification as an engineer-in-training. A candidate who fails on reexamination must file a new application before he can again be admitted to examination, and such new application shall not be filed prior to one (1) year following the date of the last examination taken by the applicant; provided, however, that it shall be unlawful for a candidate failing any examination to practice professional engineering or land surveying under paragraphs (b) and (c) of section 54-1223, Idaho Code.

SECTION 3. That Section 54-1216, Idaho Code, be, and the same is hereby amended to read as follows.
54-1216. EXPIRATIONS AND RENEWALS - FEES. — Certificates of registration for professional engineers and land surveyors and certificates of authorization for corporations and joint stock associations shall expire on the last day of the month of June following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify every person registered and every corporation or joint stock association certified under this act, of the date of the expiration of his or its certificate and the amount of the fee that shall be required for its renewal for one (1) year; such notice shall be mailed at least one (1) month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of June by the payment of a renewal fee to be fixed by the board at not less than three dollars ($3.00) nor more than twenty-five dollars ($25.00). The failure on the part of any registrant or certificate holder to renew his or its certificate annually in the month of June as required above shall not deprive such person or corporation or joint stock association of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of June shall be increased twenty per cent (20%) for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the renewal fee for each year delinquent, but in no event more than one hundred dollars ($100.00).

Certificates of enrollment for engineers-in-training shall expire on the last day of the month of June following their issuance or renewal. The notification to holders of certificates of enrollment shall be processed as prescribed above for registrants except that the annual renewal fee shall not be less than two dollars ($2.00) nor more than five dollars ($5.00). The failure on the part of any holder of a certificate of enrollment to effect renewal shall not invalidate his status as an engineer-in-training but his name shall, after ninety (90) days, be removed from the board’s current mailing list. The fee to bring an enrollment current after a renewal expiration shall be twice that established for annual renewal.

SECTION 4. That Section 54-1219, Idaho Code, be, and the same is hereby amended to read as follows:

54-1219. RECIPROCAL CERTIFICATION — FEE. — The board, upon application therefor and the payment of a fee of not to exceed a maximum of seventy-five dollars ($75.00), may issue a certificate of registration as a professional engineer to any person who holds a certificate of qualification or registration issued to him by the proper authority of any state, territory or possession of the United States, or of a foreign country,
provided that the requirements for the registration of professional engineers, under which said certificate of qualification or registration was issued, are of a standard not lower than those specified in this act as amended, and provided such state, territory, possession or country will license or issue certificates of registration, without examination and upon substantially the same condition, to applicants holding licenses or certificates of registration issued by the board under this act.

SECTION 5. That Section 54-1223, Idaho Code, be, and the same is hereby amended to read as follows:

54-1223. SAVING CLAUSE — EXEMPTIONS. — This act shall not be construed to prevent or to effect:

(a) Other Professions or Trades. The practice of any other profession or trade for which a license is required under any law of this state; or

(b) Nonresidents. The practice of professional engineering or land surveying by a person not a resident of and having no established place of business in this state, when such practice does not exceed in the aggregate more than thirty (30) days in any calendar year and provided such person is duly licensed or registered to practice such profession in a state in which the requirements and qualifications for obtaining a certificate of registration or license are not lower than those specified in this act for obtaining the license required for such work, upon examination, and provided further that such nonresident shall file with the board, on or before entering the state for commencing such work, a statement, accompanied by a filing fee not to exceed seventy-five dollars ($75.00), giving his name, residence, the number of his license or certificate of registration and by what authority issued, and the place and nature of the work on which he will be engaged in this state and, upon the completion of the work, a statement of the time engaged in such work within the state; or

(c) Recent Arrivals in State. The practice of a person not a resident of and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice herein for more than thirty (30) days in any calendar year the profession of engineering or land surveying, if he shall have filed with the board an application for a certificate of registration and shall have paid the fee required by this act; provided, that such a person is legally qualified by registration to practice said profession in his own state or county in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this act. Such practice shall continue only for such time as the board requires for the consideration of the application for registration; or
(d) Employees and Subordinates. The work of an employee or a subordinate of a person holding a certificate of registration under this act, or an employee of a person practicing lawfully under paragraphs (b) or (c) of this section, provided such work is done under the direct responsibility, checking, and supervision of a person holding a certificate of registration under this act or a person practicing lawfully under paragraphs (b) or (c) of this section, or

(e) Government Officers and Employees. The practice of officers and employees of the government of the United States while engaged within this state in the practice of the profession of engineering or land surveying for said government.

Approved March 5, 1970.

CHAPTER 96
(H. B. No. 433)

AN ACT
AMENDING SECTION 43-712, IDAHO CODE, RELATING TO REDEMPTION FROM DELINQUENT ASSESSMENTS OF IRRIGATION DISTRICTS, BY PROVIDING RIGHT OF LAND OWNER TO REDEEM UNTIL SALE OF THE LAND BY THE DISTRICT AND PROVIDING THE REDEMPTION PAYMENTS TO BE MADE TO THE DISTRICT TREASURER.

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

SECTION 1. That Section 43-712, Idaho Code, be, and the same is hereby amended to read as follows:

43-712. DELINQUENT ASSESSMENTS — REDEMPTION OF LAND — REDEMPTION CERTIFICATES. — After delinquency and prior to three (3) years from the date of entry of such delinquency, and thereafter until assessment deed is issued by the treasurer, redemption of lands may be made by paying to the treasurer an amount equal to the delinquent assessments thereon, plus the penalty of two per cent (2%) thereon, together with interest at the rate of eight per cent (8%) per annum from the date of delinquency entry until paid. Upon redemption, the treasurer shall note the redemption on the delinquent list and shall issue a redemption certificate in triplicate, showing the name of the redemptioner, the amount paid, in redemption, description of lands redeemed, year in which assessment was levied, and the delinquency entry number, delivering one (1) copy to the
redemptioner, and in case the land being redeemed has been included in a list
filed with the county recorder, he shall file one (1) copy with the county
recorder of the county in which the land is located, and thereupon the
county recorder shall enter the redemption opposite the corresponding entry
in his record of delinquent assessments, for which service he shall be entitled
to charge a fee of twenty-five cents ($0.25), which fee shall be added to the
amount necessary for redemption paid by the redemptioner, and be
transmitted to the county recorder by the district treasurer.

If the property on which the assessments are delinquent is not
redeemed within the time hereinbefore limited, and if the assessment deed
for the delinquency is made by the treasurer to the district, such property
may nevertheless be redeemed by the owner thereof, or by any party in
interest, up to the time a sale of the property is made by the board of
directors and deed or contract for sale is delivered to the purchaser, by
paying to the district treasurer the amount of all unpaid assessments levied
or assessed against the said property to the time of redemption together with
penalty and interest thereon and also by paying assessments for the year or
years since the date of issuance of assessment deed to the district together
with penalty and interest thereon, and all costs incurred for a sale of the
property by the district, and the sum of two dollars ($2.00) for redemption
deed from the district, and all other fees and charges for redemption
otherwise prescribed by law. All assessments accruing against such property
subsequent to the issuance of deed to the district shall be extended by the
treasurer and be computed according to the authorized levies for the year or
years to be extended. Upon payment to the district treasurer of the amounts
required to be paid as herein provided, the district treasurer must issue a
redemption deed to the redemptioner.

Approved March 5, 1970.

CHAPTER 97
(H. B. No. 565)

AN ACT
AMENDING SECTION 32-412, IDAHO CODE, RELATING TO MEDICAL
CERTIFICATES OF FREEDOM FROM VENEREAL DISEASE, BY
ELIMINATING THE REQUIREMENT THAT A FEE OF NOT MORE
THAN TWO DOLLARS MAY BE COLLECTED, AND PROVIDING
THAT A PHYSICIAN MAY COLLECT A FEE FOR SUCH SERVICE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 32-412, Idaho Code, be, and the same is hereby amended to read as follows:

32-412. MEDICAL CERTIFICATE OF FREEDOM FROM VENEREAL DISEASE REQUIRED — PHYSICIAN'S FEE. — Before any county recorder shall issue any marriage license, each applicant therefor shall file with him a certificate from a licensed physician certifying that the applicant has been thoroughly examined for evidence of venereal disease, including a standard serological test for syphilis, made not more than thirty (30) days prior to the date of issuance of such license, and that in the opinion of such physician, the applicant either is not infected with syphilis or other venereal disease, or if so infected, is not in a stage of such disease which is or may become communicable to the marital partner, and for such services the physician may collect from the applicant a fee not to exceed $2.00 and the physician may collect from the applicant a fee for such services.

Approved March 5, 1970.

CHAPTER 98
(H. B. No. 550)

AN ACT
AMENDING SECTION 37-402, IDAHO CODE, WHICH PROVIDES STANDARDS OF SANITATION FOR MILK AND CREAM USED IN MANUFACTURING BY STRIKING THE STANDARDS AND REGULATIONS PROVIDED FOR BY THE SECTION AND EMPOWERING THE COMMISSIONER OF AGRICULTURE TO PROMULGATE STANDARDS AND REGULATIONS RELATING TO SANITATION FOR MILK AND CREAM USED IN MANUFACTURING; AMENDING SECTION 37-407, IDAHO CODE, WHICH PROVIDES FOR FEES FOR SANITATION INSPECTION OF MILK AND CREAM USED IN MANUFACTURING TO INCLUDE ALL SUCH MILK OR CREAM PRODUCED IN IDAHO; AND AMENDING SECTION 37-408, IDAHO CODE, WHICH PROVIDES A PENALTY FOR VIOLATION OF CERTAIN SECTIONS OF CHAPTER 4, TITLE 37, IDAHO CODE, BY PROVIDING THAT VIOLATION OF THE CHAPTER OR THE STANDARDS OR REGULATIONS PROMULGATED BY THE COMMISSIONER OF
AGRICULTURE UNDER SAID CHAPTER SHALL BE A MISDEMEANOR AND THAT THE COMMISSIONER OF AGRICULTURE MAY BRING CIVIL ACTIONS TO ENJOIN VIOLATIONS OF SAID CHAPTER OR THE STANDARDS OR REGULATIONS PROMULGATED UNDER IT.

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

SECTION 1. That Section 37-402, Idaho Code, be, and the same is hereby amended to read as follows:

37-402. STANDARDS, RULES AND REGULATIONS. - The following standards, rules and regulations concerning the sanitation of milk and cream are hereby established:

1. The term “processor” as used herein shall mean any individual, partnership, association, or corporation doing business in the state of Idaho that produces, purchases, obtains or uses in the state of Idaho any milk or cream for use in the manufacture of butter, cheese, evaporated milk, frozen desserts, frozen novelties, edible dry milk, or other dairy products. The term “processor” shall not include any individual, partnership, association or corporation which produces, purchases, obtains, or uses milk or cream for his or its own consumption. The term “producer” as used in this act shall mean any person, firm or corporation who owns or controls one or more cows a part or all of the milk from which is sold or offered for sale to a processor.

2. No processor shall purchase or obtain in any manner, or use in any manner, for the sale or manufacture of any of the above named dairy products any unacceptable milk or cream as herein defined.

3. The processor shall, for the purpose of determining the acceptability or unacceptability of milk or cream, cause all milk or cream to be tested and graded according to the standards herein defined before purchase, acquisition, or use in any manner, provided, however, that where the processor customarily purchases the milk or cream of any person regularly engaged in the production thereof, the processor is required to test milk and cream of such producer not less than twice each month by the standard sediment test and once each month by the methylene blue method, or the resazurin method, or such other test as may be prescribed by the commissioner of agriculture and when milk or cream from any such producer is found unacceptable as a result of either test, the processor shall thereafter test the milk or cream of such producer daily by the same test until it is found to be acceptable; provided, however, if after testing by methylene blue method the milk of any producer has a reduction time of less than two hours the milk of such producer shall thereafter be tested twice.
a week until it has a reduction time of more than two hours. Each such processor shall retain for at least one year at the place where such milk or cream is received a record of such tests in the form and of the content which shall be prescribed by the department of agriculture and shall exhibit such record at the place where the same is kept whenever requested to do so by the producer or the department and shall permit copies thereof to be taken.

4. Milk or cream is unacceptable which does not meet the standards and comply with the regulations promulgated by the commissioner of agriculture under this act.

(a) Is other than the laetral secretion obtained by the complete milking of one or more healthy cows properly kept and fed.
(b) Is milked within fifteen days before or four days after freshening.
(c) Isropy, bloody or gives any indication of having come from diseased or injured udders.
(d) Shows a sediment rating of more than three (3.0) milligrams on the standard visual chart prepared by the department of agriculture of the state of Idaho as determined with a sediment tester of the long-barreled suction type or other type approved by the department.
(e) Is delivered otherwise than in a clean, rust-free container with unbroken seams and of a type approved by the department.
(f) Contains dirt, filth, oil or other foreign matter which renders it unfit for human consumption.
(g) Has a methylene blue reduction time of less than thirty minutes, or the equivalent, or if after twice a week testing for a thirty-day period the reduction time is less than two hours when tested by one of the methods prescribed by subsection 3 of this section.
(h) Has more than .20 of 1 per cent acid calculated as laetic or is coagulated.

5. Cream is unacceptable which:

(a) Is unacceptable for any reason described in subsection 4, (a), (b), (c), (d), (e) and (f) of this section defining unacceptable milk.
(b) Is rancid, putrid, moldy or actively foaming.
(c) Contains more than .8 of 1 per cent acid calculated as laetic.

65. Any milk or cream which is unclean, unwholesome or unfit for human consumption, as determined by the department, shall be rejected as unacceptable.

76. When any milk or cream is rejected as unacceptable it shall be the duty of the commissioner of agriculture or his agent to notify, in writing, all processors in the immediate area, giving the producer's name, address and can number.
87. Following receipt of such notification no processor shall purchase, obtain or use milk or cream from such producer until notified by the commissioner of agriculture or his agent that milk or cream from such producer is acceptable or until the milk or cream of such producer has subsequently been found to be acceptable for ten consecutive days after testing the same in the manner hereinabove described.

SECTION 2. That Section 37-407, Idaho Code, be, and the same is hereby amended to read as follows:

37-407. FEES AND ASSESSMENTS TO BE COLLECTED FROM DAIRY PROCESSORS. — Whenever an inspection of any dairy product is made by the department of agriculture, or whenever permanent or temporary inspectors or employees are used by said department for the purpose of enforcing or promulgating an inspection or sanitary program for any dairy product, the department is authorized to fix, assess and collect or cause to be collected from the dairy processors, fees or assessments for such services when they are performed by such employees or agents of the department, such fees to be on a uniform basis in an amount reasonably necessary to cover the cost of such inspection and the administration of this section of the act; provided, however, that the department shall so adjust the fees to be collected under this section as to meet the expenses necessary for this inspection service only, all of said fees to be used for this purpose alone; and provided further, that in no event shall the fees or assessments exceed two and one-half (2½) mills per pound of butterfat received produced by processors any dairyman in Idaho or received by processors. All such fees and moneys collected or received by the department, its employees or agents under this act shall be deposited in the “dairy industry and inspection fund” which fund is hereby created. All moneys coming into said fund are hereby appropriated to the department of agriculture to be used in the inspection required by law to be made of the dairy industry and dairy products.

SECTION 3. That Section 37-408, Idaho Code, be, and the same is hereby amended to read as follows:

37-408. PENALTY FOR VIOLATIONS. — Anyone failing to comply with any of the provisions of this act chapter of the Idaho Code or any standards or regulations promulgated hereunder shall be guilty of a misdemeanor and upon conviction thereof be subject to a fine of not exceeding $200.00 or imprisonment in the county jail not to exceed three months, or by both such fine and imprisonment. The commissioner of agriculture may bring civil actions to enjoin violation of chapter 4, title 37, Idaho Code, or the standards or regulations promulgated thereunder.

Approved March 5, 1970.
CHAPTER 99
(H. B. No. 540)

AN ACT
AMENDING SECTION 50-1706, IDAHO CODE, RELATING TO LOCAL IMPROVEMENT DISTRICTS, TO PROVIDE MUNICIPALITIES THE POWER TO CREATE LOCAL IMPROVEMENT DISTRICTS FOR PARKS AND RECREATIONAL AREAS.

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

SECTION 1. That Section 50-1706, Idaho Code, be, and the same is hereby amended to read as follows:

50-1706. POWERS CONFERRED. — In addition to powers now granted by law to municipalities, every municipality in this state is hereby authorized and empowered to create local improvement districts and within the boundaries of such districts:

To purchase, build, construct or reconstruct sewers, ditches, drains, conduits, and channels for sanitary and drainage purposes, or either or both thereof, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks and all other sewer appurtenances necessary for the comfort, convenience, health and well-being of the municipality, and to that end may acquire by purchase, gift, condemnation or otherwise, and may own and possess such real or personal property within or without the limits of the municipality as in the judgment of the council may be necessary and convenient for such purpose; provided, that all improvement districts for the purposes stated in this paragraph shall be so constructed to conform with general regulations of the Idaho state department of public health for sanitary sewer facilities and in case of drainage to conform to the requirements of the topography.

To build, construct, reconstruct, or extend water lines to provide domestic water and fire protection.

To purchase, build, construct or reconstruct irrigation systems, install underground tiling and cover open irrigation ditches within the limits of municipalities operating municipal irrigation systems pursuant to sections 50-1801 through 50-1835.

To purchase, build, construct, or reconstruct areas for recreational use or municipal parks.

To order sidewalks, crosswalks, curbs, gutters, culverts, bulkheads, retaining walls, street lighting systems together with all fixtures and equipment or any other improvements whatsoever, to be constructed,
reconstructed or renewed therein, and to order the planting, setting out and cultivating of shade or ornamental trees.

To order the whole or any portion or portions either in length or in width of any one or more of the streets therein, graded or regraded, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, surfaced or resurfaced, oiled or reoiled, or otherwise improved;

To create a district for the purpose of defraying the cost and expenses of acquiring private property for the purpose of opening, widening or extending any street or alley within the corporate limits of such municipality.

To purchase, build, construct, reconstruct or otherwise improve parking facilities and all other appurtenances necessary to provide adequate off-street parking, and to that end may acquire real or personal property by purchase, gift, condemnation or otherwise, and may own, possess and maintain such real or personal property within the limits of the municipality as in the judgment of the council may be necessary and convenient for such purposes.

Approved March 5, 1970.

CHAPTER 100
(H. B. No. 549)

AN ACT
RELATING TO REDEMPTIONS, AMENDING SECTIONS 11-402 AND 11-403, IDAHO CODE, BY PROVIDING THAT INTEREST SHALL RUN AT THE RATE OF EIGHT PER CENT PER ANNUM DURING ANY REDEMPTION PERIOD.

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

SECTION 1. That Section 11-402, Idaho Code, be, and the same is hereby amended to read as follows:

11-402. REDEMPTION — HOW MADE. — The judgment debtor or redemptioner may redeem the property from the purchaser within one (1) year after the sale, if the real property sold consisted of a tract of land of more than twenty (20) acres, and within six (6) months after the sale if the real property sold consisted of a tract of land of twenty (20) acres or less, on paying the purchaser the amount of his purchase with interest thereon at the rate of six eight percent (68%) per annum, from the date of sale to the date of redemption, together with the amount of any assessment or taxes which
the purchaser may have paid thereon after the commencement of the action and which are not included in the judgment, and interest at the rate of six eight per cent (68%) per annum on such amount; and, if the purchaser be also a creditor having a prior lien to that of the redemptioner, other than the judgment under which such purchase was made, the amount of such lien with interest at the rate of six eight per cent (68%) per annum; provided, in mortgage foreclosure proceedings, the amount necessary to redeem the property sold under execution shall not include any sum for attorney's fees greater than the fee actually paid by the judgment creditor or which the judgment creditor has by written instrument become unconditionally obligated to pay to his attorney for prosecuting his claim to judgment; and, provided, further, the amount of such fee shall be proven by affidavits of the attorney who has received and the person who has paid the fee or by other competent evidence to be presented to the sheriff for his guidance in carrying out the provisions of law relating to redemption; and, provided further, that such redemptioner shall not be required to pay any attorney's fees unless such fees shall have been paid within six (6) months after the sheriff's certificate of sale shall have issued, or within such time the judgment creditor has become unconditionally obligated by written instrument to pay such fees.

SECTION 2. That Section 11-403, Idaho Code, be, and the same is hereby amended to read as follows:

11-403. SUBSEQUENT REDEMPTIONS. — If property be so redeemed by a redemptioner, another redemptioner may, within sixty (60) days after the last redemption and within one (1) year after the sale, if the real property sold consisted of a tract of land of more than twenty (20) acres, and within six (6) months after the sale if the real property sold consisted of a tract of land of twenty (20) acres or less, again redeem it from the last redemptioner on paying the sum paid on such last redemption with interest thereon at the rate of six eight per cent (68%) per annum in addition from the date of the last redemption, and the amount of any assessment or taxes which the last redemptioner may have paid thereon, after the redemption by him with interest thereon at the rate of six eight per cent (68%) per annum on such amount, and in addition the amount of any liens held by said last redemptioner prior to his own, with interest thereon at the rate of six eight per cent (68%) per annum; but the judgment under which the property was sold need not be so paid as a lien.

The property may be again, and as often as a redemptioner is so disposed, redeemed from any previous redemptioner, within sixty (60) days after the last redemption and within one (1) year after the sale, if the real
property sold consisted of a tract of land of more than twenty (20) acres, and within six (6) months after the sale if the real property sold consisted of a tract of land of twenty (20) acres or less, on paying the sum paid on the last previous redemption with interest thereon at the rate of six eight per cent (68%) per annum in addition, and the amount of any assessments or taxes which the last previous redemptioner paid after the redemption by him, with interest thereon at the rate of six eight per cent (68%) per annum and the amount of any liens, other than the judgment under which the property was sold, held by the last redemptioner previous to his own, with interest thereon at the rate of six eight per cent (68%) per annum.

Written notice of redemption must be given to the sheriff and a duplicate filed for record with the recorder of the county; and, if any taxes or assessments are paid by the redemptioner, or if he has or acquires any lien other than that upon which the redemption was made, notice thereof must in like manner be given to the sheriff and filed with the recorder, and if such notice be not filed, the property may be redeemed without paying such tax, assessment or lien.

If no redemption be made within one (1) year after the sale, if the real property sold consisted of a tract of land of more than twenty (20) acres, and within six (6) months after the sale if the real property sold consisted of a tract of land of twenty (20) acres or less, the purchaser or his assignee is entitled to a conveyance, or, if so redeemed, whenever sixty (60) days have elapsed and no other redemption has been made, and notice thereon given, the time for redemption by a redemptioner has expired, and the last redemptioner or his assignee is entitled to a sheriff’s deed at the expiration of one (1) year after the sale, if the real property sold consisted of a tract of land of more than twenty (20) acres, and within six (6) months after the sale if the real property sold consisted of a tract of land of twenty (20) acres or less; but in all cases the judgment debtor shall have the entire period of one (1) year from the date of the sale to redeem the property if the real property sold consisted of a tract of land of more than twenty (20) acres and shall have the entire period of six (6) months from the date of sale to redeem the property if the real property sold consisted of a tract of land of twenty (20) acres or less.

If the judgment debtor redeem he must make the same payments as are required to effect a redemption by a redemptioner.

If a debtor redeem, the effect of the sale is terminated and he is restored to his estate.

Upon a redemption by the debtor, the person to whom the payment is made must execute and deliver to him a certificate of redemption,
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acknowledged and proved before an officer authorized to take acknowledgments of conveyances of real property.

Such certificate must be filed and recorded in the office of the recorder of the county in which the property is situated, and the recorder must note the record thereof in the margin of the record of the certificate of sale.

Approved March 5, 1970.

CHAPTER 101
(H. B. No. 577)

AN ACT
AMENDING SECTION 16-1504, IDAHO CODE, RELATING TO CONSENT FOR ADOPTION, BY PROVIDING THAT NOTICE IS NOT REQUIRED WHEN PARENTAL RELATIONSHIP HAS BEEN TERMINATED, AND BY PROVIDING THAT CONSENT AND NOTICE ARE NOT REQUIRED WHEN THE PARENTAL RELATIONSHIP HAS BEEN TERMINATED BY A SISTER STATE; PROVIDING THAT AN OUT OF STATE LICENSED CHILD PLACEMENT AGENCY MAY GIVE CONSENT TO ADOPTION IN A PROCEEDING WITHIN THE STATE OF IDAHO; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 16-1504, Idaho Code, be, and the same is hereby amended to read as follows:

16-1504. CONSENT OF PARENTS, GUARDIAN, NEAREST RELATIVE, OR NEXT FRIEND OF CHILD — EXCEPTIONS. — A legitimate child cannot be adopted without the consent of its parents, if living, nor an illegitimate child without the consent of its mother, if living, nor without the consent of its guardian if one has been legally appointed or, if no living parents or guardian, then of its nearest relative; if no relative, then by the consent of some person appointed by the judge to act in the proceedings as the next friend to such child. The consent of a parent who is a minor shall not be voidable because of that minority. No consent shall be required of, nor notice given to, any person whose parental relationship to or custody of such child shall have been terminated in accordance with the provisions of either chapters 16 or 20, title 16, Idaho Code, or by a court of competent jurisdiction of a sister state under like proceedings; or in any other manner authorized by the laws of a sister state. Where a voluntary child placement agency licensed by the state in which it does business is
authorized to place a child for adoption and to consent to such child's adoption under the laws of such state, the consent of such agency to the adoption of such child in a proceeding within the state of Idaho shall be valid and no further consents or notices shall be required.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 5, 1970.

CHAPTER 102
(H. B. No. 523)

AN ACT
AMENDING SECTION 63-2218, IDAHO CODE, TO REMOVE FROM THAT SECTION THE REQUIREMENT THAT THE STATE TAX COMMISSION PREPARE AND SUBMIT TO THE SEVERAL BOARDS OF COUNTY COMMISSIONERS A REPORT SHOWING THE APPROXIMATE INCREASE OR DECREASE IN ASSESSED VALUATION OF EACH COUNTY, TO REMOVE THE REQUIREMENT THAT THE BOARDS OF COUNTY COMMISSIONERS RELAY SUCH INFORMATION TO ALL TAXING DISTRICTS WITHIN THEIR COUNTY, TO REMOVE THE REQUIREMENT THAT BOARDS OF COUNTY COMMISSIONERS ROLL BACK LEVIES WHICH ARE IN EXCESS OF THAT PERMITTED BY SECTION 63-2217, IDAHO CODE, PRIOR TO ITS REPEAL BY CHAPTER 343, SECTION 5, 1967 SESSION LAWS, REMOVING THE REQUIREMENT THAT THE STATE TAX COMMISSION INVESTIGATE PETITIONS FOR RELIEF FROM SUCH LEVY ROLL BACK BY BOARDS OF COUNTY COMMISSIONERS UNDER SECTION 63-2217, IDAHO CODE, PRIOR TO ITS REPEAL BY CHAPTER 343, SECTION 5, 1967 SESSION LAWS, TO CHANGE THE TIME THAT THE LEGISLATIVE REPORT IS TO BE SUBMITTED BY THE STATE TAX COMMISSION FROM THE FIFTEENTH DAY OF JANUARY OF EACH ODD YEAR TO TEN DAYS PRIOR TO ANY MEETING OF ANY REGULAR SESSION OF THE LEGISLATURE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 63-2218, Idaho Code, be, and the same is hereby amended to read as follows:

63-2218. STATE TAX COMMISSION TO SUBMIT REPORT TO LEGISLATURE AND BOARDS OF COUNTY COMMISSIONERS TO ASSIST IN IMPLEMENTING PROVISIONS OF THIS ACT. It shall be the duty of the state tax commission and the several boards of county commissioners in the state, to assist in the implementation of the provisions of this act as follows:

As soon as possible after the passage of this act, but in no event later than the first day of January of each year, the state tax commission shall prepare and distribute to the board of county commissioners of each county a statement, in such detail as the state tax commission shall deem appropriate, showing the approximate percentage of increase or decrease in the assessed valuation of each county which may be expected as a result of this act. The statement so provided shall be made available by the said boards of county commissioners to all taxing districts and authorities within their respective counties in order to assist such district and authorities in the preparation of their budgets and levies. The state tax commission is further hereby directed to prepare and submit at each regular session of the Idaho legislature a comprehensive report and study of the property laws of this state; said report shall be submitted not later than January 15th of each odd year hereafter ten (10) days prior to the meeting of any regular session of the legislature and shall contain detailed statistical information concerning the operation of the property tax laws of this state as well as the recommendations of the said state tax commission for any legislative amendments or additions thereto.

It shall be the duty of the boards of county commissioners to review the levies of all taxing districts and authorities within their respective counties to determine whether such districts and authorities have complied with section 63-2217. Should any levy be found to be excessive, within the intent of section 63-2217, the board shall order the district or authority to reduce the levy as required in said section. Any taxing district or authority so ordered to reduce its levy or whose petition for increase in levy pursuant to section 63-2217 has been denied, may, within seven (7) days following such order or denial, file a protest thereof with the state tax commission which shall cause an investigation of the matter to be made and shall take appropriate action to set the proper levy as provided in this act. The authority granted in this section to the boards of county commissioners to review the levies of all taxing districts and authorities, and to reduce said levies, shall expire on January 1, 1974.

Approved March 5, 1970.
AN ACT
AMENDING SECTION 50-2018, IDAHO CODE, RELATING TO URBAN RENEWAL, BY PROVIDING THAT UNDERTAKINGS AND ACTIVITIES IN AN URBAN RENEWAL PROJECT MAY INCLUDE THE INSTALLATION, CONSTRUCTION OR RECONSTRUCTION OF OFF-STREET PARKING FACILITIES.

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

SECTION 1. That Section 50-2018, Idaho Code, be, and the same is hereby amended to read as follows:

50-2018. DEFINITIONS. - The following terms wherever used or referred to in this act, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(a) "Agency" or "urban renewal agency" shall mean a public agency created by section 50-2006, Idaho Code.

(b) "Municipality" shall mean any incorporated city or town, or county in the state.

(c) "Public body" shall mean the state or any municipality, township, village, board, commission, authority, district, or any other subdivision or public body of the state.

(d) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(e) "Mayor" shall mean the mayor of a municipality or other officer or body having the duties customarily imposed upon the executive head of a municipality.

(f) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(g) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(h) "Deteriorated area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of
disease, infant mortality, juvenile delinquency, or crime, and is detrimental
to the public health, safety, morals or welfare.

(i) "Deteriorating area" shall mean an area which by reason of the
presence of a substantial number of deteriorated or deteriorating structures,
predominance of defective or inadequate street layout, faulty lot layout in
relation to size, adequacy, accessibility or usefulness, insanitary or unsafe
conditions, deterioration of site or other improvements, diversity of
ownership, tax or special assessment delinquency exceeding the fair value of
the land, defective or unusual conditions of title, or the existence of
conditions which endanger life or property by fire and other causes, or any
combination of such factors, substantially impairs or arrests the sound
growth of a municipality, retards the provision of housing accommodations
or constitutes an economic or social liability and is a menace to the public
health, safety, morals or welfare in its present condition and use: Provided,
that if such deteriorating area consists of open land the conditions contained
in the proviso in section 50-2008(d), Idaho Code, shall apply: And provided
further, that any disaster area referred to in section 50-2008(g), Idaho Code,
shall constitute a deteriorating area.

(j) "Urban renewal project" may include undertakings and activities of
a municipality in an urban renewal area for the elimination of deteriorated
or deteriorating areas and for the prevention of the development or spread of
slums and blight, and may involve slum clearance and redevelopment in an
urban renewal area, or rehabilitation or conservation in an urban renewal
area, or any combination or part thereof in accordance with an urban
renewal plan. Such undertakings and activities may include—

1) acquisition of a deteriorated area or a deteriorating area or portion
thereof;
2) demolition and removal of buildings and improvements;
3) installation, construction, or reconstruction of streets, utilities,
parks, playgrounds, off-street parking facilities, and other
improvements necessary for carrying out in the urban renewal area the
urban renewal objectives of this act in accordance with the urban
renewal plan;
4) disposition of any property acquired in the urban renewal area
(including sale, initial leasing or retention by the agency itself) at its fair
value for uses in accordance with the urban renewal plan;
5) carrying out plans for a program of voluntary or compulsory repair
and rehabilitation of buildings or other improvements in accordance
with the urban renewal plan;
6) acquisition of real property in the urban renewal area which, under
the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property; and
(7) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.

(k) "Urban renewal area" means a deteriorated area or a deteriorating area or a combination thereof which the local governing body designates as appropriate for an urban renewal project.

(l) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan for the municipality as a whole except as provided in subsection 50-2008(g), Idaho Code; and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, and building requirements.

(m) "Related activities" shall mean (1) planning work for the preparation or completion of a community-wide plan or program pursuant to section 50-2009, Idaho Code, and (2) the functions related to the acquisition and disposal of real property pursuant to section 50-2007(d), Idaho Code.

(n) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(o) "Bonds" shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(p) "Obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the municipality property used in connection with urban renewal, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(q) "Person" shall mean any individual, firm, partnership, corporation,
company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(r) "Area of operation" shall mean the area within the corporate limits of the municipality and the area within five (5) miles of such limits, except that it shall not include any area which lies within the territorial boundaries of another incorporated city or town unless a resolution shall have been adopted by the governing body of such other city or town declaring a need therefor.

(s) "Board" or "commission" shall mean a board, commission, department, division, office, body or other unit of the municipality.

(t) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

Approved March 5, 1970.

CHAPTER 104
(S. B. No. 1434, As Amended)

AN ACT
RELATING TO SOLID WASTE DISPOSAL BY PROVIDING A STATEMENT OF PURPOSE; PROVIDING FOR ESTABLISHING SOLID WASTE DISPOSAL SITES IN EACH COUNTY AND PROVIDING FOR PAYING FOR SITES; PROVIDING FOR MAINTAINING AND OPERATING SITES AND PRESCRIBING METHODS FOR MAINTENANCE AND OPERATION; PROVIDING FOR SOURCES OF REVENUES FOR PAYING FOR MAINTENANCE AND OPERATION; PROVIDING FOR LOCATION, MAINTENANCE AND OPERATION OF SITES UNDER RULES OF STATE BOARD OF HEALTH, PROVIDING PENALTY FOR VIOLATION, AND PROVIDING FOR CIVIL REMEDIES; PROVIDING FOR OPERATION AND MAINTENANCE UNDER RULES OF BOARD OF COUNTY COMMISSIONERS, PROVIDING PENALTY, AND PROVIDING FOR CIVIL REMEDIES; PROVIDING THAT SITES OPERATED BY CITIES MUST CONFORM TO RULES OF STATE BOARD OF HEALTH; PROVIDING THAT OTHER SITES
MUST COME UNDER THE JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING THAT SITES MAY BE OPERATED AND MAINTAINED JOINTLY; PROVIDING PENALTIES FOR VIOLATION AND PROVIDING FOR CIVIL DAMAGES; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. It is hereby declared to be the public policy of the state of Idaho that solid waste disposal sites be established, maintained and operated in each of the several counties of the state for the purpose of reducing the threat to health posed by uncollected garbage, refuse and scrap; for the purpose of maintaining the natural and esthetic setting of our land, water and air resources; for the purpose of providing a means for reclamation of otherwise unusable land areas; and for the purposes of such other cultural, social, economic and sanitation reasons as may be necessary from time to time.

SECTION 2. The board of county commissioners in each of the several counties is hereby authorized to establish, maintain and operate such solid waste disposal sites as are necessary to provide reasonable and convenient access to such disposal sites by all the citizens of the county. For the purpose of establishing sites for solid waste disposal, the board of county commissioners may purchase, lease, condemn or receive as gifts such areas as are suitable, or the board may exchange land with any other unit or units of government under such terms as are mutually advantageous. In order that a county may acquire sites as expeditiously and advantageously as possible, a county may use funds from current revenues for site acquisition, or may use funds made available through the issuance of bonds for solid waste disposal site acquisition, or may use funds made available from county building construction funds for solid waste disposal site acquisition, and the provisions of chapter 10, title 31, Idaho Code, are hereby made applicable for the acquisition of solid waste disposal sites and a solid waste disposal site is declared to be a public building within the definition of chapter 10, title 31, Idaho Code.

SECTION 3. It shall be the duty of the board of county commissioners in each of the several counties to maintain and operate solid waste disposal sites. Such maintenance and operation may be performed through or by:

(1) Employees, equipment and supplies hired by or acquired by the board of county commissioners;

(2) Contracts entered into by the board to have the maintenance and operation performed by private persons;
(3) Contracts entered into by the board to have the maintenance and operation performed by another unit of government;

(4) Franchises, granted pursuant to law by the board, for all or any part or parts of the county.

(5) Any combination of subsections (1), (2), (3), and (4) of this section.

SECTION 4. For the purpose of providing funds to operate and/or maintain solid waste disposal sites, a board of county commissioners may:

(1) Levy a tax of not to exceed two (2) mills on the assessed value of property within the county, provided that property located within the corporate limits of any city that is operating and maintaining a solid waste disposal site shall not be levied against for the purposes of the county solid waste disposal site; or,

(2) Collect fees from the users of the solid waste disposal facilities; or,

(3) Finance the solid waste disposal facilities from current revenues; or,

(4) Receive and expend moneys from any other source;

(5) Use any combination of subsections (1), (2), (3), and (4) of this section.

SECTION 5. All solid waste disposal sites shall be located, maintained and operated according to rules and regulations promulgated and adopted by the state board of health. Every person who violates any of the provisions of this act, or of any order, rule or regulation of the state board of health issued pursuant thereto, where a copy of the order, rule or regulation has been served upon said person by certified mail, and said person fails to comply therewith within the time provided in the order, rule or regulation, or within ten (10) days of such service if not otherwise provided, shall be guilty of a misdemeanor. In the event of a continuing violation, each day that the violation continues constitutes a separate and distinct offense. In addition to the criminal penalties provided by this act, whenever it appears to the state board of health that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this act or of any rule or regulation promulgated and adopted under the provisions of this act, the board may bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this act or any rule or regulation hereunder. Upon a showing that a person has engaged or is about to engage in an act or practice constituting a violation of this act or any rule or regulation hereunder, a permanent or temporary injunction, restraining order or writ of mandamus shall be granted. The board of health shall not be required to furnish bond.

SECTION 6. The board of county commissioners shall by ordinance
provide for the necessary rules and regulations for the operation and maintenance of solid waste disposal sites. In addition to the criminal penalties provided for violation of a county ordinance, whenever it appears to the board of county commissioners that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this act or of a county ordinance enacted pursuant to this act, the board may bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this act or any ordinance hereunder. Upon a showing that a person has engaged or is about to engage in an act or practice constituting a violation of this act or ordinance hereunder, a permanent or temporary injunction, restraining order or writ of mandamus shall be granted. The board of county commissioners shall not be required to furnish bond.

SECTION 7. Solid waste disposal sites now in existence or hereafter established and maintained and/or operated by any city shall conform in the same manner as county solid waste disposal sites as provided in section 5 of this act.

SECTION 8. Solid waste disposal sites now in existence or hereafter established and maintained and/or operated by other than a city shall come under the jurisdiction of the board of county commissioners, and shall be maintained and/or operated only as provided in this act. Every owner of land who disposes of solid waste on his own land shall obtain a written permit from the board of county commissioners for such disposal.

SECTION 9. Any maintenance and/or operation of a solid waste disposal site required by this act may be done jointly with any other county or counties.

SECTION 10. It shall be a misdemeanor, except at solid waste disposal sites located, maintained and operated as provided by this act, for any person to throw away, dump or discard any type or nature of solid waste on any public lands, rights of way of any kind, or private land of another. In addition to the criminal penalties for violation of this section, civil damages in an amount of three (3) times the actual damage shall be imposed upon the person so convicted to be used to restore the lands to their original state. Such civil actions shall be brought in and for the county in which the violation occurred, and any remainder of damages collected after restoration shall be used for maintenance and operation of solid waste disposal sites.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactive to January 1, 1970.

Approved March 5, 1970.
CHAPTER 105
(S. B. No. 1456)

AN ACT
AMENDING SECTION 20-228, IDAHO CODE, RELATING TO CONDITIONS OF PAROLE AND WARRANT FOR ARREST OF SUSPECTED VIOLATORS AND EFFECT OF SUSPENSION AND ARREST, BY PROVIDING THAT THE STATE BOARD OF CORRECTION SHALL ACT THROUGH THE COMMISSION FOR PARDONS AND PAROLE, AND BY PROVIDING THAT A SUSPECTED PAROLE VIOLATOR'S PAROLE SHALL BE SUSPENDED UNTIL A HEARING ON THE MERITS; REPEALING SECTION 20-229, IDAHO CODE; AMENDING CHAPTER 2, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-229, IDAHO CODE, PROVIDING THAT EVERY PERSON ACCUSED OF A VIOLATION OF HIS PAROLE, OTHER THAN FOR THE COMMISSION OF, AND CONVICTION FOR A FELONY OR MISDEMEANOR SHALL BE ENTITLED TO A PAROLE VIOLATION HEARING; AMENDING CHAPTER 2, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-229A, IDAHO CODE, PROVIDING FOR NOTICE OF ALLEGED PAROLE VIOLATION, PROVIDING SERVICE ON SUSPECTED PAROLE VIOLATOR AND PROVIDING THAT A SUSPECTED PAROLE VIOLATOR MAY WAIVE HEARING; AMENDING CHAPTER 2, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-229B, IDAHO CODE, PROVIDING THAT AFTER A PAROLE VIOLATION HEARING, A MEMBER OR MEMBERS OF THE COMMISSION FOR PARDONS AND PAROLE SHALL ENTER AN ORDER OF REINSTATEMENT OR REVOCATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 20-228, Idaho Code, be, and the same is hereby amended to read as follows:

20-228. CONDITIONS OF PAROLE TO BE SPECIFIED IN WRITING — WARRANT FOR ARREST OF SUSPECTED VIOLATORS — EFFECT OF REVOCATION SUSPENSION AND ARREST. — The state board of correction, through the commission for pardons and parole, in releasing a person on parole, shall specify in writing the conditions of his parole, and a copy of such conditions shall be given to the person paroled. Whenever the
The commission finds that a prisoner has may have violated the conditions of his parole or probation, the written order of the board commission, signed by a member or members of the commission, shall be sufficient warrant for any law enforcement officer to take into custody such person, as it is hereby made the duty of all sheriffs, police, constables, parole and probation officers, prison officials and other peace officers, to execute such order. Such warrant shall serve to suspend the person's parole until a determination on the merits of the allegations of the violation has been made after hearing. From and after the cancellation and revocation issuance of the warrant and suspension of the parole or probation of any convicted person and until his return to custody arrest, he shall be considered a fugitive from justice. Such person so recommitted must serve out his sentence, and the time during which such prisoner was out on parole shall not be deemed a part thereof, but nothing herein contained shall prevent the state board of correction commission for pardons and parole from again paroling such prisoners at its discretion.

SECTION 2. That Section 20-229, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 2, Title 20, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 20-229, Idaho Code, and to read as follows:

20-229. PAROLE REVOCATION HEARING. — Whenever a paroled prisoner is accused of a violation of his parole, other than the commission of, and conviction for, a felony or misdemeanor under the laws of this state, or any other state, or any federal laws, he shall be entitled to a fair and impartial hearing of such charges within thirty (30) days from the time that he is served with charges of the violation of conditions of his parole after his arrest and detention. The hearing shall be held before one (1) or more members of the commission for pardons and parole at a place or places, within this state, reasonably near the site of the alleged violation or violations of parole.

SECTION 4. That Chapter 2, Title 20, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 20-229A, Idaho Code, and to read as follows:

20-229A. NOTICE — SERVICE — WAIVER. — Within fifteen (15) days from the date of the arrest and detention of the alleged parole violator, he shall be personally served by a state probation and parole officer with a copy of the factual allegations of the violation of the conditions of parole, and, at the same time shall be advised of his right to an on-site parole
revocation hearing and of his rights and privileges as provided by this act. The alleged parole violator, after service of the allegation of violations of the conditions of parole and the advice of rights may waive the on-site parole revocation hearing as provided by section 20-229, Idaho Code. If the alleged parole violator shall waive his right to an on-site hearing, he shall, in the alternative, be given the right to have such hearing held at a penitentiary facility. The alleged parole violator may waive the right to any hearing, and at that time may admit one (1) or more of the alleged violations of the conditions of parole. If the commission for pardons and parole accepts the waiver it shall, (1) reinstate the parolee under the same or modified conditions, or (2) revoke the parole of the parolee and enter an order of parole revocation and return to state custody.

If all waivers made by the parolee are rejected by the commission, it shall hold a parole revocation hearing either on-site or at a penitentiary facility.

SECTION 5. That Chapter 2, Title 20, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 20-229B, Idaho Code, and to read as follows:

20-229B. COMMISSION RULINGS. After a parole revocation hearing has been concluded, the member or members of the commission for pardons and parole having heard the matter shall enter their decision within twenty (20) days. If the member or members, having heard the matter, should conclude that the allegations of violation of the conditions of parole have not been proven by a preponderance of the evidence, or those which have been proven by a preponderance of the evidence are not sufficient cause for the revocation of parole, then the parolee shall be reinstated on parole on the same or modified conditions of parole. If the member or members having heard the matter should conclude that the allegations of violation of the conditions of parole have been proven by a preponderance of the evidence and constitute sufficient cause for the revocation of parole, then such member or members shall enter an order of parole revocation and return the parole violator to state custody.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 5, 1970.
AN ACT
AMENDING SECTION 49-1532, IDAHO CODE, RELATING TO PENALTIES FOR VIOLATION, BY REDUCING THE AMOUNT OF FINE THAT MAY BE IMPOSED FOR CERTAIN VIOLATIONS FROM FIVE HUNDRED DOLLARS TO THREE HUNDRED DOLLARS.

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

SECTION 1. That Section 49-1532, Idaho Code, be, and the same is hereby amended to read as follows:

49-1532. OTHER VIOLATIONS — PENALTIES. — (a) Any person whose license or registration or nonresident's operating privileges has been suspended or revoked under this act and who, during such suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this act, shall be deemed guilty of a misdemeanor and be fined not more than $300 or imprisoned not exceeding 6 months, or both.

(b) Any person willfully failing to return license or registration as required in section 49-1531 shall be deemed guilty of a misdemeanor and be fined not more than $300 or imprisoned not to exceed 30 days, or both.

(c) Any person who shall forge or, without authority, sign any notice provided for under section 49-1505 that a policy or bond is in effect, or any evidence of proof of financial responsibility, or who files or offers for filing any such notice or evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be deemed guilty of a misdemeanor and be fined not more than $1,000 or imprisoned not more than one (1) year, or both.

(d) Any person who shall violate any provision of this act for which no penalty is otherwise provided shall be fined not more than $300 or imprisoned not more than 90 days, or both.

Approved March 5, 1970.
CHAPTER 107
(S. B. No. 1511)

AN ACT
AMENDING SECTION 63-508, IDAHO CODE, RELATING TO SALARIES OF MEMBERS OF THE STATE TAX COMMISSION, BY FIXING AN ANNUAL BASE SALARY OF $16,500 PER YEAR FOR EACH MEMBER OF THE COMMISSION; AND DECLARING AN EMERGENCY AND MAKING THIS AMENDATORY ACT RETROACTIVE TO JANUARY 1, 1970.

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

SECTION 1. That Section 63-508, Idaho Code, be, and the same is hereby amended to read as follows:

63-508. COMPENSATION. — Each member of the commission shall devote his full time to the performance of his duties and shall receive an annual base salary of $14,500.00-$16,500 per annum.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1970.

Approved March 5, 1970.

CHAPTER 108
(S. B. No. 1537)

AN ACT
AMENDING SECTION 1 OF CHAPTER 66, LAWS OF 1969, TO INCREASE THE LINE ITEM APPROPRIATION OF SALARIES AND WAGES BY $6,600.00, AND TO DECREASE THE LINE ITEM APPROPRIATION OF OTHER CURRENT EXPENSE BY $6,600.00 FOR THE PERIOD JULY 1, 1969 TO JUNE 30, 1971, OF THE REAL ESTATE COMMISSION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 66, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operating costs
and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Real Estate Commission.

FOR MAJOR AND MINOR PROGRAMS:

ADMINISTRATION $134,510

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

SALARIES AND WAGES $75,810 $82,410
TRAVEL 18,800
OTHER CURRENT EXPENSE 38,400 31,800
REFUND OF ERRONEOUS RECEIPTS 500
CAPITAL OUTLAY 1,000

FROM:

REAL ESTATE FUND $134,510

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 5, 1970.

CHAPTER 109
(S. B. No. 1538)

AN ACT
AMENDING SECTION 67-2304, IDAHO CODE, RELATING TO CONSTRUCTION ACTIVITIES ON PUBLIC WORKS, BY PROVIDING THAT THE PERMANENT BUILDING FUND COUNCIL MAY PRESCRIBE RULES AND REGULATIONS FOR A PROGRAM OF INSPECTION AND PREVENTIVE MAINTENANCE.

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

SECTION 1. That Section 67-2304, Idaho Code, be, and the same is hereby amended to read as follows:

67-2304. CONSTRUCTION, ALTERATION, EQUIPPING, FURNISHING AND REPAIR OF PUBLIC BUILDINGS AND WORKS — SUPERVISION BY COMMISSIONER OF PUBLIC WORKS — APPROVAL OF PERMANENT BUILDING FUND COUNCIL. — The commissioner of public works of the state of Idaho, is authorized and empowered, subject to the approval of the permanent building fund council, to provide or secure all plans and specifications for, to let all contracts for, and to have charge of
and supervision of the construction, alteration, equipping and furnishing and repair of any and all buildings, improvements of public works of the state of Idaho, the cost of which construction, alteration, equipping and furnishing or repair exceeds the sum of $500.00 provided, that the commissioner of public works and permanent building fund council shall, in the letting of contracts under this section, comply with the procedure for the calling of bids provided in section 67-1608, Idaho Code; provided, however, that this section shall not apply to the construction, alteration, equipping or furnishing or repair of public buildings under the jurisdiction and control of the board of regents of the University of Idaho; and provided further that this section shall have no application to the preparation and submission of plans and specifications pursuant to section 57-1105, Idaho Code. The permanent building fund council may adopt rules and regulations consistent with existing law, including rules and regulations for a program of inspection and preventive maintenance, to carry out the provisions of this act.

Approved March 5, 1970.

CHAPTER 110
(S. B. No. 1560, As Amended in the House)

AN ACT
PRESCRIBE FORMS FOR COUNTY BUDGETS; AMENDING SECTION 31-1705, IDAHO CODE, RELATING TO FILING AUDIT REPORTS BY COUNTY COMMISSIONERS, BY PROVIDING THAT AUDIT REPORTS SHALL BE FILED WITH THE LEGISLATIVE AUDITOR; AMENDING SECTION 31-1706, IDAHO CODE, RELATING TO THE REVIEW OF COUNTY AUDIT REPORTS, BY PROVIDING THAT THE LEGISLATIVE AUDITOR SHALL REVIEW REPORTS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby created in the office of the legislative auditor, the division of public accounts. The legislative auditor shall be the director of the division of public accounts, and may employ and fix the compensation of such additional personnel as may be necessary.

SECTION 2. As directed by the legislature, the legislative auditor is hereby authorized:

(1) To make a complete audit of any and every fund in the state treasury at least once in every two (2) fiscal years;

(2) To supervise and examine the accounts and expenditures of the several departments and public institutions of the state and all political subdivisions thereof;

(3) To inspect securities held by the several departments and public institutions of the state and the political subdivisions thereof;

(4) To examine, at any and all times, the accounts of every private corporation, institution, association, or board receiving appropriations from the legislature;

(5) To demand and receive reports from the state treasurer, state auditor, state commissioner of finance, and any other officer or agency, and from the several state depositors;

(6) To publish, from time to time, for the information of the several departments and of the general public, bulletins of the works of government; and

(7) To report to the attorney general, for such action, civil or criminal, as the attorney general may deem necessary, all facts showing illegal expenditure of the public money or misappropriation of the public money or misappropriation of the public property.

All reports, findings and audits of the legislative auditor shall be submitted to the legislature and to the governor.

SECTION 3. The legislative auditor is hereby authorized to make any jit of any state department, agency, division, or other institution of state government as may be requested by the governor, and the committee shall
direct such audit. Reports of such audits shall be made to the governor and to the legislature.

SECTION 4. In order to provide for the orderly implementation of this act, and to provide an economical, efficient, and effective operation of the legislative auditor, all appropriated funds, custody and control of equipment, facilities, records and employees of the bureau of public accounts are hereby transferred to the office of the legislative auditor. The provisions of this act shall in no manner affect the rights or privileges of any employee transferred to the legislative auditor under the public employees retirement system (chapter 13, title 59, Idaho Code) or the group insurance plan (chapter 12, title 59, Idaho Code).

SECTION 5. That Sections 67-1701 through and including 67-1704, Idaho Code, be, and the same are hereby repealed.

SECTION 6. That Section 31-1612, Idaho Code, be, and the same is hereby amended to read as follows:

31-1612. DUTY OF BUREAU OF PUBLIC ACCOUNTS, STATE AUDITOR. — It is hereby made the duty of the bureau of public accounts, state auditor of the state of Idaho to prescribe the forms necessary to carry out the provisions of this act to the end that a uniform system of estimates, tentative budget, final budget and accounts may be established and maintained in the various counties of this state.

SECTION 7. That Section 31-1705, Idaho Code, be, and the same is hereby amended to read as follows:

31-1705. FILING OF COMPLETED AUDIT REPORT. — The board of county commissioners is hereby required to file one (1) copy of such completed audit report with the state bureau of public accounts, legislative auditor within ten (10) days after its delivery by the contracting auditor.

SECTION 8. That Section 31-1706, Idaho Code, be, and the same is hereby amended to read as follows:

31-1706. REVIEW OF AUDIT REPORT. — The state bureau of public accounts, legislative auditor must review such audit report within twenty (20) days following receipt thereof. If such audit report submitted, in the opinion of the state bureau of public accounts, legislative auditor, meets the prescribed specifications, the board of county commissioners and contracting auditor must be immediately notified. In case the state bureau of public accounts, legislative auditor finds the audit report does not meet the prescribed specifications, a statement of his objections setting forth specifically wherein said audit fails or neglects to meet the specifications must be sent by registered mail, one (1) copy to the board of county commissioners and one (1) copy to the contracting auditor. Should the
contracting auditor fail to remove the objection, the state bureau of public accounts legislative auditor shall be required to proceed immediately to make the proper investigation, the necessary expense therefor to be borne by the county so affected.

SECTION 9. This act shall be in full force and effect on and after July 1, 1970.

Approved March 6, 1970.

CHAPTER 111
(S. B. No. 1409, As Amended in the House)

AN ACT
AMENDING SECTION 63-105D, IDAHO CODE, RELATING TO PROPERTY EXEMPT FROM TAXATION, BY PROVIDING EXEMPTION FOR PROPERTY OWNED BY ANY PERSON WHO IS KNOWN TO HAVE BEEN TAKEN BY HOSTILE FORCES AS A PRISONER, HOSTAGE, OR OTHERWISE; INCREASING THE EXEMPTION TO A FAIR MARKET VALUE OF $15,000.00 AND CHANGING THE REQUIREMENT FOR QUALIFICATION FROM $3,600.00 TAXABLE INCOME TO $3,600.00 OF NET INCOME FROM ALL SOURCES; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-105D, Idaho Code, be, and the same is hereby amended to read as follows:

63-105D. PROPERTY EXEMPT FROM TAXATION – BLIND PERSONS, FATHERLESS CHILDREN, WIDOWS, HONORABLY DISCHARGED VETERANS OF CERTAIN WARS AND DISABLED AMERICAN VETERANS. – The following property is exempt from taxation, provided that the total amount of all exemptions allowed to any one (1) family under this section shall not exceed $1,250.00 of assessed value, and further provided that:

None of the property exempted from taxation by this subsection shall be exempt if the person owning the same and claiming exemption thereon owns property the full cash value of which exceeds $6,000.00 - $15,000.00; nor shall the exemption herein provided inure to the benefit of any person whose net income, as defined in section 63-3022, from
all sources, whether or not such income is taxable, exceeds the sum of $3,600.00 per annum;

The exemptions provided in this section shall apply only to property owned by the person claiming the exemption and occupied by that person as a home; provided, however, that where the person claiming the exemption shall have rented the home during illness, or resides in a charitable institution and is unable to provide the necessities of life without receiving rental income from the rental of such home, provided such rental income does not exceed $50.00 per month, the exemption herein provided shall apply;

No exemption herein provided shall apply to any property sold, transferred, conveyed, or otherwise disposed of, on or before the first day of June of any year;

No exemption herein provided shall be granted any person who is not a resident of the state of Idaho, for the entire year, nor shall the exemption herein provided be granted more than once to one (1) person during any one (1) year;

The exemptions herein provided must be claimed in accordance with the provisions of section 63-107; and further provided that any public official who shall wilfully grant an exemption in violation of the provisions of this section shall be guilty of a misdemeanor:

(a) Property which belongs to a blind person; provided, however, that in the case of community property, only one-half (½) of the exemption shall be allowed in any case where one of the spouses is not blind;
(b) Property belonging to fatherless children who have not attained eighteen (18) years of age;
(c) Property belonging to widows;
(d) Property belonging to honorably discharged veterans who served in the armed forces of the United States during the Indian Wars, Spanish-American War and World War I, as defined by the laws and regulations of the United States veterans administration;
(e) Property belonging to disabled American veterans of any war engaged in by the United States, whose disability is recognized as a service-connected disability of a degree of ten per cent (10%) or more, or who are in receipt of pension for non-service-connected disabilities, in accordance with laws and regulations administered by the United States veterans administration; provided, however, that in all cases under this subparagraph the veteran claiming exemption shall furnish a statement as to his status signed by a responsible officer of the United States veterans administration;
(f) Property belonging to any person as specified in 42 USCA 1701.
who was or is entitled to receive benefits because he is known to have been taken by a hostile force as a prisoner, hostage, or otherwise.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1970.

Approved March 6, 1970.

CHAPTER 112
(S. B. No. 1413)

AN ACT
AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY ADDING A NEW SECTION 67-2609, IDAHO CODE, PROVIDING THAT DISTRICT COURTS HAVE JURISDICTION AND THE DEPARTMENT OF AGRICULTURE MAY SUE IN A CIVIL COURT TO ENFORCE, PREVENT, RESTRAIN OR ENJOIN VIOLATIONS OF LAWS AND REGULATIONS UNDER THE JURISDICTION OF THE DEPARTMENT OF AGRICULTURE REGARDLESS OF OTHER REMEDIES, CRIMINAL OR CIVIL, PROVIDED FOR BY SUCH LAWS.

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

SECTION 1. That Chapter 26, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-2609, Idaho Code, and to read as follows:

67-2609. INJUNCTION. – In addition to the other remedies, criminal or civil, provided by law, the department of agriculture may apply to the district courts for, and the district courts are vested with, civil jurisdiction to enforce, prevent, restrain or enjoin violations of any provision of a law or regulation made pursuant thereto under the jurisdiction of the department of agriculture.

Approved March 6, 1970.
CHAPTER 113
(S. B. No. 1436, As Amended in the House)

AN ACT
AMENDING SECTION 34-616, IDAHO CODE, RELATING TO HOURS THAT POLLS MUST BE OPEN FOR NOMINATING ELECTIONS, BY PROVIDING THAT COUNTY COMMISSIONERS SHALL DETERMINE SUCH HOURS, AND PROVIDING THAT POLLS SHALL BE OPEN NO LATER THAN TWELVE O'CLOCK NOON.

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

SECTION 1. That Section 34-616, Idaho Code, be, and the same is hereby amended to read as follows:

34-616. OPENING AND CLOSING OF POLLS. - The polls in the several election precincts on the day any nominating election is held shall be open from twelve (12) o'clock noon until eight (8) o'clock in the evening of said day, such hours as may be prescribed by the county commissioners of that county in which such election precincts are located; but provided that the county commissioners shall open the polls not later than twelve (12) o'clock noon of any election day. No adjournment or intermission whatever shall take place until the polls shall be closed, and the votes counted, and the result publicly announced.

Approved March 6, 1970.

CHAPTER 114
(S. B. No. 1499)

AN ACT
AMENDING SECTION 36-601, IDAHO CODE, RELATING TO UNLAWFUL TRAFFIC IN GAME ANIMALS, BY PROVIDING THAT MOUNTED GAME BIRDS MAY BE SOLD WHEN PROPERLY IDENTIFIED.

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

SECTION 1. That Section 36-601, Idaho Code, be, and the same is hereby amended to read as follows:

36-601. TRAFFIC IN GAME ANIMALS AND GAME BIRDS UNLAWFUL WITHOUT PERMIT -- EXCEPTIONS. - It shall be unlawful for any person or persons or any corporation or company or agent or
employee of such company or corporation to purchase, sell or keep for sale or have in his or its possession for the purpose of selling any of the game birds or game animals mentioned in this title, except as otherwise provided and except that game bird skins and game birds when mounted and except the hides, horns or heads of game animals when detached from the carcass, may be sold only when properly accompanied by a statement showing that the animals were lawfully killed, and no person or corporation shall purchase, sell, offer to sell or have in his, its or their possession for the purpose of selling any mounted game birds or any hides, horns, or heads of game animals in excess of the number provided for in this act. Provided, that nothing in this act shall be construed to prohibit the possession or sale of game animal hides lawfully taken.

Approved March 6, 1970.

CHAPTER 115
(S. B. No. 1504)
AN ACT
AMENDING SECTION 33-804, IDAHO CODE, RELATING TO THE SCHOOL PLANT FACILITIES RESERVE FUND LEVY, BY RAISING THE MAXIMUM LEVY THEREUNDER FROM TEN MILLS TO FIFTEEN MILLS.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-804, Idaho Code, be, and the same is hereby amended to read as follows:

33-804. SCHOOL PLANT FACILITIES RESERVE FUND LEVY.
In any school district in which a school plant facilities reserve fund has been created, either by resolution of the board of trustees or by apportionment to new districts according to the provisions of section 33-901, Idaho Code, to provide funds therefor the board of trustees shall submit to the qualified school electors of the district the question of a levy not to exceed ten (10) fifteen (15) mills in each year for a period not to exceed ten (10) years.

The notice of such election shall state the number of mills proposed to be levied, the period of years in each of which the levy is proposed to be made, and the purposes for which such funds shall be used. Said notice shall be given, the election shall be conducted and the returns canvassed as provided in sections 33-401-33-406, Idaho Code; and the levy shall be approved only if the majority voting in favor thereof is as that required in section 33-1103, Idaho Code.

If the question be approved, the board of trustees may make a levy in
each year according to the terms so approved; and may again submit the question at the expiration of the period of such levy, for the number of mills and the number of years which the board may at that time determine. Or, during the period approved at any such election, if such period be less than ten (10) years or the number of mills be less than fifteen (15), the board of trustees may submit to the qualified school electors in the same manner as before, the question whether the number of years, or the number of mills, or both, be increased, but not to exceed the maximum herein authorized. If such increase or increases be approved by the electors, the terms of such levy shall be in lieu of those approved in the first instance, but disapproval shall not affect any terms theretofore in effect.

Approved March 6, 1970.

CHAPTER 116
(S. B. No. 1508)

AN ACT
AMENDING SECTION 1-2008, IDAHO CODE, RELATING TO THE INVESTMENT OF JUDGES' RETIREMENT FUND, BY DESIGNATING WHAT CONSTITUTES AUTHORIZED INVESTMENTS OF THE JUDGES' RETIREMENT FUND; AMENDING CHAPTER 20, TITLE 1, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 1-2008A, IDAHO CODE, PROVIDING THAT THE SUPREME COURT MAY DIRECT THE COMMISSIONER OF Finance TO APPOINT AN INVESTMENT TRUSTEE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1-2008, Idaho Code, be, and the same is hereby amended to read as follows:

1-2008. INVESTMENT OF JUDGES' RETIREMENT FUND. The department of finance shall at the direction of the Supreme Court invest and reinvest moneys of the judges' retirement fund in securities authorized for investments by sections 26-1602 and 68-404, Idaho Code, in the following manner and in the following investments or securities and none other:

(1) United States treasury bills, United States treasury notes, or other United States governmental debt instruments.

(2) United States, state, county, city, or school district bonds or state
warrants.

(3) Bonds, notes, or other obligations of the United States or those
guaranteed by the United States or for which the credit of the United
States is pledged for payment of the principal and interest or dividends
thereof:

(4) Bonds, notes, or other obligations of the state of Idaho and its
political subdivisions, or bonds, notes and other obligations of other
states and their political subdivisions, provided such bonds, notes or
other obligations or the issuing agency for other than the state of Idaho
and its political subdivisions have an AAA rating or higher by a
commonly known rating service.

(5) Bonds or notes of any corporation organized, controlled and
operating within the United States which have an A rating or higher by
a commonly known rating service.

(6) Corporate obligations designated as corporate convertible debt
securities.

(7) Obligations secured by mortgages constituting a first lien upon real
property in the state of Idaho which are fully insured or guaranteed as
to the payment of the principal by the government of the United States
or any agency thereof.

(8) Common or preferred stocks of corporations.

All securities arising from such invested moneys shall be held by the
department of finance as custodian thereof, and it shall collect the principal
and interest thereof when due and pay the same into the judges' retirement
fund. The state treasurer shall pay all warrants drawn on the judges' retirement
fund for making such investments when issued pursuant to
vouchers signed by the chief justice of the Supreme Court and by the state
auditor.

SECTION 2. That Chapter 20, Title 1, Idaho Code, be, and the same is
hereby amended by the addition thereto of a new section, to be known and
designated as Section 1-2008A, Idaho Code, and to read as follows:

SECTION 1-2008A. INVESTMENT TRUSTEE. — The Supreme Court
may direct the commissioner of finance to select and contract with a
minimum of one (1) investment trustee to manage the investment of the
judges' retirement fund. The investment trustee shall, subject to the
direction of the commissioner of finance, exert control over the funds as
though the investment trustee were the owner thereof. The commissioner of
finance shall be responsible for insuring that the investment trustee complies
with this act.

SECTION 3. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 6, 1970.

CHAPTER 117
(S. B. No. 1518)

AN ACT
AMENDING SECTION 3-409, IDAHO CODE, BY PROVIDING THAT LICENSE FEES FOR MEMBERS OF THE IDAHO STATE BAR ASSOCIATION SHALL BE PAID TO THE BOARD OF COMMISSIONERS OF THE IDAHO STATE BAR RATHER THAN TO THE STATE TREASURY, STRIKING REFERENCE TO THE BAR COMMISSION FUNDS, AND STRIKING MATERIAL MADE EXTRANEOUS THEREBY; AMENDING SECTION 3-410, IDAHO CODE, BY STRIKING REFERENCE TO THE STATE TREASURER AND SUBSTITUTING THE SECRETARY OF THE BOARD; AMENDING SECTION 3-411, IDAHO CODE, BY STRIKING REFERENCE TO THE FUND; AND PROVIDING THAT THE STATE TREASURER SHALL DISTRIBUTE ANY MONEYS IN THE BAR COMMISSION FUND ON THE EFFECTIVE DATE OF THIS ACT TO THE COMMISSIONERS OF THE IDAHO STATE BAR.

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

SECTION 1. That Section 3-409, Idaho Code, be, and the same is hereby amended to read as follows:

3-409. LICENSE FEES AND APPROPRIATIONS. — Every person practicing, or holding himself out as practicing law within this state, or holding himself out to the public as a person qualified to practice or carry on the calling of a lawyer within this state, except state and United States judges of the courts of record within this state, shall, prior to so doing and prior to the first day of March of each year, commencing with the year 1970, and thereafter, pay into the state treasury to the board of commissioners of the Idaho state bar association as a license fee the sum of twenty-five dollars ($25.00) for the calendar year of his admission to practice law in the state of Idaho, and thirty-five dollars ($35.00) for the next calendar year thereafter, and fifty dollars ($50.00) each year for the
second, third and fourth calendar years following the calendar year of such admission; and one hundred dollars ($100.00) for the fifth calendar year following the calendar year of such admission, and one hundred dollars ($100.00) for each year thereafter until the calendar year following the lawyer's seventy-second birthday and for such calendar year and each year thereafter, the sum of thirty-five dollars ($35.00).

There is hereby established in the state treasury a special fund, the "bar-commission fund," which shall be separate and apart from all public moneys or funds of the state. The moneys thus collected, together with other revenues shall be administered under the direction of the board of commissioners of the Idaho state bar for the purpose of administering the Idaho state bar association, encouraging local bar associations, promoting legal education seminars, fostering relations between the public and the bar and for the purpose of establishing and maintaining a clients security fund which shall be administered by the Idaho state bar commissioners under rules approved by the Supreme Court. All moneys received by the state treasurer from payment of license fees under this act shall be forwarded monthly by the treasurer to the board of commissioners of the Idaho state bar or to a bank designated by the commissioners, after first deducting such amount as provided by section 67-3525, Idaho Code, for handling such moneys. All moneys received and expended by the commissioners of the Idaho state bar shall be audited annually by a certified public accountant.

SECTION 2. That Section 3-410, Idaho Code, be, and the same is hereby amended to read as follows:

3-410. RECEIPTS AND LICENSE - ISSUANCE. - The state treasurer, secretary of the board shall issue duplicate receipts a receipt to each person paying said license fee and transmit the same to the secretary of said board; who shall, if such person shall have theretofore been admitted to practice law in this state by the Supreme Court and not disbarred or then under suspension, thereupon issue to such person a license in such form as the board shall prescribe, for the year for which license fees were paid, and shall deliver said license and one copy of said receipt retaining the other in the files of the board for not less than one year.

SECTION 3. That Section 3-411, Idaho Code, be, and the same is hereby amended to read as follows:

3-411. DISBURSEMENTS - POWER OF BOARD - COMPENSATION AND EXPENSES. - For the purpose of carrying out the objects of this chapter, and in the exercise of the powers therein granted and duties hereby imposed, the board shall have power to make orders
concerning the disbursement of said fund disbursements; no member of the board shall receive any compensation for his services as such member but members of the board, and persons acting under the direction of said board shall be paid from said fund their actual necessary expenses, approved by said board, connected with the performance of the objects, powers or duties provided by this chapter. This act is expressly exempted from the provisions of sections 67-2007 and 67-2008 Idaho Code (Standard Travel Pay and Allowance Act of 1949).

SECTION 4. On the effective date of this act, the state treasurer shall pay to the commissioners of the Idaho state bar association any moneys which on that date are in the bar commission fund, and the bar commission fund shall thereafter be dissolved.

Approved March 6, 1970.

CHAPTER 118
(S. B. No. 1527)

AN ACT
AMENDING SECTION 5-407, IDAHO CODE, RELATING TO SELECTION OF NEW VENUE, AND PROCEDURE WHEN THE JUDGE IS DISQUALIFIED, BY AUTHORIZING THE CHIEF JUSTICE TO DIRECT ANOTHER JUDGE OF THE DISTRICT COURT TO PRESIDE OVER THE CAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 5-407, Idaho Code, be, and the same is hereby amended to read as follows:

5-407. SELECTION OF NEW VENUE — PROCEDURE WHEN JUDGE DISQUALIFIED. Whenever in any action pending before any court, the judge thereof shall be disqualified from acting therein, or, if from any cause the court orders the place of trial to be changed, it must be transferred for trial to such other court of competent jurisdiction as may be agreed upon by the parties by stipulation in writing in open court, and entered in the minutes; or, if they do not so agree, then to the nearest court where the like objection or cause for making the order does not exist, as follows:

1. If in the district court, to another district court.
2. If in the magistrate's division of the district court, to another magistrate in the same county, or to the district judge for assignment to another magistrate.

3. Whenever the judge of any district court shall be disqualified from hearing any cause pending therein, and any of the attorneys of record in such cause shall petition the governor or the chief justice of the supreme court to request that the judge of some other district court hold court in the county wherein such cause is pending, the governor or the chief justice of the supreme court may request the judge of the district court of some other district, who is not disqualified, to hold court in the county in which such cause is pending; and upon receiving such request from the governor or the chief justice of the supreme court, it shall be the duty of the judge so requested to hold such court and to try and determine such cause, and it shall be the duty of the disqualified judge to hold court for an equal length of time for the judge who takes his place, if so requested by such judge. The request of the attorneys hereinbefore provided for shall be in writing, filed in the cause, and a copy thereof, together with a list of all the attorneys of record in such cause, shall be certified by the clerk of the court to the governor or the chief justice of the supreme court as speedily as possible.

SECTION 2. This act shall be effective at 12:01 A.M. on January 11, 1971.

Approved March 6, 1970.

CHAPTER 119
(S. B. No. 1571)

AN ACT
PROVIDING A LEGISLATIVE DECLARATION OF POLICY REGARDING FAMILY LIFE AND SEX EDUCATION; PROVIDING A DEFINITION OF SEX EDUCATION; PROVIDING THAT THE SCHOOL DISTRICT SHALL INVOLVE PARENTS AND COMMUNITY GROUPS IN PLANNING, DEVELOPMENT, EVALUATION AND REVISION OF ANY INSTRUCTION IN SEX EDUCATION; AND PROVIDING FOR EXCUSING CHILDREN FROM PLANNED INSTRUCTION IN SEX EDUCATION.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. The legislature of the state of Idaho believes that the primary responsibility for family life and sex education, including moral responsibility, rests upon the home and the church and the schools can only complement and supplement those standards which are established in the family. The decision as to whether or not any program in family life and sex education is to be introduced in the schools is a matter for determination at the local district level by the local school board of duly selected representatives of the people of the community. If such program is adopted, the legislature believes that:

a. Major emphasis in such a program should be to assist the home in giving them the knowledge and appreciation of the important place the family home holds in the social system of our culture, its place in the family and the responsibility which will be there much later when they establish their own families.

b. The program should supplement the work in the home and the church in giving youth the scientific, physiological information for understanding sex and its relation to the miracle of life, including knowledge of the power of the sex drive and the necessity of controlling that drive by self-discipline.

c. The program should focus upon helping youth acquire a background of ideals and standards and attitudes which will be of value to him now and later when he chooses a mate and establishes his own family.

SECTION 2. Sex education for the purpose of this act is defined as the study of the anatomy and the physiology of human reproduction.

SECTION 3. School districts shall involve parents and school district community groups in the planning, development, evaluation and revision of any instruction in sex education offered as a part of this new program.

SECTION 4. Any parent or legal guardian who wishes to have his child excused from any planned instruction in sex education may do so upon filing a written request to the school district board of trustees and the board of trustees shall make available the appropriate forms for such request. Alternative educational endeavors shall be provided for those excused.

Approved March 6, 1970.
CHAPTER 120
(S. B. No. 1506, As Amended)

AN ACT
AMENDING SECTION 31-803, IDAHO CODE, RELATING TO THE DIVISION OF THE COUNTY INTO DISTRICTS BY THE BOARD OF COUNTY COMMISSIONERS, BY STRIKING THE REQUIREMENT OF ESTABLISHING JUSTICES' PRECINCTS; AMENDING SECTION 31-847, IDAHO CODE, RELATING TO A LEAVE OF ABSENCE BY COUNTY OFFICERS, BY STRIKING THE PROBATE JUDGE FROM THESE PROVISIONS; AMENDING SECTION 31-2001, IDAHO CODE, RELATING TO THE ENUMERATION OF COUNTY OFFICERS, BY STRIKING THE PROBATE JUDGE FROM THE ENUMERATED OFFICERS; AMENDING SECTION 31-2002, IDAHO CODE, RELATING TO PRECINCT OFFICERS, BY STRIKING THE JUSTICES OF THE PEACE FROM THESE PROVISIONS; AMENDING SECTION 31-2003, IDAHO CODE, RELATING TO THE APPOINTMENT OF DEPUTIES BY COUNTY OFFICERS, BY STRIKING THE PROBATE JUDGE AND CORONER FROM THE PROVISIONS OF THIS STATUTE; AMENDING SECTION 31-2009, IDAHO CODE, RELATING TO OFFICE LOCATIONS AND OFFICE HOURS OF COUNTY OFFICIALS, BY STRIKING THE PROVISIONS CONCERNING THE PROBATE JUDGE; AMENDING SECTION 31-2011, IDAHO CODE, RELATING TO COUNTY OFFICERS WHO MAY ADMINISTER OATHS, BY STRIKING THE JUSTICES OF THE PEACE FROM THESE PROVISIONS; AMENDING SECTION 31-2015, IDAHO CODE, RELATING TO BOND OF COUNTY OFFICERS, BY STRIKING FROM THESE PROVISIONS THE BONDS FOR THE PROBATE JUDGE AND THE JUSTICES OF THE PEACE; AMENDING SECTION 31-2202, IDAHO CODE, RELATING TO THE DUTIES OF THE SHERIFF, BY STRIKING FROM THE PROVISIONS THE REFERENCE TO THE PROBATE AND JUSTICES' COURTS AND INSERTING "THE MAGISTRATE'S DIVISION OF THE DISTRICT COURT" IN LIEU THEREOF; AMENDING SECTION 31-2309, IDAHO CODE, RELATING TO THE PROBATE JUDGE FILING AND RECORDING THE BOND OF THE COUNTY AUDITOR, BY TRANSFERRING THIS AUTHORITY TO THE DISTRICT COURT; AMENDING SECTION 31-2604, IDAHO CODE, RELATING TO THE DUTIES OF
THE PROSECUTING ATTORNEY, BY STRIKING FROM THESE PROVISIONS THE REFERENCE TO PROBATE AND JUSTICES' COURTS AND INSERTING "MAGISTRATE'S DIVISION OF THE DISTRICT COURT" IN LIEU THEREOF, PROVIDING THAT THE PROSECUTING ATTORNEY SHALL PROSECUTE ALL CRIMINAL ACTIONS EXCEPT CITY ORDINANCES WHICH SHALL BE PROSECUTED BY THE CITY ATTORNEY OR HIS DEPUTY, AND PROVIDING THAT THE PROSECUTING ATTORNEY SHALL PROSECUTE OR DEFEND ALL CIVIL ACTIONS IN WHICH THE COUNTY OR STATE IS A PARTY, PLAINTIFF OR DEFENDANT OR IS INTERESTED; AMENDING SECTION 31-2805, IDAHO CODE, RELATING TO THE JUSTICE OF THE PEACE AS ACTING CORONER, BY TRANSFERRING SUCH DUTIES TO THE DISTRICT JUDGE OR WHOMEVER THE DISTRICT JUDGE SHALL ASSIGN; AMENDING SECTION 31-3215, IDAHO CODE, RELATING TO EXECUTION FOR FEES TO COUNTY OFFICERS, BY STRIKING THE JUSTICE OF THE PEACE FROM THESE PROVISIONS; AMENDING SECTION 31-3302, IDAHO CODE, RELATING TO COUNTY CHARGES, BY STRIKING FROM THESE PROVISIONS ALL THE CHARGES AND ACCOUNTS FOR SERVICES RENDERED BY THE JUSTICES OF THE PEACE OR PROBATE JUDGES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 31-803, Idaho Code, be, and the same is hereby amended to read as follows:

31-803. DIVISION OF COUNTY INTO DISTRICTS. — To divide the counties into justices' precincts, election precincts, schools, road and other districts required by law, change the same and create others, as convenience requires; provided, however, that a justice's precinct may include one or any number or all the election precincts of a county.

SECTION 2. That Section 31-847, Idaho Code, be, and the same is hereby amended to read as follows:

31-847. LEAVE OF ABSENCE TO OFFICERS. — The board of commissioners may grant to any county officer of their respective counties leave of absence from their county and the state, for a period not exceeding ninety (90) days, during which time the absence of such officer does not work forfeiture of his office; provided, that before the granting of such leave of absence, the officer (except county commissioners and probate judge) must appoint a deputy to perform the duties of his office, and the probate judge must appoint a deputy clerk of the probate court, as by statute in such
cases made and provided, and must present to, and file with, the board of commissioners of his county the written consent of each person liable on his official bond, that such leave of absence be granted; be it further provided, that no leave of absence shall be granted to more than any one (1) county commissioner at the same time; providing, however, that where any elective or appointive county officer is required to absent himself by reason of being a member of the armed forces of the nation or by reason of official call to service in civilian war work the said board of county commissioners to consent to such absence for a period not to exceed the date of the next succeeding general election, and such absence shall suspend the salary of such officer during such period.

SECTION 3. That Section 31-2001, Idaho Code, be, and the same is hereby amended to read as follows:

31-2001. COUNTY OFFICERS ENUMERATED. — The officers of a county are:

1. A sheriff.

2. A clerk of the district court, who shall be ex officio auditor and recorder, and ex officio clerk of the board of county commissioners.

3. An assessor.

4. A probate judge.

54. A prosecuting attorney.

55. A county treasurer, who shall be ex officio public administrator and ex officio tax collector.

56. A coroner.

57. Three (3) members of the board of county commissioners.

SECTION 4. That Section 31-2002, Idaho Code, be, and the same is hereby amended to read as follows:

31-2002. PRECINCT OTHER COUNTY OFFICERS. — The other officers of the county are one or more justices of the peace, one (1) constable, and such other inferior and subordinate officers as are provided for elsewhere in this code or by the board of commissioners.

SECTION 5. That Section 31-2003, Idaho Code, be, and the same is hereby amended to read as follows:

31-2003. APPOINTMENT OF DEPUTIES. — Every county officer except probate judge, a commissioner and coroner, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office.

SECTION 6. That Section 31-2009, Idaho Code, be, and the same is hereby amended to read as follows:

31-2009. OFFICES TO BE KEPT AT THE COUNTY SEAT —
OFFICE HOURS. — Sheriffs, recorders, treasurers, assessors, and in counties
having a population of over 7,500, prosecuting attorneys must have their
offices at the county seat, and keep them open for the transaction of
business on such days and during such hours as the boards of county
commissioners may prescribe. Provided, that in counties having a population
of 7,500 or less, the prosecuting attorney must have an office at the county
seat and must, by and with the approval of the board of county
commissioners, establish such rules and hours for official business as may be
necessary for the dispatch thereof. The probate judge must have an office at
the county seat, and must establish definite hours for every day in the year
except holidays and Saturdays for official business as may be necessary for
the dispatch thereof.

SECTION 7. That Section 31-2011, Idaho Code, be, and the same is
hereby amended to read as follows:

31-2011. OFFICERS MAY ADMINISTER OATHS. — Every county
officer and every justice of the peace may administer and certify oaths.

SECTION 8. That Section 31-2015, Idaho Code, be, and the same is
hereby amended to read as follows:

31-2015. BONDS OF OFFICERS — AMOUNT OF PENALTY. —
County, and district and precinct officers must execute official bonds in the
following amounts:

1. County commissioners each in the sum of $5000.
2. Probate judges each in the sum of $5000.
3. County treasurers each in double the probable amount of money
that may at any time come into his hands as such treasurer, to be fixed by
the board of county commissioners; provided, if surety bond be given as
provided in section 41-2707, the bond need not exceed twenty-five per cent
(25%) of the probable amount that may be at hand at any one time, but in
no case to be less than $10,000.
4. Sheriffs each in the sum of $10,000.
5. Clerks of the district court each in the penal sum of $5000, with
two (2) sufficient sureties, to be approved by the judge of the district
conditioned that he will faithfully perform the duties of his office and at all
times account for and pay over all moneys in his hands as clerk; and the
penalty of such bond may at any time be increased by the judge of the
district. The clerk may require a bond from any deputy.
6. County recorders each in the sum of not less than $5000 nor more
than $20,000, to be fixed by the board of county commissioners, and to
cover his duties and liabilities as recorder, auditor and clerk of the board of
county commissioners.
76. Assessors each in the sum of $5000.
77. Tax collectors and license collectors each in the sum of not less than $2000 nor more than $50,000 to be fixed by the board of county commissioners.
78. Prosecuting attorneys each in the sum of $2000.
79. Coroners each in the sum of $1000.
80. Public administrators each in the sum of $2000.
81. Justices of the peace in the sum of not more than $10,000, to be fixed by the board of county commissioners.
82. Constables in the sum of not less than $500 nor more than $1000, to be fixed by the board of county commissioners.

SECTION 9. That Section 31-2202. Idaho Code, be, and the same is hereby amended to read as follows:

31-2202. DUTIES OF SHERIFF. — The sheriff must:
1. Preserve the peace.
2. Arrest and take before the nearest magistrate for examination all persons who attempt to commit or who have committed a public offense, unless otherwise provided by law.
3. Prevent and suppress all affrays, breaches of the peace, riots and insurrections which may come to his knowledge.
4. Attend all courts, except justices' and probate courts including the magistrate's division of the district court when ordered by a district judge, at their respective terms held within his county, and obey their lawful orders and directions of the courts.
5. Command the aid of as many male inhabitants of the county as he may think necessary in the execution of these duties.
6. Take charge of and keep the county jail and the prisoners therein.
7. Indorse upon all process and notices the year, month, day, hour and minute of reception, and issue therefor to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper and time of reception.
8. Serve all process and notices in the manner prescribed by law.
9. Certify under his hand upon process or notices the manner and time of service, or if he fails to make service, the reasons of his failure, and return the same without delay.
10. Perform such other duties as are required of him by law.
11. Keep a record of all stolen cars reported within his county, which record shall contain the name of the motor vehicle, the engine number thereof, a complete description of such vehicle and such other information
as may aid in the identification of the stolen car. Such record shall be open to public inspection during office hours, and immediately upon receiving a report of a stolen car the sheriff shall prepare and forward a copy thereof to the commissioner of law enforcement and he shall also notify the commissioner of law enforcement of any and all cars recovered.

12. Work concurrently and cooperate in his county, with the Idaho state police in the following respects:
   (a) Require all persons using the highways in the state to do so carefully, safely and with exercise of care for the persons, property and safety of others;
   (b) Safeguard and protect the surface and other physical portions of the state highways;
   (c) Enforce all of the laws of the state enacted for the identification, inspection and transportation of livestock and all laws of the state designed to prevent the theft of livestock;
   (d) Regulate traffic on all highways and roads in the state; and respond to calls following wrecks and make investigations relative thereto.

13. To give examinations for and sell operators' and chauffeurs' licenses.

SECTION 10. That Section 31-2309, Idaho Code, be, and the same is hereby amended to read as follows:

31-2309. FILING AND RECORDING BOND OF RECORDER AND AUDITOR. — The bonds of the recorder and auditor must be filed by the district judge in the district court for that county, and a copy thereof duly recorded by the county recorder, and when so recorded, fully attested by the district judge.

SECTION 11. That Section 31-2604, Idaho Code, be, and the same is hereby amended to read as follows:

31-2604. DUTIES OF PROSECUTING ATTORNEY. — It is the duty of the prosecuting attorney:

1. To prosecute or defend all actions, applications or motions, civil or criminal, in the district court of his county in which the people, or the state, or the county, are interested, or are a party; and when the place of trial is changed in any such action or proceeding to another county, he must prosecute or defend the same in such other county.

2. To prosecute all criminal actions for violation of all laws or ordinances, except city ordinances which shall be prosecuted by the city attorney or his deputy, before the judge of the probate and justices' courts of magistrates' division of the district court for his county when called upon by said courts, and to conduct preliminary criminal examinations which may be
had before such magistrates, and to prosecute or defend all civil actions in which the county or state is a party, plaintiff or defendant, or in which the county or state is interested, before the probate and justices' courts magistrate's division of the district court of the county, in which the people, or the state, or the county, are interested or a party.

3. To give advice to the board of county commissioners, and other public officers of his county, when requested in all public matters arising in the conduct of the public business entrusted to the care of such officers.

4. To attend, when requested by any grand jury for the purpose of examining witnesses before them; to draw bills of indictments, informations and accusations; to issue subpoenas and other process requiring the attendance of witnesses.

5. On the first Monday of each month to settle with the auditor, and pay over all money collected or received by him during the preceding month, belonging to the county or state, to the county treasurer, taking his receipt therefor, and to file, on the first Monday of January in each year, in the office of the auditor of his county, an account verified by his affidavit, of all money received by him during the preceding year, by virtue of his office, for fines, forfeitures, penalties or costs, specifying the name of each person from whom he receives the same, the amount received from each, and the cause for which the same was paid.

6. To perform all other duties required of him by any law.

SECTION 12. That Section 31-2805, Idaho Code, be, and the same is hereby amended to read as follows:

31-2805. JUSTICE OF THE PEACE DISTRICT JUDGE OR WHOMEVER HE Assigns TO ACT AS CORONER. — If the office of coroner is vacant, or he is absent or unable to attend, the duties of his office may be discharged by any justice of the peace of district judge or whomever he assigns for the county, with the like authority, and subject to the same obligations and penalties, as the coroner.

SECTION 13. That Section 31-3215, Idaho Code, be, and the same is hereby amended to read as follows:

31-3215. EXECUTION FOR FEES. — If any clerk, sheriff, justice of the peace, or constable, shall not have received any fees which may be due him for services rendered in any suit or proceeding, he may have execution therefor, in his own name, against the party from whom they are due, to be issued from the court in which the action is pending.

SECTION 14. That Section 31-3302, Idaho Code, be, and the same is hereby amended to read as follows:

31-3302. COUNTY CHARGES ENUMERATED. — The following are
county charges:

(1) Charges incurred against the county by virtue of any provision of this title.

(2) The compensation allowed by law to constables and sheriffs for executing process on persons charged with criminal offenses; for services and expenses in conveying criminals to jail; for the service of subpoenas issued by or at the request of the prosecuting attorneys, and for other services in relation to criminal proceedings.

(3) The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail.

(4) The compensation allowed by law to county officers in criminal proceedings, when not otherwise collectible.

(5) The sum required by law to be paid to grand jurors and indigent witnesses in criminal cases.

(6) The accounts of the coroner of the county, for such services as are not provided to be paid otherwise.

(7) All charges and accounts for services rendered by justices of the peace or probate judges for services in the examination of persons charged with crime, not otherwise provided for by law.

(8) The necessary expenses incurred in the support of county hospitals and the indigent sick, and the otherwise dependent poor, whose support is chargeable to the county.

(9) The contingent expenses, necessarily incurred for the use and benefit of the county.

(10) Every other sum directed by law to be raised for any county purpose, under the direction of the board of county commissioners, or declared to be a county charge.

(11) The county's share of participation in general welfare and social security in cooperation with the state, federal government and other agencies under legislation now existing or hereafter enacted.

SECTION 15. This act shall be effective at 12:01 a.m. on January 11, 1971.

Approved March 9, 1970.
CHAPTER 121  
(S. B. No. 1507)

AN ACT
AMENDING SECTION 72-1414, IDAHO CODE, RELATING TO THE 
FIREMEN'S RETIREMENT FUND, TO PROVIDE INCREASED 
RETIREMENT BENEFITS TO CERTAIN RETIREES WHO RETIRED 
UNDER FIXED DOLLAR BENEFITS; AND PROVIDING AN 
EFFECTIVE DATE.

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

SECTION 1. That Section 72-1414, Idaho Code, be, and the same is 
hereby amended to read as follows:

72-1414. PAYMENT OF PENSIONS - AMOUNT TO BE PAID - 
VOLUNTARY RETIREMENT - RETIREMENT OF DISABLED 
MEMBERS - DEATH BENEFITS. - Benefits shall be paid firemen, 
including those who have heretofore received retirement compensation 
under this act, as follows:

(A) Any paid fireman with not less than twenty-five years active 
service as a paid fireman within the State, as a paid fireman is defined in 
subdivision (a) of section 72-1402, the last five years of which shall have 
been continuous, may, at his option, retire, and in event of such retirement 
he shall be paid from the firemen's retirement fund a monthly sum of 
ninety-five dollars during the remainder of his life. This payment shall also 
be made to any paid fireman attaining the age of fifty-five years, with not 
less than twelve and one-half years active service as a paid fireman as defined 
in this act, the last five years of which shall have been continuous, who shall 
be dismissed or retired by his employer because incapacitated, as defined 
under the provisions of subdivision (G) of section 72-1402, and the payment 
to be made to such retired fireman shall be in proportion to twenty-five 
years' service as a paid fireman.

(B) Any paid fireman incapacitated by injury in the course of duty, or 
by illness attributable wholly or partially to service as a paid fireman, shall 
be retired so long as such disability shall continue in a degree which prevents 
efficient service, and during such disability shall be paid from the said fund a 
monthly sum of ninety-five dollars: provided, however, that if any such paid 
fireman is entitled to receive compensation under the Workmen's 
Compensation Law of the state of Idaho as it now exists, or shall hereafter
be amended, the amount payable under this act shall be reduced by the
amount to which said paid fireman is entitled under said Workmen’s
Compensation Law.

(C) In event a paid fireman is killed or sustains injury, from which
death results, while in performance of his duty, and leaves surviving him a
widow, his widow shall, during the time she remains his widow and does not
remarry, be paid from the said fund the monthly sum of ninety-five dollars.

(D) In event a paid fireman, retired on retirement pay shall die and
leave surviving him a widow, who was his wife for over five years
immediately prior to his death, but no minor children, she shall receive the
retirement or benefit pay of her husband under subdivisions (A) or (B) of
this section, during her lifetime or only until she remarries.

(E) In event a paid fireman, retired on retirement pay, shall die and
leave surviving him a widow, who was his wife for over five years
immediately prior to his death, and his minor child or children, the widow,
so long as she does not remarry, shall be paid the retirement pay to which
her deceased husband was eligible, and if she dies without having remarried
the full retirement pay shall be paid to the child or children until they reach
the age of eighteen (18) years. Should a paid fireman, retired on retirement
pay, die without leaving a surviving wife, and leave surviving him a minor
child or children, said child or children shall be entitled to receive the
pension to which said fireman was entitled until they marry or shall attain
eighteen (18) years of age.

(F) The widow of any paid fireman, dying from causes disconnected
with his official duties, but during the period of his service, who has
completed less than twelve and one-half years’ of active service as a paid
fireman, as defined in this act, shall be paid from the said fund the monthly
sum of twenty-five dollars until her death or remarriage. Provided, however,
if said fireman shall have completed twenty-five years’ service as a paid
fireman, as defined in this act, then and in that event, his widow shall be
paid from the fund the monthly sum of ninety-five dollars until her death or remarriage; and in the event said fireman shall have completed less than
twenty-five years of active service but more than twelve and one-half years
of active service, said widow shall until her death or remarriage, be paid a
sum from said fund in the proportion that said fireman’s years of service
bears to the maximum sum payable to a fireman with twenty-five years of
active service.

(G) Any fireman, widow, child or children of a fireman entitled to
compensation under the Workmen's Compensation Law, shall draw benefits under this act only to the extent that the benefits under this act exceed those to which he shall be entitled under the Workmen's Compensation Law of Idaho.

(H) If a paid fireman, as defined in this act, quits or leaves his job voluntarily for any reason prior to the completion of twenty-five years of service, and said fireman has worked continuously two years or more as a paid fireman, he shall be entitled to receive at the time he quits or leaves his job as a paid fireman fifty percent of whatever sums he has contributed to the retirement fund. If such fireman is subsequently reemployed as a paid fireman with duties which involve or are incidental to firefighting, he shall, within ninety days from such employment, reimburse the retirement fund to the full extent of the amount he received from said fund upon his quitting or leaving his job.

(I) From and after two years from the effective date of this act, the retirement pay referred to in subdivisions (A), (B), (C), (D), (E), and (F) hereof shall be increased from ninety-five dollars to one hundred fifty dollars per month; provided, however, that such increase shall not apply to any person or persons drawing retirement pay prior to the effective date of this act; with respect to such persons said payment shall continue at the rate of ninety-five dollars per month so long as such person or persons shall be entitled to receive such retirement pay.

(J) From and after the effective date of this act, each person entitled to benefits under this section shall receive an additional ten dollars ($10.00) per month above what he or she is otherwise entitled to receive hereunder for so long as such person or persons shall be entitled to receive such retirement pay.

(K) In addition to the monthly sums provided for in subsections (A) through (J) of this section, each person drawing benefits provided for in this section, shall be entitled to receive adjustments to such benefits calculated on the percentage of increase or decrease in the average paid firemen's salary or wage in this state, as calculated under the terms of section 72-1411, Idaho Code.

SECTION 2. This act shall be in full force and effect on and after July 1, 1970.

Approved March 9, 1970.
AN ACT
AMENDING SECTIONS 67-2742 AND 57-131, IDAHO CODE, RELATING TO TIME DEPOSITS OF SURPLUS OR IDLE FUNDS, BY PROVIDING THAT CERTIFICATES OF DEPOSIT SHALL HAVE MATURITIES OF NOT MORE THAN ONE YEAR, AND REDEFINING "SURPLUS OR IDLE FUNDS"; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-2742, Idaho Code, be, and the same is hereby amended to read as follows:

67-2742. WITHDRAWAL OF MONEYS FROM DEPOSITORIES — TIME DEPOSITS. — All deposits in state depositories shall be subject to payment when demanded by the state treasurer on his check except time deposits of surplus or idle funds which the treasurer is hereby authorized to make. Time deposits shall be evidenced by certificates of deposit having a maturity of not less than ninety (90) days nor more than one hundred eighty (180) days one (1) year from the date of issue and such deposits shall be payable before maturity on thirty (30) days' written notice by the treasurer to the depository, and each certificate shall on its face so provide.

The term "surplus or idle funds" shall mean those state moneys which the treasurer shall determine are not required to meet the anticipated expenditures of the state for the next ensuing ninety (90) day period — the excess of available moneys in the state treasury, including the reasonably anticipated revenues, over and above the reasonably anticipated expenditures chargeable to those moneys, taking into account the date at which such revenues and expenditures may be expected to occur, the charges of expenses to revenues being done in such a manner as to produce the maximum amount of excess.

SECTION 2. That Section 57-131, Idaho Code, be, and the same is hereby amended to read as follows:

57-131. DEPOSITS SUBJECT TO PAYMENT ON DEMAND — TIME DEPOSITS. — All deposits in public depositories shall be subject to payment when demanded by the proper officer of the depositing unit except for time deposits of surplus or idle funds which the said depositing units are authorized to make with the approval of their respective supervising boards. Time deposits shall be evidenced by certificates of deposits having a maturity
of not less than ninety (90) days nor more than one hundred eighty (180) days one (1) year from the date of issue and such deposits shall be payable before maturity on thirty (30) days’ written notice by the treasurer to the depository, and each certificate shall upon its face so provide. The term “surplus or idle funds” shall mean those public moneys which the treasurer, if the depositing unit is a county, or the supervising board if the depositing unit is other than a county, shall determine are not required to meet the anticipated expenditures of the depositing unit for the next succeeding ninety (90) day period. the excess of available moneys in the public treasury, including the reasonably anticipated revenues, over and above the reasonably anticipated expenditures chargeable to those moneys, taking into account the dates at which such revenues and expenditures may be expected to occur, the charges of expenses to revenues being done in such a manner as to produce the maximum amount of excess.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 9, 1970.

CHAPTER 123
(S. B. No. 1535)

AN ACT
AMENDING SECTION 18-4627, IDAHO CODE, RELATING TO TRANSPORTATION OF CONIFEROUS TREES, BY REQUIRING PROOF OF OWNERSHIP TO TRANSPORT CONIFEROUS TREES, BY PROVIDING METHODS TO ESTABLISH PROOF OF OWNERSHIP BY IDENTIFYING TAG, PERMIT, BILL OF SALE OR INSPECTION TAG, AND BY STRIKING THE EXEMPTION OF TRANSPORTING CONIFEROUS TREES BY COMMON OR CONTRACT CARRIER.

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

SECTION 1. That Section 18-4627, Idaho Code, be, and the same is hereby amended to read as follows:

18-4627. TRANSPORTATION OF CONIFEROUS TREES _ BILL OF SALE REQUIRED _ PROOF OF OWNERSHIP REQUIRED. — It shall be unlawful and constitute a misdemeanor for any person to transport on the
highways of this state, **outside of incorporated cities**, more than **five two (2)** coniferous trees without having in his possession a bill of sale showing his **title thereto** proof of ownership. Such bill of sale proof of ownership shall specify consist of one (1) or more of the following:

1. A tag designating the grower or producer, and/or the vendor of the tree; such tag shall be attached firmly to the branches or trunk of the tree;
2. A permit issued by the proper state or federal agencies, which shall specify:
   a. The date of its execution;
   b. The name of the permittee;
   c. The location or area where the trees were harvested; and
   d. The amount or number of trees authorized to be cut.
3. A bill of sale showing title thereto, which shall specify:
   a. The date of its execution;
   b. The name and address of the vendor or donor of the trees;
   c. The name and address of the vendee or donee of the trees;
   d. The number of trees, by species, sold or transferred by the bill of sale; and
   e. The property from which the trees were taken.
4. A United States department of agriculture and/or a state of Idaho marketing service grade inspection tag shall be acceptable as proof of ownership when such tags specify:
   a. The date of inspection;
   b. The name and address of the grower or producer; and
   c. The species and grade of the trees.

The foregoing provisions do not apply to:
1. The transportation of trees in the course of transplantation, with their roots intact.
2. The transportation of logs, poles, pilings or other forest products from which substantially all the limbs and branches have been removed.
3. The transportation of coniferous trees by the owner of the land from which they were taken or his agent.
4. The transportation of coniferous trees by a common carrier or contract carrier.

Approved March 9, 1970
CHAPTER 124  
(S. B. No. 1541)

AN ACT  
AMENDING SECTION 36-208, IDAHO CODE, TO PROVIDE A COMMISSION TO THOSE PERSONS AUTHORIZED TO SELL FISH AND GAME LICENSES, SHALL NOT BE LESS THAN FIFTEEN CENTS NOR MORE THAN FIVE DOLLARS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-208, Idaho Code, be, and the same is hereby amended to read as follows:

36-208. COMMISSION ON SALES — WRITTEN APPLICATION OF PURCHASER. — All persons authorized to sell licenses, except the director of the fish and game department, his chief clerk, clerks, and local conservation officers shall be entitled to receive a commission of five per cent (5%) upon all licenses to be retained by them as compensation for the sale of such licenses; provided, that the commission on any individual license, tag, or permit for which a fee is charged shall not be less than fifteen cents ($0.15) nor more than five dollars ($5.00). Be it further provided that the vendor shall not issue such license to a bona fide Idaho resident without taking the written application of the purchaser in the manner prescribed by section 36-410, Idaho Code.

SECTION 2. This act shall be in full force and effect on and after January 1, 1971.

Approved March 9, 1970.

CHAPTER 125  
(S. B. No. 1544)

AN ACT  
AMENDING SECTION 25-1103, IDAHO CODE, RELATING TO OFFICERS AND DEPUTIES OF THE STATE BRAND BOARD, BY PROVIDING THAT WHEN THE SHERIFF OR HIS DEPUTIES ACT AS A DEPUTY BRAND INSPECTOR THEY SHALL COLLECT AND REMIT THE BRAND INSPECTION FEES AND ALL OTHER FEES PROVIDED BY LAW.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 25-1103, Idaho Code, be, and the same is hereby amended to read as follows:

25-1103. OFFICERS, DEPUTIES AND ASSISTANTS. — The state brand inspector, with the approval of the state brand board, and within the limits of any appropriation made available for such purposes, shall appoint, fix the compensation, determine the tenure of office, and prescribe the duties and powers of such officers, deputies, and assistants as may be necessary for the performance of the duties of his office, and shall station deputies and assistants in such localities as he shall deem advisable for the performance of his duties, and the sheriff and his deputies in the counties of the state shall perform the duties of deputy brand inspectors. When the sheriff or his deputies act in the capacity of deputy brand inspector as provided herein, they shall collect all brand inspection fees and other fees as provided by law and remit the same to the state brand inspector.

Approved March 9, 1970.

CHAPTER 126
(S. B. No. 1561)

AN ACT
AMENDING SECTION 1, OF CHAPTER 394, LAWS OF 1969, RELATING TO APPROPRIATION TO THE BUREAU OF PUBLIC ACCOUNTS, BY SPECIFYING THE FUNDS FROM WHICH APPROPRIATED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 394, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Bureau of Public Accounts.

FOR MAJOR AND MINOR PROGRAMS:
POST AUDIT $277,986 297,986
BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

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<th>Item</th>
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<td>Travel</td>
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<td>Other Current Expenses</td>
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<td>Federal Funds</td>
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<td>Various Agriculture Funds</td>
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<td>Wheat Commission Fund</td>
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<td>Brand Inspection Fund</td>
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<td>Potato &amp; Onion Fund</td>
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<td>Occupational License Fund</td>
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<td>Bar Commission Fund</td>
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<td>Horse Racing Act Fund</td>
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SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 9, 1970.

CHAPTER 127
(H. B. No. 454)

AN ACT
PERMITTING THE SALE OF INSURANCE BY VENDING MACHINE;
PROVIDING FOR SUPERVISION BY THE COMMISSIONER OF
INSURANCE; AND REPEALING SECTION 41-926, IDAHO CODE.

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

SECTION 1. (a) A resident agent licensed as to disability insurance may solicit applications for and issue policies of personal travel accident insurance by means of mechanical vending machines supervised by him and placed at airports, railroad stations, bus stations and similar places where transportation tickets are sold and of convenience and service to the traveling public, if the commissioner finds:

(1) That the policy to be so sold provides reasonable coverage and benefits, is reasonably suited for sale and issuance through vending machines, and that use of such a machine therefor in a particular proposed location would be of material convenience to the public;
(2) That the type of vending machine proposed to be used is reasonably suitable and practical for the purpose;
(3) That reasonable means are provided for informing the prospective purchaser of any such policy of the coverage and restrictions of the policy; and
(4) That reasonable means are provided for refund to the applicant or prospective applicant of money inserted in defective machines and for which no insurance, or a less amount than paid for, is actually received.

(b) As to each such machine to be so used, the commissioner shall issue to the agent a special vending machine license. The license shall specify the name and address of the insurer and agent, the name of the policy to be so sold, the serial number of the machine, and the place where the machine
is to be in operation. The license shall be subject to annual continuation, to expiration, suspension or revocation coincidentally with that of the agent. The commissioner shall also revoke the license of any machine when he finds that the conditions for which the machine was licensed, as referred to in subsection (a), no longer exist. The license fee shall be the sum of ten dollars ($10) for each license year or part thereof for each respective vending machine. Proof of the existence of a subsisting license shall be displayed on or about each such vending machine in use in such manner as the commissioner may reasonably require.

SECTION 2. That Section 41-926, Idaho Code, be, and the same is hereby repealed.

Approved March 9, 1970.

CHAPTER 128
(H. B. No. 463)

AN ACT
AMENDING SECTION 49-1220, IDAHO CODE, RELATING TO THE MOTOR FUELS TAX, BY REDUCING THE MAXIMUM FINE, STRIKING THE MINIMUM FINE, PROVIDING NEW PENALTIES FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-1220, Idaho Code, be, and the same is hereby amended to read as follows:

49-1220. PENALTY FOR VIOLATION. Any dealer or person, as defined in this act, who violates any of the provisions of this act, or who shall fail or neglect to make any statement, report or return required by the provisions hereof, where the penalty therefor is not herein otherwise specifically prescribed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100) nor more than one thousand ($1,000), or imprisonment in the county jail for a term of not less than thirty (30) days and not more than ninety (90) days, not more than three hundred dollars ($300) or imprisonment in the county jail for not more than ninety (90) days, or both such fine and imprisonment.

SECTION 2. This act shall be in full force and effect on and after July 1, 1970.

Approved March 9, 1970.
AN ACT
AMENDING SECTION 31-3606, IDAHO CODE, TO PERMIT A COUNTY HOSPITAL BOARD TO DESIGNATE THE TIME AND PLACE OF ITS REGULAR MEETINGS AND TO PERMIT SUCH BOARD TO REMOVE, BY RESOLUTION, ANY MEMBER THEREOF WHOSE CONTINUED ABSENCE CONSTITUTES A DETRIMENT TO THE OPERATION OF THE BOARD; AMENDING SECTION 31-3607, IDAHO CODE, TO PERMIT A HOSPITAL BOARD TO PAY OBLIGATIONS OF THE HOSPITAL ON OTHER THAN VERIFIED CLAIMS, TO PROVIDE THAT A COUNTY HOSPITAL BOARD SHALL REPORT TO THE BOARD OF COUNTY COMMISSIONERS WITHIN ONE WEEK OF THE CLOSE OF THE FISCAL YEAR, AND QUARTERLY THEREAFTER, AND TO REQUIRE ANNUAL PUBLICATION OF FINANCIAL REPORTS; AND AMENDING SECTION 31-3612, IDAHO CODE, TO PERMIT A COUNTY HOSPITAL BOARD TO FIX THE DAY OF THE YEAR UPON WHICH ITS OWN FISCAL YEAR SHALL BEGIN.

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

SECTION 1. That Section 31-3606, Idaho Code, be, and the same is hereby amended to read as follows:

31-3606. MEETINGS AND QUORUM. — The county hospital board shall hold its meetings and shall conduct all of its business at a place to be designated by the board of county commissioners or as may be subsequently designated by resolution of the county hospital board, and shall meet at its place of business in regular session on the first Monday of each month, or at such other time as may be adopted by resolution of the county hospital board, and at such other times as may be necessary or convenient for the transaction of its business. Any member of the board absent for three (3) successive regular meetings may be deemed to have resigned from the board and the board of county commissioners shall immediately appoint another person to fill the vacancy so occurring. Special meetings shall be called by the chairman of the county hospital board by written notice of at least three (3) days served upon or delivered to each member of the board. The board may recess or continue to a time certain any meeting, regular or special, by motion adopted and included in its minutes.

SECTION 2. That Section 31-3607, Idaho Code, be, and the same is
hereby amended to read as follows:

31-3607. DUTIES OF BOARD. — (a) Fiscal Affairs. — The county hospital board shall be charged with the care, custody, upkeep, management and operation of all property belonging to the county and devoted to hospital purposes, and shall be responsible for all monies received by it, including all revenues from hospital operation, all monies received by tax levies for hospital operation, and all monies received from whatever source, by contribution or otherwise, for hospital operation purposes: Provided, that if any contribution of money or property be offered to the hospital board of the county for use for a specific hospital purpose the hospital board may, if it deem it for the best interest of the hospital, accept such contribution and use such contribution for such purpose.

(b) Funds — Custody and Disbursement. — The hospital board shall safely keep or cause to be kept all monies coming into the care, custody or possession of the board in strict compliance with the public depository law of this state, and shall pay out such money only on verified claims approved by the hospital board for valid bills and obligations of the hospital, and shall keep or cause to be kept proper records in its minutes of all its proceedings and all business transactions and proper accounts of all monies received by it, expended and on hand. The minutes of the board shall be open to inspection by any taxpayer or elector of the county during all regular office hours.

(c) Reports. — The county hospital board shall report to the board of county commissioners quarterly and within one (1) week after the second Monday of January, April, July and September close of the fiscal year and quarterly thereafter of each year, and shall annually publish in one (1) issue of the official newspaper of having general circulation in the county a detailed financial statement reflecting the financial operations of all monies received and expended in connection with the hospital operation, together with such other information as the board of county commissioners may deem necessary for the information of the people of the county.

(d) Recommendations. — The county hospital board may recommend to the board of county commissioners that the county acquire or build other property for hospital purposes or improve, remodel, enlarge, reduce, dispose of, or devote to other purposes property being used for hospital operation. The county hospital board shall not have power to create any indebtedness in excess of the amount of its annual budget as approved by the board of county commissioners: Provided, that if the county hospital board be formed after the time fixed by law for adoption of the budget, it may then formulate and submit to the board of county commissioners a budget for the
rest of the current year, which budget, however, shall not provide for expenditure or creation of indebtedness in an amount greater than the estimated income for that year, together with any receipts from taxes specially levied for hospital purposes in such year.

SECTION 3. That Section 31-3612, Idaho Code, be, and the same is hereby amended to read as follows:

31-3612. FISCAL YEAR — RECEIPT OF MONEYS. — The fiscal year of the county hospital board shall be from the second Monday in January to the second Monday in January, date fixed by the county hospital board, to the same day and month of the next succeeding year. All moneys received by the county hospital board from whatever source shall be paid into the treasury of the county hospital board. Any moneys remaining on hand in such treasury at the end of each fiscal year shall not be paid into the general fund of the county, but shall be retained by the treasurer of the county hospital board and included and used as cash on hand in the budget for hospital operation in the next fiscal year.

Approved March 9, 1970.

CHAPTER 130
(H. B. No. 503)

AN ACT
AMENDING SECTION 50-1019, IDAHO CODE, RELATING TO PURPOSES FOR WHICH MUNICIPALITIES MAY ISSUE COUPON BONDS, BY PROVIDING AUTHORITY TO ISSUE BONDS FOR THE ACQUISITION OF LAND SITES FOR BUILDINGS FOR PUBLIC USE, AND PROVIDING THAT BONDS ISSUED FOR STORM SEWER OR SANITARY SEWERAGE SYSTEMS SHALL BE EXCLUDED FROM MUNICIPAL DEBT LIMITATIONS; AMENDING SECTION 50-1020, IDAHO CODE, RELATING TO THE POWER AND AUTHORITY OF CITIES TO ISSUE COUPON BONDS FOR THE CONSTRUCTION OF WATERWORKS, LIGHT AND POWER PLANTS, AND SEWERAGE SYSTEMS, BY PROVIDING AUTHORITY TO ISSUE BONDS FOR THE CONSTRUCTION OF STORM SEWERS AND SANITARY SEWERAGE SYSTEMS; AND PROVIDING FOR SEVERABILITY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 50-1019, Idaho Code, be, and the same is hereby amended to read as follows:

50-1019. PURPOSES FOR WHICH BONDS MAY BE ISSUED — LIMITATION ON AMOUNT. Every city incorporated under the laws of the territory of Idaho or of the state of Idaho shall have power and authority to issue city coupon bonds not to exceed in aggregate at any time, ten percent (10%) of the assessed full cash valuation of the real and personal property in said city, according to the assessment of the preceding year, for any or all of the purposes specified in subdivisions one (1) to nine (9) inclusive, as follows:

1. To provide for constructing, laying out, grading, curbing, draining, sidewalk ing or otherwise improving streets, alleys, intersections, crossings and crosswalks; to construct, or aid in the construction of bridges across streams within or contiguous to, or within one (1) mile of the exterior limits of such city.

2. To provide for the funding, refunding, purchase and redemption of the outstanding indebtedness, bonds may be issued under this section for such purposes, without submission of the question of issuance of such bonds to the electors of the city, when the same can be done to the profit and benefit of such city without incurring any additional liability.

3. To provide for the establishment of hospitals and cemeteries, either within or without the corporate limits of such city.

4. To provide for the purchase, improvement and equipment of lands and buildings thereon, for public parks, monuments, recreation facilities and zoos, either within or without the corporate limits of such city.

5. To provide for the purchase, erection, construction and furnishing of city public libraries.

6. To provide for the establishment of a fire department by the purchase of building sites, buildings, and suitable equipment and apparatus necessary to provide fire protection.

7. To provide for the purchase, acquisition, improvement and equipment of aviation facilities either wholly or partly within or without the corporate limits of such city, or wholly or partly within or without the state of Idaho.

8. To provide for flood control by acquisition and purchase of right of way and to establish, alter, enlarge, improve, reconstruct and change the channels of watercourses or any stream, river or body of water within or without the corporate limits of the city.

9. To provide for the acquisition, construction, remodeling, improvement or otherwise, of buildings for public use, together with all
necessary appurtenant facilities and equipment, including all necessary land for building sites, either within or without the corporate limits of such city.

All bonds of any municipality which were issued, sold and delivered to the purchasers thereof prior to April 12, 1967, for the purpose of providing for the building, laying, construction, equipment, extension, enlargement, alteration, improvement or maintenance of storm sewers or sanitary sewerage systems, shall be excluded when determining the aggregate amount of bonds of any city issued hereunder which are outstanding for the purpose of computing the debt limitation provided for in the first paragraph of this section.

SECTION 2. That Section 50-1020, Idaho Code, be, and the same is hereby amended to read as follows:

50-1020. WATERWORKS — LIGHT AND POWER PLANTS — SEWERAGE SYSTEMS. — Every city incorporated under the laws of the territory of Idaho or of the state of Idaho shall have power and authority to issue city coupon bonds in a sufficient amount to acquire, by purchase or otherwise, waterworks plants and water supply, light and power plants, storm sewers and sanitary sewerage systems, and to construct, enlarge, extend, repair, alter and improve such plants or systems notwithstanding the percentage limitation of the previous section.

The amount for which bonds may be issued for purposes as in this section provided shall be determined by the council and stated in the ordinance therefor, and shall be authorized in such amount as the city council shall deem necessary by one or more bond elections, called as provided in section 50-1026, Idaho Code, or amendatory act.

Approved March 9, 1970.

CHAPTER 131
(H. B. No. 512, As Amended in the Senate)

AN ACT
AMENDING SECTION 49-1016, IDAHO CODE, RELATING TO TESTING BLOOD OF PERSONS KILLED IN ACCIDENTS, BY PLACING THE DUTY OF OBTAINING BLOOD SAMPLES ON MORTICIANS.

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

SECTION 1. That Section 49-1016, Idaho Code, be, and the same is hereby amended to read as follows:
49-1016. TESTING BLOOD OF PERSONS KILLED IN ACCIDENTS.

The state board of health, jointly with the various county coroners, shall provide a system and procedure for obtaining whereby all morticians in the state of Idaho shall obtain blood samples from all pedestrians and motor vehicle operators who have died as a result of and contemporaneously with an accident involving a motor vehicle.

All investigating police officers shall report such fatalities to the county coroner or follow the procedure established by the joint action of the board and the various coroners.

The blood sample, with such information as may be required, will be delivered to the administrator of health or his designee. Upon receipt of such sample the administrator will cause such tests as may be required to determine the amount of alcohol, narcotics and dangerous drugs contained in such sample.

The results of such tests shall be used exclusively for statistical purposes and the sample shall never be identified with the name of the deceased.

Approved March 9, 1970.

CHAPTER 132
(H. B. No. 524)

AN ACT
AMENDING SECTION 63-2217, IDAHO CODE, TO PROVIDE THAT THE ASSESSOR SHALL FILE CERTIFIED STATEMENTS WITH COUNTY COMMISSIONERS OF HIS COUNTY AND THE TAX COMMISSION PRIOR TO THE FIRST DAY OF JANUARY OF EACH CURRENT YEAR SETTING FORTH THE PERCENTAGE OF MARKET VALUE FOR ASSESSMENT PURPOSES AT WHICH PROPERTY IN HIS COUNTY WILL BE ASSESSED FOR THE TAXABLE YEAR.

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

SECTION 1. That Section 63-2217, Idaho Code, be, and the same is hereby amended to read as follows:

63-2217. REASSESSMENT OF PROPERTY. — The state tax commission shall conduct a study of existing assessment, allocation and appraisal practices which shall be completed within a reasonable time. The
state tax commission shall proceed through reassessment and reappraisal of operating property and adjustment of assessments by equal annual steps to insure that such property is assessed on an equal basis with other property by January 1, 1982. The county assessor shall, pursuant to rules and regulations adopted by the state tax commission, make annual uniform adjustments to insure that all property is assessed at twenty per cent (20%) of full cash value by January 1, 1982.

Each county assessor shall file certified statements with the county commissioners of his county, and with the tax commission, prior to the first day in January of each year, setting forth the percentage of market value for assessment purposes at which property in his county will be assessed for that taxable year.

Approved March 9, 1970.

CHAPTER 133
(H. B. No. 528)

AN ACT
RELATING TO THE MAXIMUM INTEREST RATE ON BONDS;
AMENDING SECTION 38-1023, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 39-1337, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 39-1373, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 40-2605 IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 42-1741, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 42-2954, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 42-3221, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 42-3708. IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 43-402, IDAHO
CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 43-602, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 43-603, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 43-1811, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 50-1036, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 50-1731, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 50-1732, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 50-1917, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 50-2012, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 57-208, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 57-227, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 67-4921, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 69-314, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AMENDING SECTION 70-1803, IDAHO CODE, BY STRIKING THEREFROM THE MAXIMUM INTEREST RATE PROVIDED THEREIN; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 38-1023, Idaho Code, be, and the same is hereby amended to read as follows:

38-1023. FORM OF BONDS — INTEREST. Said bonds shall be numbered from one upward, consecutively, and be in denomination of not less than $100.00 nor more than $500.00. They shall bear the date of issue, shall be made payable to the bearer in not more than twenty years nor less than five years from the date of their issue and bear interest at a rate not exceeding six percent per annum, interest payable annually, with coupons
attached for each interest payment. The bonds and each coupon shall be signed by the chairman of the board of stumpage commissioners and shall be attested by the secretary of said board, and the seal of such district shall be affixed to each bond but not to the coupons.

SECTION 2. That Section 39-1337, Idaho Code, be, and the same is hereby amended to read as follows:

39-1337. BOND ISSUES AUTHORIZED — FORM AND TERMS. — To carry out the purposes of this act and to pay the necessary expenses of the district, the board is hereby authorized to issue negotiable coupon bonds of the district. Bonds shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, and shall be due and payable serially either annually or semi-annually, commencing not later than three years and extending not more than twenty years from date. The form and terms of said bonds, including provisions for their payment and redemption, shall be determined by the board. If the board so determines, such bonds may be redeemable prior to maturity, upon payment of a premium not exceeding three per cent of the net principal thereof. Said bonds shall be executed in the name of, and on behalf of, the district and signed by the chairman of the board with the seal of the district affixed thereto, and attested by the secretary of the board. Said bonds shall be in such denominations as the board shall determine, and the bonds and coupons thereto attached, shall be payable to bearer. Interest coupons shall bear the original for (or) facsimile signature of the chairman of the board. In all other respects, said bonds shall be issued, sold and paid in accordance with the provisions of the Municipal Bond Law of the state of Idaho.

SECTION 3. That Section 39-1373, Idaho Code, be, and the same is hereby amended to read as follows:

39-1373. BOND ISSUES AUTHORIZED — FORM AND TERMS. — To carry out the purposes of this act and to pay the necessary expenses of the district, the board is hereby authorized to issue negotiable coupon bonds of the district. Bonds shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, and shall be due and payable serially either annually or semi-annually, commencing not later than three years and extending not more than twenty years from date. The form and terms of said bonds, including provisions for their payment and redemption, shall be determined by the board. If the board so determines, such bonds may be redeemable prior to maturity, upon payment of a premium not exceeding three per cent of the net principal thereof. Said bonds shall be executed in the name of, and on behalf of, the district and signed by the chairman of the board with the seal of the district affixed thereto, and
attested by the secretary of the board. Said bonds shall be in such denominations as the board shall determine, and the bonds and coupons thereto attached shall be payable to bearer. Interest coupons shall bear the original or facsimile signature of the chairman of the board. In all other respects, said bonds shall be issued, sold and paid in accordance with the provisions of the municipal bond law of the state of Idaho.

SECTION 4. That Section 40-2605, Idaho Code, be, and the same is hereby amended to read as follows:

40-2605. GENERAL GRANT OF POWERS — ACQUISITION OF LAND — APPOINTMENT OF OFFICERS AND EMPLOYEES — ACCEPTANCE OF GRANTS IN AID. — (a) The control shall be a body corporate and politic and shall have a perpetual succession and shall have the following specific powers:

(b) To adopt by-laws for the regulation of its affairs and the conduct of its business;

(c) To adopt an official seal and alter the same at pleasure;

(d) To maintain an office at such place or places within the state as it may designate;

(e) To sue and be sued in its own name;

(f) To construct, maintain, repair and operate turnpike projects at such locations as shall be established by the control.

(g) To issue turnpike, revenue bonds of the control, for any of its corporate purposes, payable solely from the tolls, other revenues and proceeds of such bonds, and to refund its bonds, all as provided in this act; provided, however, that the maximum rate of interest to be borne by such bond shall not exceed six per cent per annum and provided further that no discount or commission shall be allowed or paid in excess of three per cent of such bond issue.

(h) To fix and revise from time to time and charge and collect tolls for transit over each turnpike project constructed by it.

(i) To establish rules and regulations for the use of any project.

(j) To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this act.

(k) To acquire in the name of the control, by purchase or otherwise on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain, any land or other property which it may determine is reasonably necessary for any turnpike project or for the relocation or reconstruction of any highway by the control under the provisions of this act, or for the construction of any feeder road which the control is or may be authorized to construct, and any and all rights, title and
interest in such lands and other property, including public lands, parks, playgrounds, reservations, highways or parkways owned by or in which any county, city, town, village, municipal corporation, special tax district or other political subdivision of the state of Idaho has any right, title or interest, or parts thereof or rights therein, and any fee simple absolute or lesser interest in private property, and any fee simple absolute in easements upon or the benefit of restrictions upon abutting property to preserve and protect turnpike projects. The exercise of the power of eminent domain by the control shall be exercised and applied in general conformity with the provisions of existing statutes.

(1) To designate the locations, and establish, limit and control such points of ingress to and egress from each turnpike project as may be necessary or desirable in the judgment of the control to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated.

(m) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act.

(n) To appoint such additional officers, who need not be members of the control, as the control deems advisable, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment; to fix their compensation and to promote and discharge such officers, employees and agents.

(o) To receive and accept from any federal or state agency, subject to the approval of the governor, grants for or in aid of the construction of any turnpike project, and to receive and accept aid or contributions, appropriations by the legislature or from any source, of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made.

(p) To add all acts and things necessary or convenient to carry out the powers expressly granted in this act.

SECTION 5. That Section 42-1741, Idaho Code, be, and the same is amended to read as follows:

42-1741. FORM. - Revenue bonds shall bear such date or dates, mature at such time or times, bear interest at a such rate or rates not exceeding six per cent (6%) per annum, be payable at such place or places, be in such form either coupon or registered or both, carry such registration privileges and be subject to such terms of redemption as the Idaho water resource board shall by resolution determine.
SECTION 6. That Section 42-2954, Idaho Code, be, and the same is amended to read as follows:

42-2954. FORM OF BONDS — INTEREST — MATURITIES. — Said bonds shall be numbered from one upward, consecutively, and be in denominations of not less than $100.00 nor more than $1000.00. They shall bear the date of issue, shall be made payable to the bearer and bear interest at a rate not exceeding seven per cent per annum, payable semi-annually, with coupons attached for each interest payment. The bonds shall be signed by the chairman of the board of drainage commissioners, and shall be attested by the secretary of said board, and the seal of such district shall be affixed to each bond, but not to the coupons. The coupons may be signed by the facsimile lithographed or engraved signatures of the said officers.

The board of commissioners shall fix the maturities of said bonds not exceeding forty years from the date of their issuance and an amortization period which shall be not less than three-fourths of the maximum maturity. During the first fourth of the period covered by the last maturity provision may be made, in the discretion of the board, for the payment of interest only. Maturities shall be so arranged that during at least the latter three-fourths of the period covered by the last maturity the principal shall be amortized by payments thereof in annual or semi-annual instalments so arranged as to maturities that the combined principal and interest payments during the amortization period shall be approximately the same each year. Said bonds shall be payable at such place within or without the state of Idaho as may be designated by the board of commissioners. The issuing drainage district may reserve the right to redeem said bonds or any of them at any time after ten years from date thereof.

SECTION 7. That Section 42-3221, Idaho Code, be, and the same is hereby amended to read as follows:

42-3221. ISSUANCE OF NEGOTIABLE COUPON BONDS — FORM AND TERMS. — To carry out the purposes of this act, and to pay the necessary and ordinary expenses of the district, the board is hereby authorized to issue negotiable coupon bonds of the district. Bonds shall bear interest at a rate not exceeding six per cent per annum, payable semi-annually, and shall be due and payable serially, either annually or semi-annually, commencing not later than three (3) years and extending not more than thirty (30) years from date. The form and terms of said bonds, including provisions for their payment and redemption, shall be determined by the board. If the board so determines, such bonds may be redeemable prior to maturity upon payment of a premium, not exceeding three per cent (3%) of the principal thereof. Said bonds shall be executed in the
name of and on behalf of the district and signed by the chairman of the board with the seal of the district affixed thereto and attested by the secretary of the board. Said bonds shall be in such denominations as the board shall determine and the bonds and coupons thereto attached shall be payable to bearer. Interest coupons shall bear the original or facsimile signature of the chairman of the board.

SECTION 8: That Section 42-3708, Idaho Code, be, and the same is hereby amended to read as follows:

42-3708. POWERS OF DIRECTORS. — The directors of a watershed improvement district shall have power:

1. To levy and cause to be collected assessments on real property within the district in an amount not to exceed three (3) mills for each dollar of assessed valuation, for the purpose of general administration and operation and maintenance of the district and in addition thereto to separately levy and cause to be collected assessments on real property within the district in an amount not to exceed ten (10) mills for each dollar of assessed valuation for construction of structural works of improvement. Before a levy can be made for any purpose, a referendum as herein provided must be held, and the provisions as outlined under sections 42-3712 42-3713 and 42-3714 must be complied with, and assessments can only be levied against lands to be directly benefited.

2. To conduct surveys, investigations and research relating to floodwater, sediment damage and the conservation, utilization, and disposal of water in the district, and the structural works of improvement needed.

3. To obtain options upon and acquire by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, and improve any properties acquired; to receive income from such properties and to expend such income in carrying out the purposes and provisions of this act; to sell, lease, or otherwise dispose of any of its property or interest therein in furtherance of the purposes and provisions of this act.

4. To develop comprehensive plans for the prevention of floodwater and sediment damage and the conservation, development, utilization, and disposal of water within the district, which plans shall specify the acts, procedures, performances and avoidances which are necessary for effectuation of such plans.

5. To construct, operate and maintain structural works of improvement for the prevention of floodwater and sediment damages, and the conservation, development, utilization, and disposal of water as provided for in the act of the congress of the United States known as the Watershed Protection and Flood Prevention Act (68 Stat.666, 70 Stat. 1088) and acts
amendatory thereto.

6. To have the right of eminent domain with the power to cause to be condemned and appropriated for the use of the district in the construction, operation, maintenance and upkeep of its structures, waterways, dikes, dams, basins, or any other use necessary in the carrying out of the provisions of this act upon the payment of just compensation therefor.

7. To borrow money and to issue negotiable coupon bonds, which bonds shall bear interest at a rate not exceeding six per cent (6%) per annum, and which bonds shall be due and payable not later than thirty (30) years from the date of issuance, or at such earlier date as may be determined by the directors. The form and terms of said bonds, including their payment and redemption prior to maturity, shall be determined by the directors. Such bonds as may be issued shall be payable solely out of and from the assessments levied upon and a lien upon the lands within the district as provided in this act. Such bonds may be issued by the directors only upon the holding of a referendum election within the district as provided by law and upon such referendum resulting in a two-thirds of the property owners, and representing at least fifty-one per cent of the land to be benefited, casting their ballots in favor thereof.

8. To enter into contracts or agreements with the United States or any of its officers, agents, or subdivisions, or the state of Idaho or any of its officers, agents or political subdivisions, and to cooperate with such governments, persons or agencies in effectuating, promoting and accomplishing the purposes of this act.

9. To bear its allocated share of the cost of any project resulting from any contract or agreement entered into as provided in subparagraph 8 hereof.

10. To take over, administer and maintain pursuant to any agreement or contract entered into in accordance with the provisions of subparagraph 8 hereof any watershed improvement project within its boundaries undertaken in cooperation with the United States or any of its agencies, or with the state of Idaho or any of its agencies, or any combinations thereof.

11. To accept donations, gifts and contributions in money, services, or materials, or otherwise, from the United States or any of its agencies, or the state of Idaho or any of its agencies or any combinations thereof, and to expend such moneys, services, or materials in carrying on its operations.

12. To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers, and to
promulgate, amend and repeal rules and regulations not consistent with the provisions of this act.

13. To exercise all other powers necessary, convenient or incidental to carrying out the purposes and provisions of this act.

SECTION 9. That Section 43-402, Idaho Code, be, and the same is hereby amended to read as follows:

43-402. FORM OF BONDS. — The bonds authorized by any vote shall be designated as a series and the series shall be numbered consecutively as authorized. The portion of the bonds of a series sold at any time shall be designated as an issue, and each issue shall be numbered in its order. The bonds of each issue shall be numbered consecutively, commencing with those earliest falling due. All bonds shall be negotiable in form and payable in money of the United States.

Interest coupons shall be attached thereto, and all bonds and coupons shall be dated on January 1, or July 1 next following the date of their authorization and they shall bear interest at a rate of not to exceed seven per cent (7%) per annum, payable semiannually on the first days of January and July of each year. The principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than $100.00 nor not more than $5000, and shall be signed by the president and secretary, and the seal of the board of directors shall be affixed thereto. Coupons attached to each bond shall be signed by the secretary. Said bonds shall express on their face that they were issued by the authority of this title, naming it, and shall also state the number of the issue of which such bonds are a part. The secretary and treasurer shall each keep a record of the bonds sold, their number, the date of sale, the price received, and the name of the purchaser. In case the money raised by the sale of all the bonds be insufficient for the completion of the plans and works adopted, and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plan by a levy of assessment therefor, in the manner hereinafter provided.

Bonds may be issued with maturities under any one of the following plans:

Plan No. 1, Eleven-Twenty Year Bonds. At the expiration of eleven (11) years from each issue, five per cent (5%) of the whole number of bonds of such issue; at the expiration of twelve (12) years, six per cent (6%); at the expiration of thirteen (13) years, seven per cent (7%); at the expiration of fourteen (14) years, eight per cent (8%); at the expiration of fifteen (15) years, nine per cent (9%); at the expiration of sixteen (16) years, ten per cent (10%); at the expiration of seventeen (17) years, eleven per cent (11%);
at the expiration of eighteen (18) years, thirteen per cent (13%); at the expiration of nineteen (19) years, fifteen per cent (15%); at the expiration of twenty (20) years, sixteen per cent (16%); provided, that such percentages may be changed sufficiently so that every bond shall be in an amount of $100.00 or a multiple thereof, and the above provisions shall not be construed to require any single bond to fall due in partial payments.

Plan No. 2, Amortization Plan. Bonds may be issued on the amortization plan covering a period of forty (40) years or less, at the discretion of the board of directors, with the principal payable in annual or semiannual instalments, so arranged as to maturities that the combined principal and interest payments during the entire period shall be approximately the same each year during the life of the issue.

Plan No. 3, Five-Thirty Year Bonds. Bonds may be issued payable in annual instalments over a period of thirty (30) years or less. The board of directors may fix a date, not more than five (5) years from the date of each issue, for the earliest maturity of each issue. Beginning with the date of the earliest maturity of each issue, the principal shall be payable in annual amounts designated by the board of directors over the remaining life of the bonds not to exceed thirty (30) years from the date of issue.

SECTION 10. That Section 43-602, Idaho Code, be, and the same is hereby amended to read as follows:

43-602. ELECTION TO AUTHORIZE. — Whenever the board of directors shall deem it expedient to issue refunding bonds under the provisions of this chapter they shall, by resolution duly adopted and made a part of the district records, call a special election of the qualified voters of the district, for the purpose of voting upon the question of authorizing the board of directors of the district to issue such refunding bonds, or the question may be submitted at a general election for district officers.

At any election held under the provisions of this chapter the question of authorizing the refunding of all or any part of the then outstanding bonded indebtedness of the district, including accrued and unpaid interest, may be submitted as one question for determination whether such bonds are of the same or of different issues.

The notice of said election shall be published and posted for the same length of time and in the same manner, and the election shall be conducted and the result thereof determined and declared in all respects, as nearly as may be, in conformity with the provisions of the irrigation district laws of Idaho governing elections authorizing original bond issues. Said election notice shall specify the time and place for holding said election, the amount and date of the bonds to be refunded, the amount of refunding bonds
proposed to be issued, the rate of interest they shall bear, which shall not exceed six per cent per annum, and the time or times when the debt evidenced by such refunding bonds shall be paid: provided, that the said time or times shall not extend beyond a period of forty years from the date of said refunding bonds: provided further, that provision may be made, if deemed expedient by the board of directors, for the payment of the principal, with interest, in suitable instalments throughout the term of the loan evidenced by said refunding bonds.

At such election the ballots shall contain the words “Refunding bonds - yes” and the words “Refunding bonds - no,” and the voter shall answer the question submitted by marking a cross (X) opposite the words expressing his choice.

SECTION 11. That Section 43-603, Idaho Code, be, and the same is hereby amended to read as follows:

43-603. AMOUNT - DATES OF MATURITY - RATE OF INTEREST. - If upon canvassing the vote cast at any election held under the provisions of this chapter it shall be determined by the board of directors that a majority of the legal votes cast upon the question submitted are in favor of refunding, the board of directors shall make such determination a part of the official records of the district, and shall immediately thereafter adopt and make a part of the records of said district a resolution providing for the issue of said refunding bonds in accordance with the provisions of this chapter. Such resolution may provide that the refunding bonds so authorized will be issued in one or more series, shall designate the denomination or denominations thereof, fix the date or dates of said refunding bonds, the rate or rates of interest, which shall not exceed six per cent per annum, the maturity date or dates, the place or places, within or without the state of Idaho, for payment of both principal and interest and shall prescribe the form of said refunding bonds. Such refunding bonds shall be negotiable in form, shall recite the title of the act under which they are issued, shall be executed in the name of the district and signed by the president, with the seal of the district affixed thereto, and attested by the secretary. The interest accruing on such refunding bonds shall be evidenced by interest coupons thereto attached, bearing the engraved facsimile signature of the treasurer of the district, and when so executed such coupons shall be the binding obligations of the district according to their import. In the adoption of said resolution providing for the issue of such refunding bonds, the directors may, in their discretion, within the limits of the authority granted by the voters at the refunding bond election, make the principal of the debt or of each instalment of the debt, as the case may be,
payable in certain specified sums, at certain specified times during the currency of the period (not exceeding forty years) within which the debt or each instalment of the debt, as the case may be, is to be discharged: provided, that the first instalment of the debt evidenced by said refunding bonds shall be payable not more than ten years from the date of said refunding bonds, and the instalments thereafter shall be of such amounts that the total thereof shall equal the aggregate principal indebtedness; and the directors may issue the refunding bonds of the district for the amounts and payable at the times corresponding with such specified sums, together with interest, payable semiannually, as may be set forth and provided by such resolution.

SECTION 12. That Section 43-1811, Idaho Code, be, and the same is hereby amended to read as follows:

43-1811. TERMS OF BONDS. — Irrigation district bonds deposited with the United States pursuant to the provisions of this chapter may call for the payment of principal without interest if so provided in the contract with the United States, or for the payment of interest not exceeding six per cent per annum, may be of such denomination and may call for the repayment of the principal at such times as may be agreed upon between the district and the secretary of the interior.

SECTION 13. That Section 50-1036, Idaho Code, be, and the same is hereby amended to read as follows:

50-1036. BONDS — FORM — CONDITIONS. — All revenue bonds issued under authority of this act shall be sold, executed and delivered in the same manner as provided by the municipal bond law for the sale of general obligation negotiable coupon bonds. The ordinance authorizing the issuance of said bonds shall prescribe the form of bonds. Said bonds shall bear interest at such a rate or rates not exceeding six per cent (6%) per annum, payable annually, or at such lesser or lesser intervals as may be prescribed by ordinance; may be in one (1) or more series, bear such date or dates, mature at such time or times, and be redeemable before maturity at the option of the city; may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemption, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such ordinance may provide. Said bonds shall be sold at not less than par with accrued interest. Pending preparation of the bonds, interim certificates, in such form and with such provisions as the council may determine, may be issued. Said bonds and interim certificates shall be fully negotiable within the meaning of and for all the purposes of the negotiable instruments law.
SECTION 14. That Section 50-1731, Idaho Code, be, and the same is hereby amended to read as follows:

50-1731. INSTALMENT IMPROVEMENT BONDS — WARRANTS. — When the council of any municipality shall, under the authority of this code or any law of this state cause any street in such municipality to be improved, or any improvement to be made authorized by this code, or any law of this state, and shall create a local improvement district and assess the cost and expense of such improvement against the property within such district as provided in this code, such council may, in its discretion, provide for the payment of the cost and expenses thereof by instalments, instead of collecting the entire assessment therefor at one (1) time, such instalments to be payable as nearly as may be in not to exceed thirty (30) equal annual payments, and for such instalments shall issue, in the name of the municipality, improvements bonds of such improvement district which shall include all the property included within such district liable to assessment for such local improvement, an equal amount of which bonds as nearly as may be, shall be by their terms made payable each year from and after the date of such bonds and shall bear interest not exceeding the rate of seven per cent. (7%) per annum, the rate of interest, however, within said limit in each instance to be determined by the council. Such bonds shall be in the form hereinafter provided, and shall not be issued in excess of the contract price and the expenses of such improvement to be made, and shall be of such denominations as the council shall deem proper not exceeding $500; provided, however, that only bond No. 1 of any issue shall be of a denomination other than a multiple of $100. Provided further, that in lieu of bonds, registered warrants of the district, county and water and/or sewer district excepted, may be issued in payment of the cost and expense of the improvement, such warrants to be payable as nearly as may be in equal annual instalments to be fixed by the city council, and shall be redeemable in numerical order, and subject to all the provisions of this code, relating to local improvement bonds so far as the same are applicable. If warrants are issued in lieu of bonds, then the provisions of sections 50-1763 — 50-1769, shall apply to such warrants. Provided further, that in the event registered warrants are issued, as herein provided, in payment of the costs and expenses of such improvements, the council may, by ordinance, provide the method for the collection of such assessments and instalments, including at its option, in addition to the methods provided for in this code, certification of delinquent instalments to the tax collector, and when so certified, the same shall be extended upon the tax rolls and collectible as are other taxes.
SECTION 15. That Section 50-1732, Idaho Code, be, and the same is hereby amended to read as follows:

50-1732. DISPOSAL OF BONDS — INTERIM WARRANTS. — Such bonds may be issued to the contractor constructing the improvement in payment thereof, or the mayor or council or other authorized officer or officers of such municipality may sell the same at not less than their par value net, and pay the contractor from the proceeds thereof. If the council shall determine to issue and sell such bonds it may, for the purpose of meeting and cost and expenses of making said improvements as the same are installed prior to the sale of said bonds, issue warrants against the improvement districts, payable to the contractor, or other proper person, upon estimates of the engineer, bearing interest at a rate of not to exceed seven per centum (7%) per annum, which warrants, together with the interest due thereon at the date of the issue of said bonds, shall be redeemed and retired from the proceeds of sale of said bonds.

SECTION 16. That Section 50-1917, Idaho Code, be, and the same is hereby amended to read as follows:

50-1917. FORM AND SALE OF BONDS. — Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such a rate or rates, not exceeding six per centum (6%) per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium as such resolution, its trust indenture, or the bonds so issued, may provide.

The bonds may be sold at public or private sale at not less than par.

In case any of the commissioners or officers of the authority, whose signatures appear on any bonds or coupons, shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

In any suit, action or proceedings, involving the validity or enforceability of any bond of an authority or the security thereof, any such bond, reciting, in substance, that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income, shall be conclusively deemed to have been issued for a
housing project of such character and said project shall be conclusively
deemed to have been planned, located and constructed in accordance with
purposes and provisions of this act.

SECTION 17. That Section 50-2012, Idaho Code, be, and the same is
hereby amended to read as follows:

50-2012. ISSUANCE OF BONDS. — (a) An urban renewal agency
shall have power to issue bonds from time to time in its discretion to finance
the undertaking of any urban renewal project under this act, including,
without limiting the generality thereof, the payment of principal and interest
upon any advances for surveys and plans or preliminary loans, and shall also
have power to issue refunding bonds for the payment or retirement of such
bonds previously issued by it. Such bonds shall be made payable, as to both
principal and interest, solely from the income, proceeds, revenues, and funds
of the urban renewal agency derived from or held in connection with its
undertaking and carrying out of urban renewal projects under this act:
Provided, however, that payment of such bonds, both as to principal and
interest, may be further secured by a pledge of any loan, grant or
contribution from the federal government or other source, in aid of any
urban renewal projects under this act, and by a mortgage of any such urban
renewal projects, or any part thereof, title to which is in the urban renewal
agency.

(b) Bonds issued under this section shall not constitute an indebtedness
within the meaning of any constitutional or statutory debt limitation or
restriction, and shall not be subject to the provisions of any other law or
charter relating to the authorization, issuance or sale of bonds. Bonds and
other obligations of an urban renewal agency (and such bonds and
obligations shall so state on their face) shall not be a debt of the
municipality, the state or any political subdivision thereof, and neither the
municipality, the state nor any political subdivision thereof shall be liable
thereon, nor in any event shall such bonds or obligations be payable out of
any funds other than those of said urban renewal agency. Bonds issued under
the provisions of this act are declared to be issued for an essential public and
governmental purpose and, together with interest thereon and income
therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or
ordinance of the urban renewal agency and may be issued in one or more
series and shall bear such date or dates, be payable upon demand or mature
at such time, or times, bear interest at such a rate or rates, not exceeding six
per centum (6%) per annum, be in such denomination or denominations, be
in such form either with or without coupon or registered, carry such
conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of repayment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or ordinance, or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area of operation and in such other medium of publication as the agency may determine or may be exchanged for other bonds on the basis of par: Provided, that such bonds may be sold to the federal government at private sale at not less than par, and, in the event less than all of the authorized principal amount on such bonds is sold to the federal government, the balance may be sold at private sale at not less than par at an interest cost to the agency of not to exceed the interest cost to the agency of the portion of the bonds sold to the federal government.

(e) In case any of the officials of the urban renewal agency whose signatures appear on any bonds or coupons issued under this act shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this act or the security therefor, any such bond reciting in substance that it has been issued by the agency in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this act.

SECTION 18. That Section 57-208, Idaho Code, be, and the same is hereby amended to read as follows:

57-208. BONDS — INTEREST RATE. — All such bonds shall bear interest at a rate or rates not exceeding six per cent per annum, as may be fixed by any such governing board prior to the issuance of such bonds, which interest shall be payable semiannually (or as specially provided for hereinbefore) on such dates as may be fixed by any such governing board prior to the issue of any such bonds: provided, that when any proposition of the issuance of any such bond submitted to the vote of the electors shall
have specified a maximum rate of interest (which shall not be in excess of six per cent per annum in any case) to be borne by such bonds, the rate of interest thereon shall not exceed such specified maximum rate.

SECTION 19. That Section 57-227, Idaho Code, be, and the same is hereby amended to read as follows:

57-227. ISSUANCE AND SALE OF BONDS AND SECURITIES TO UNITED STATES GOVERNMENT — INTEREST RATE. — Bonds and securities of all kinds heretofore or hereafter authorized, issued by any issuing corporation or district (hereinafter called the “issuer” and as hereinafter specified), whether such bonds and securities be issued for such issuer itself or for any other taxing or assessment district within its limits, and whether payable in whole or in part out of and from general taxes or payable in whole or in part out of and from the earnings to be derived from any utility, system, construction, work, or works, belonging to or operated by any such issuer, or payable in whole or in part out of and from “local” or “benefit” assessments, upon lands within any assessment district or assessment subdivision within any such issuer, or payable from any other source, may be sold to the United States Government or to any department, corporation or agency thereof or to any department, corporation, agency or body, created, organized or existing under or pursuant to any act of congress, by private sale without giving any prior notice thereof by publication or otherwise and in such manner as the governing authority of such issuer may provide; provided, only, that no bonds or other securities sold at private sale under the authority of this act shall bear interest at a rate in excess of four per cent per annum and that all bonds and securities sold and issued under the authority of this act shall be sold, if now required by existing law, at not less than par and accrued interest.

SECTION 20. That Section 67-4921, Idaho Code, be, and the same is hereby amended to read as follows:

67-4921. ISSUANCE OF NEGOTIABLE COUPON BONDS — FORM AND TERMS. — To carry out the purposes of this act, and to pay the necessary and ordinary expenses of the district, the board is hereby authorized to issue negotiable coupon bonds of the district. Bonds shall bear interest at a rate not exceeding six per centum (6%) per annum, payable semiannually, and shall be due and payable serially, either annually or semi-annually, commencing not later than three (3) years and extending not more than twenty (20) years from date. The form and terms of said bonds, including provisions for their payment and redemption, shall be determined by the board. If the board so determines, such bonds may be redeemable prior to maturity upon payment of a premium, not exceeding three per
centum (3%) of the principal thereof. Said bonds shall be executed in the
name of and on behalf of the district and signed by the chairman of the
board with the seal of the district affixed thereto and attested by the
secretary of the board. Said bonds shall be in such denominations as the
board shall determine and the bonds and coupons thereto attached shall be
payable to bearer. Interest coupons shall bear the original or facsimile
signature of the chairman of the board.

SECTION 21. That Section 69-314, Idaho Code, be, and the same is
hereby amended to read as follows:

69-314. BONDS — NAME, TERMS AND CONDITIONS. — Said bonds
shall be known as municipal coupon bonds of terminal elevator and
warehouse district No. of the state of Idaho, and shall be issued in
denominations of one thousand dollars, five hundred dollars, and one
hundred dollars, as the board may determine and each bond shall be made
payable within twenty years of the date of its issue. Said bonds shall bear
interest at a rate of not to exceed seven percent per annum to be paid
semiannually, on dates to be fixed by the board payable at the office of the
board of said district or at such banking house or trust company as the board
may direct. The board may make all or part of such bonds redeemable at the
option of the district at any time after the expiration of ten years from the
date of issue and each such bond shall be redeemed in the order of its
number. Said bonds shall be signed by the president and secretary of the
board and the seal provided for in section 69-321 shall be affixed thereto
and there shall be attached to all such bonds interest coupons covering the
interest expressed in the bond from date of issue until maturity, which
coupon shall be signed by the real or facsimile signature of the president and
secretary of the board. Each coupon must bear a number corresponding with
the number of the bond to which the same belongs, and must also recite that
it is issued in conformity with the provisions of law.

SECTION 22. That Section 70-1803, Idaho Code, be, and the same is
amended to read as follows:

70-1803. REVENUE BONDS — TERMS — INTEREST RATE. — Such
revenue bonds shall bear such date or dates, mature at such time or times, be
in such denominations, bear interest at such a rate or rates, not exceeding six
percent (6%) per annum, payable at such time or times, be payable at such
place or places, be in such form either coupon or registered or both, carry
such registration privileges and be subject to such terms of redemption as the
port commission shall by resolution determine.
SECTION 23. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 9, 1970.

CHAPTER 134
(H. B. No. 543)

AN ACT
AMENDING SECTION 61-526, IDAHO CODE, RELATING TO THE GRANTING OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO PUBLIC UTILITIES, BY PROVIDING THAT ON THE EXTENSION OR CONSTRUCTION OF THE PUBLIC UTILITIES' LINE, PLANT OR SYSTEM A HEARING MAY BE HELD BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION TO DETERMINE IF PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE EXTENSION OR CONSTRUCTION; AND STRIKING THE PROVISION THAT PERMITS POWER COMPANIES TO DEVELOP NEW GENERATING PLANTS AND MARKET THE PRODUCTS THEREOF WITHOUT A CERTIFICATE OF CONVENIENCE AND NECESSITY.

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

SECTION 1. That Section 61-526, Idaho Code, be, and the same is hereby amended to read as follows:

61-526. CERTIFICATE OF CONVENIENCE AND NECESSITY. — No street railroad corporation, gas corporation, electrical corporation, telephone corporation or water corporation, shall henceforth begin the construction of a street railroad, or of a line, plant, or system or of any extension of such street railroad, or line, plant, or system, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction: provided, that this section shall not be construed to require such corporation to secure such certificate for an extension within any city or county, or city or town, within which it shall have theretofore lawfully commenced operation, or for an extension into territory whether within or without a city or county, or city or town, contiguous to its street railroad, or line, plant or system, and
not theretofore served by a public utility of like character, or for an extension within or to territory already served by it necessary in the ordinary course of its business: and provided further, that if any public utility in constructing or extending its lines, plant or system, shall interfere or be about to interfere with the operation of the line, plant or system of any other public utility already constructed, or if public convenience and necessity does not require or will require such construction or extension, the commission on complaint of the public utility claiming to be injuriously affected, or on the commission's own motion, may, after hearing, make such order and prescribe such terms and conditions for the locating or type of the line, plant or system affected as to it may seem just and reasonable: provided, that power companies may, without such certificate, increase the capacity of their existing generating plants or develop new generating plants and market the products thereof.

Approved March 9, 1970.

CHAPTER 135
(H. B. No. 545, As Amended in the Senate)

AN ACT
AMENDING SECTION 22-2520, IDAHO CODE, RELATING TO THE BEE INSPECTION LAW, BY PROVIDING THAT THE COMMISSIONER OF AGRICULTURE MAY COMBINE THE POSITIONS OF STATE ENTOMOLOGIST AND APIARY INSPECTOR; AMENDING SECTION 22-2536, IDAHO CODE, BY PROVIDING FOR A TAX OF THREE CENTS PER HIVE OR COLONY OF BEES IN THE STATE ON JULY 1ST OF EACH YEAR AND PROVIDING THAT SAID TAX MAY BE INCREASED TO NOT MORE THAN TEN CENTS PER HIVE OR COLONY PER YEAR IF APPROVED BY A MAJORITY OF THE IDAHO BEEKEEPERS VOTING IN A REFERENDUM FOR SUCH PURPOSE AT THE ANNUAL MEETING OF THE IDAHO HONEY INDUSTRY ASSOCIATION OR ANY SUCCESSOR THERE TO; PROVIDING FOR SAID REFERENDUM AND PROVIDING A METHOD FOR COLLECTION OF SAID TAX AND FOR REPORTING OF THE INFORMATION NECESSARY TO COLLECT SUCH TAX; PROVIDING THAT SAID TAX SHALL BE A LIEN; PROVIDING AN IDENTIFICATION SYSTEM FOR APIARIES AND HIVES OR COLONIES OF BEES; REPEALING SECTION 22-2535, IDAHO CODE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 22-2520, Idaho Code, be, and the same is hereby amended to read as follows:

22-2520. ENTOMOLOGIST APPOINTED. — The commissioner of agriculture of the state of Idaho shall appoint an entomologist for the state of Idaho, said entomologist's salary to be determined by the commissioner of agriculture, with the approval of the governor, such salary to be paid from funds to be appropriated therefor by the state legislature. The commissioner may combine the position of state entomologist with that of one of the apiary inspectors.

SECTION 2. That Section 22-2536, Idaho Code, be, and the same is hereby amended to read as follows:

22-2536. TAX ON BEES — ASSESSMENT — COLLECTION — PROCEEDS. — (a) There shall be and there hereby is hereby levied in addition to a general property tax and imposed upon each colony or hive of bees within the state of Idaho on July 1st of each year a continuing annual levy tax beginning with the year 1963 of three cents ($.03) per hive or colony of bees, and it shall be the duty of each county assessor in the state of Idaho, upon receipt of such information from the department of agriculture, to forthwith place upon his personal property assessment roll for such calendar year the name and address of such taxpayer and the number of colonies of bees assessed to the taxpayer, which assessment shall be levied and collected in the manner and as a part of other taxes on personal property and the collection of such tax shall be enforced by the proper county officers as taxes on other personal property, as provided in this code, beginning in the year 1970 for the purpose of carrying on the provisions of chapter 25 of title 22, Idaho Code. It shall be the duty of the proper county officers of each county to remit such taxes when collected to the state treasurer of the state of Idaho, in the manner in which other state taxes are remitted, said moneys so received by the state treasurer from such special levy to be paid into the bee inspection special fund.

(b) The tax may be increased to not more than ten cents ($ .10) per hive or colony per year, if approved by a majority of the beekeepers voting in a referendum held for the purpose of determining whether such levy of the tax shall or shall not be changed. If the levy of the tax is changed, the levy of the tax will continue annually at the changed rate until again changed by another referendum. Any resident of Idaho who is registered under this chapter as an Idaho beekeeper with the Idaho department of agriculture may vote at such referendum. Any referendum to be held for the purpose of
changing the levy of such tax shall be held at the annual meeting of the Idaho honey industry association or any successor organization to this group.

(c) On or before the 15th day of August of each year any person engaging in the business of apiculture shall make and file in writing with the Idaho department of agriculture a statement specifying the name, residence, place of business of the beekeeper, number of hives or colonies of bees owned or controlled, number of apiaries maintained and the location of such hives, colonies and apiaries by governmental subdivision or such other designation of location as may be provided for by the department of agriculture, and such other information as may be required.

(d) The tax provided for in this section shall be due and payable on or before October 31st of each year, and it shall be collected by the Idaho department of agriculture. Upon receipt of the annual statements provided for above in this section, the Idaho department of agriculture shall bill each beekeeper for said tax and it shall take the necessary steps to collect such tax, including civil action in the proper courts.

(e) Said tax shall be a lien upon all apicultural products, equipment, bees and property of the person owning or controlling such bees and shall be prior to all other liens or encumbrances except liens which are declared prior by operation of the statutes of this state.

(f) The department of agriculture shall devise a system of identification for apiaries including a permanent number to be assigned to each beekeeper. The system may include placards which shall be permanently posted and maintained by each beekeeper at each apiary. The department may also require that each hive be stenciled with the beekeeper's permanent number. If it does so, it shall issue stencils for that purpose.

SECTION 3. That Section 22-2535, Idaho Code, be, and the same is hereby repealed.

Approved March 9, 1970.
CHAPTER 136
(H. B. No. 568)

AN ACT
AMENDING SECTION 33-404, IDAHO CODE, RELATING TO QUALIFICATIONS OF SCHOOL ELECTORS, BY STRIKING THE REQUIREMENT THAT TO VOTE IN A SCHOOL TRUSTEE ELECTION A QUALIFIED ELECTOR MUST BE A PARENT OR GUARDIAN OF ANY CHILD OR CHILDREN UNDER THE AGE OF TWENTY-ONE YEARS WHEN SUCH CHILD OR CHILDREN RESIDE IN THE DISTRICT, BY STRIKING THE REQUIREMENT THAT TO VOTE IN A SCHOOL TRUSTEE ELECTION A QUALIFIED ELECTOR MUST BE A TAXPAYER ON REAL OR PERSONAL PROPERTY SITUATE IN THE DISTRICT OR THE SPOUSE OF SUCH TAXPAYER, AND BY PROVIDING THAT TAXPAYERS RESIDING IN MOBILE HOMES MAY VOTE IN CERTAIN SCHOOL ELECTIONS UNDER SPECIFIED CONDITIONS.

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

SECTION 1. That Section 33-404, Idaho Code, be, and the same is hereby amended to read as follows:

33-404. QUALIFICATIONS OF SCHOOL ELECTORS. — Any person voting, or offering to vote, in any school election must be, at the time of the election:

1. An elector within the meaning of article 6, section 2 of the constitution of the State of Idaho;
2. A resident of the district and, in the case of election of trustees, a resident of the same trustee zone as the candidate or candidates for school district trustees for whom he offers to vote;

In addition to the foregoing qualifications, a school elector must be:

a. A parent or guardian of any child or children under the age of twenty-one (21) years, when such child or children reside in the district, or

b. A taxpayer on real or personal property situate in the district, or the spouse of such taxpayer;

and shall have executed, in writing and immediately before voting, a form of elector’s oath attesting that he or she possesses the qualifications of a school elector prescribed by this section. The forms of electors’ oaths shall be included in the records and returns of the board of election.

In any school election held on a proposal to incur, increase or assume any indebtedness, or to approve a levy for any school plant facilities reserve
fund, any person voting, or offering to vote in such election shall have and possess the qualifications set forth in (1) and (2), above, and in addition thereto be a taxpayer on real property situate in the district, or the spouse of such taxpayer.

For the purpose of this section, a taxpayer on real property shall be one who pays taxes, or who is obligated as owner or contract purchaser to pay taxes, on real property. The term "real property" as used in this section shall include dwelling houses permanently affixed to the real property on which they are situated and shall not include mobile homes or trailer houses whether or not attached to real property. Mobile homes provided that the taxpayer has lived in the mobile home continuously at the same location for two (2) years prior to the election in which the taxpayer is voting.

Approved March 9, 1970.

CHAPTER 137
(H. B. No. 579)

AN ACT
AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY ADDING A NEW SECTION THERETO, TO BE KNOWN AND DESIGNATED AS SECTION 33-1009A, TO PROVIDE A BASIS FOR DISTRIBUTION AND A SCHEDULE FOR APPORTIONMENT OF STATE FUNDS FOR THE SCHOOL YEAR 1970-71, ONLY, TO REPLACE SCHOOL DISTRICT FEE CHARGES THAT HAVE BEEN DECLARED UNCONSTITUTIONAL BY THE IDAHO SUPREME COURT.

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

SECTION 1. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 33-1009A, Idaho Code, and to read as follows:

33-1009A. STATE APPORTIONMENTS TO REPLACE FEE LOSS. — Each public school district in the state of Idaho shall certify, on forms provided by the state board of education, not later than October 1, 1970, the enrollment in each grade as of September 25, 1970. The state funds, so appropriated for this purpose, shall be apportioned on the basis of twenty-five percent (25%) for the total state enrollment in grades one (1) through six (6), and seventy-five percent (75%) for the total state enrollment
in grades seven (7) through twelve (12) inclusive. The total apportionment to each school district would be the per capita amount for elementary grades, one (1) through six (6) and secondary grades, seven (7) through twelve (12), enrollment multiplied by the elementary and secondary enrollment so certified by the school district.

All receipts to the public school income fund on and after July 1, 1970, excluding transfers from the state’s general fund and sales tax fund, shall be transferred to a fund to be known as the public school emergency fee fund, on October 10, 1970, January 10, 1971, and April 10, 1971, until such transfers shall equal the appropriation made by the second regular session of the fortieth Idaho legislature for this purpose.

The state board of education shall make apportionments on October 15, 1970, January 15, 1971, and April 15, 1971, from the public school emergency fee fund to each school district until the appropriation has been totally expended.

Approved March 9, 1970.

CHAPTER 138
(H. B. No. 580)

AN ACT
DEFINING THE TERM FIREFIGHTERS AND CORPORATION AUTHORITIES; PROVIDING FOR FIREFIGHTERS TO HAVE THE RIGHT TO BARGAIN COLLECTIVELY AND TO BE REPRESENTED BY A BARGAINING AGENT AS TO WAGES, RATES OF PAY, WORKING CONDITIONS AND ALL OTHER TERMS AND CONDITIONS OF EMPLOYMENT; PROVIDING FOR THE ORGANIZATION SELECTED BY THE MAJORITY OF FIREFIGHTERS TO BE RECOGNIZED AS BARGAINING AGENTS; PROVIDING FOR IT TO BE THE OBLIGATION OF THE CITY, COUNTY, FIRE DISTRICT OR POLITICAL SUBDIVISION TO MEET AND CONFER IN GOOD FAITH WITH REPRESENTATIVES WITHIN TEN DAYS AFTER WRITTEN NOTICE, AND TO CAUSE ANY AGREEMENT RESULTING FROM NEGOTIATIONS TO BE REDUCED TO A CONTRACT NOT TO EXCEED THE TERM OF ONE YEAR; PROVIDING FOR ANY AND ALL UNRESOLVED ISSUES TO BE SUBMITTED TO FACT FINDING COMMISSION IF
AGREEMENT CANNOT BE REACHED WITHIN THIRTY DAYS AFTER FIRST MEETING; PROVIDING FOR SELECTING MEMBERS OF FACT FINDING COMMISSION AND APPOINTMENT OF CHAIRMAN, AND PROVIDING FOR COMMISSION EXPENSES; PROVIDING FOR ANY AGREEMENTS ACTUALLY NEGOTIATED WITHIN THIRTY DAYS AFTER FACT FINDING COMMISSION RESULTS WILL CONSTITUTE THE COLLECTIVE BARGAINING CONTRACT GOVERNING FIREFIGHTERS AND THE CITY, COUNTY, FIRE DISTRICT OR POLITICAL SUBDIVISION FOR A PERIOD NOT TO EXCEED ONE YEAR; PROVIDING WHENEVER WAGES, RATES OF PAY OR ANY OTHER MATTER REQUIRING APPROPRIATION ARE INCLUDED AS MATTER OF COLLECTIVE BARGAINING, WRITTEN NOTICE OF REQUEST SHALL BE GIVEN AT LEAST NINETY DAYS BEFORE THE LAST DAY ON WHICH MONEY CAN BE APPROPRIATED; PROVIDING FOR NOTICE AND HEARING BY THE FACT FINDING COMMISSION AND FOR THE RIGHTS OF THE PARTIES TO BE HEARD, TO PRESENT EVIDENCE AND TO CROSS EXAMINE, AND THE RIGHT OF THE MAJORITY OF THE FACT FINDING COMMISSION TO DETERMINE ANY QUESTION, RENDER A RECOMMENDATION, AND TO CONTINUE TO ACT IF ONE MEMBER FOR ANY REASON CEASES TO ACT; PROVIDING UPON CONSUMMATION AND DURATION OF WRITTEN CONTRACT FIREFIGHTERS SHALL BE PROHIBITED FROM STRIKING OR RECOGNIZING PICKET LINES WHILE IN PERFORMANCE OF THEIR OFFICIAL DUTIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. As used in this act the following terms shall have the following meanings:

(a) "firefighter" shall mean the paid members of any regularly constituted fire department in any city, county, fire district or political subdivision within the state.

(b) "corporation authorities" shall mean the council, commission, trustees, or any other governing body of any city, county, fire district or political subdivision whose duty or duties it is to establish wages, salaries, rates of pay, working conditions, and other conditions of employment of firefighters.

SECTION 2. The firefighters in any city, county, fire district or other political subdivision in the state of Idaho shall have the right to bargain collectively with their respective cities, counties, fire districts or political...
subdivisions and to be represented by a bargaining agent in such collective bargaining process as to wages, rates of pay, working conditions and all other terms and conditions of employment.

SECTION 3. The organization selected by the majority of the firefighters in any city, county, fire district or political subdivision shall be recognized as the sole and exclusive bargaining agent for all of the members of the fire department, unless and until recognition of such bargaining agent is withdrawn by vote of the majority of the firefighters of such department.

SECTION 4. It shall be the obligation of the city, county, fire district or other political subdivision through its proper corporate authorities, to meet and confer in good faith with the representative or representatives of the bargaining agent within ten (10) days after receipt of written notice from said bargaining agent of the request by the firefighters for a meeting for collective bargaining purposes. This obligation shall include the duty to cause any agreement resulting from negotiations between the bargaining agent and the proper corporate authorities to be reduced to a written contract, provided that no such contract shall exceed the term of one (1) year.

SECTION 5. In the event that the bargaining agent and the corporate authorities are unable, within thirty (30) days from and including the date of their first meeting, to reach an agreement on a contract, any and all unresolved issues shall be submitted to a fact finding commission.

SECTION 6. Within five (5) days from the expiration of the thirty (30) day period referred to in section 5 of this act, the bargaining agent and the corporate authorities shall each select and name one (1) member of a fact finding commission respectively and shall immediately thereafter notify each other in writing of the names and addresses of the person so selected. The two (2) members so selected and named shall within ten (10) days from and after the expiration of the five (5) day period mentioned above, agree upon and appoint and name a third member. If on the expiration of the ten (10) day period the two (2) members are unable to agree upon the appointment of a third member, the state labor commissioner shall appoint such third member upon request in writing from either the bargaining agent or the corporate authorities. The third member of the fact finding commission, whether appointed as result of agreement between the two members selected by the bargaining agent and the corporate authorities, or appointed by the state labor commissioner, shall act as chairman of the fact finding commission. No member of the fact finding commission shall be an elected official, or employee of the city, county, fire district, or political subdivision affected. Any expenses incurred by the fact finding commission shall be equally shared by the bargaining agent and the corporate authorities.
SECTION 7. Any agreements actually negotiated between the bargaining agent and the corporate authorities either before or within thirty (30) days after the fact finding commission's recommendation shall constitute the collective bargaining contract governing the firefighters and said city, county, fire district, or political subdivision for the period stated therein, provided that term of such contract shall not exceed one (1) year.

SECTION 8. Whenever wages, rates of pay, or any other matter requiring appropriation of money by any city, county, fire district or political subdivision are included as a matter of collective bargaining conducted under the provisions of this act, it is the obligation of the bargaining agent to serve written notice of request for collective bargaining on the corporate authorities at least ninety (90) days before the last day on which money can be appropriated by the city, county, fire district or political subdivision to cover the contract period which is the subject of the collective bargaining procedure.

SECTION 9. (a) The fact finding commission shall appoint a time and place for hearing and cause notification to the parties consisting of the bargaining agent and the corporate authorities to be served personally or by registered mail not less than five (5) days before the hearing. Appearances at the hearing waives such notice requirement. The fact finding commission may adjourn the hearing from time to time as necessary, and on request of a party for good cause, or upon their own motion, may postpone the hearing. The fact finding commission may hear and determine the controversy upon the evidence produced notwithstanding the failure of a party duly notified to appear.

(b) All interested parties are entitled to be heard, to present evidence material to the controversy and to cross examine witnesses appearing at the hearing.

(c) The hearing shall be conducted by all the members of the fact finding commission but a majority may determine any question and render a recommendation. If, during the course of the hearing a member of the fact finding commission for any reason ceases to act or serve on said commission, the remaining members appointed to act may continue with the hearing and determination of the controversy.

SECTION 10. The recommendation of the fact finding commission shall be in writing and signed by the members joining in the recommendation. The fact finding commission shall deliver a copy of the recommendation to the bargaining agent, corporate authorities, and any other party requesting such recommendation.

SECTION 11. Upon consummation and during the term of the written
contract or agreement, no firefighter shall strike or recognize a picket line of any labor organization while in the performance of his official duties.

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 9, 1970.

CHAPTER 139
(H. B. No. 532, As Amended, As Amended)

AN ACT
AMENDING SECTION 36-5402, IDAHO CODE, TO REDEFINE THE TERMS “PERSON”, “OUTFITTER”, “GUIDE” AND “LICENSE YEAR” AND STRIKING THE DEFINITION OF “HAZARDOUS RIVERS OF IDAHO” AND DEFINING THE TERM “INDIVIDUAL”; AMENDING SECTION 36-5407, IDAHO CODE, BY AUTHORIZING THE IDAHO OUTFITTER’S AND GUIDE’S BOARD TO ISSUE RESTRICTED OUTFITTER’S OR GUIDE’S LICENSES AND ADDING A NEW SUBSECTION AUTHORIZING THE IDAHO OUTFITTER’S AND GUIDE’S BOARD TO ISSUE SUBPOENAS AND PROVIDING FOR THE ENFORCEMENT OF SUBPOENAS AND PROVIDING WITNESS FEES AND PROVIDING FOR SERVICE OF SUBPOENAS; AMENDING SECTION 36-5408, IDAHO CODE, BY CHANGING PROVISIONS FOR APPLICATION FOR AN OUTFITTER’S OR GUIDE’S LICENSE, BY AUTHORIZING THE IDAHO OUTFITTER’S AND GUIDE’S BOARD TO PRESCRIBE THE FORM AND CONTENTS OF LICENSE APPLICATIONS AND REQUIRING A STATEMENT FROM THE APPROPRIATE OFFICIAL OF THE IDAHO FISH AND GAME DEPARTMENT INDICATING WHETHER OR NOT AN APPLICANT HAS BEEN CONVICTED OF ANY VIOLATION OF FISH AND GAME LAWS OF THE STATE OF IDAHO OR FORFEITED BOND UPON ANY SUCH VIOLATION FOR THE FIVE YEAR PERIOD PRECEDING THE APPLICATION DATE, PROVIDING FOR LICENSE FEES FOR RESIDENT AND NONRESIDENT OUTFITTER’S AND GUIDE’S LICENSES AND MAKING SUCH FEE NONREFUNDABLE EXCEPT WHERE A LICENSE IS DENIED TO AN APPLICANT WHO HELD
DURING THE PRECEDING LICENSE YEAR A LICENSE OF THE SAME KIND FOR WHICH APPLICATION IS MADE, PROVIDING A PENALTY APPLICATION FEE FOR RESIDENT AND NONRESIDENT OUTFITTER'S LICENSES WHERE SUCH APPLICATIONS ARE NOT COMPLETED BY MARCH 31 OF THE LICENSE YEAR OF APPLICATION, INCREASING THE REQUIRED OUTFITTER'S BOND TO $5,000.00, ELIMINATING REQUIREMENTS FOR A GUIDE'S BOND, AND PROVIDING A PERIOD OF TIME FOR ACTION EITHER GRANTING OR DENYING THE IDAHO OUTFITTER'S AND GUIDE'S BOARD ON APPLICATIONS FOR OUTFITTER'S AND GUIDE'S LICENSES; AMENDING SECTION 36-5409, IDAHO CODE, BY PROVIDING THE FORM AND TERM OF OUTFITTER'S AND GUIDE'S LICENSES, PROVIDING THAT NO BIG GAME HUNTING AREA, OUTFITTER'S NOR GUIDE'S LICENSE MAY BE ASSIGNED OR OTHERWISE TRANSFERRED BY ANY HOLDER THEREOF OR BY OPERATION OF LAW, EXCEPT AS PROVIDED IN TITLE 36, CHAPTER 54, IDAHO CODE, TO BE GRANTED UPON CONCURRENCE OF A MAJORITY OF THE IDAHO OUTFITTER'S AND GUIDE'S BOARD, PROVIDING FOR DESCRIPTIONS OF BIG GAME HUNTING AREAS LICENSED TO OUTFITTER'S, PROVIDING FOR LISTING THE SPECIES OF BIG GAME FOR WHICH AN OUTFITTER IS LICENSED TO HUNT, AND PROVIDING MATTERS FOR CONSIDERATION BY THE IDAHO OUTFITTER'S AND GUIDE'S BOARD IN GRANTING OR DENYING APPLICATIONS FOR OUTFITTER'S AND GUIDE'S LICENSES AND PROVIDING QUALIFICATIONS FOR LICENSED OUTFITTERS AND GUIDES; REPEALING SECTION 36-5410, IDAHO CODE; AMENDING SECTION 36-5411, IDAHO CODE, BY CREATING THE IDAHO OUTFITTER'S AND GUIDE'S BOARD FUND IN THE OFFICE OF THE STATE TREASURER AND REQUIRING THAT ALL FEES COLLECTED BY THE IDAHO OUTFITTER'S AND GUIDE'S BOARD BE DEPOSITED THEREIN AND CONTINUALLY APPROPRIATING ALL FUNDS IN THE IDAHO OUTFITTER'S AND GUIDE'S BOARD FUND TO THE IDAHO OUTFITTER'S AND GUIDE'S BOARD FOR THE PURPOSE OF CONDUCTING ITS OPERATIONS; AMENDING SECTION 36-5413, IDAHO CODE, BY PROVIDING GROUNDS FOR REVOCATION OR SUSPENSION OF AN OUTFITTER'S OR GUIDE'S LICENSE AS PROVIDED IN SECTION 67-5211 AND
67-5212, IDAHO CODE; AMENDING SECTION 36-5414, IDAHO CODE, BY PROVIDING FOR PROCEEDINGS TO SUSPEND OR REVOKE A LICENSE AND FOR BOARD REVIEW OF A DENIAL OF A LICENSE APPLICATION; AMENDING SECTION 36-5415, IDAHO CODE, BY PROVIDING THAT REVIEW OF ACTIONS OF THE IDAHO OUTFITTER'S AND GUIDE'S BOARD IN SUSPENDING OR REVOKING AN OUTFITTER'S OR GUIDE'S LICENSE SHALL BE CONDUCTED AS PROVIDED IN SECTIONS 67-5215 AND 67-5216, IDAHO CODE; AMENDING SECTION 36-5416, IDAHO CODE, BY REQUIREING THE PROSECUTING ATTORNEY OF ANY COUNTY IN WHICH VIOLATIONS OF CHAPTER 54, TITLE 36, IDAHO CODE, TO PROSECUTE SUCH VIOLATIONS UPON A COMPLAINT OF THE IDAHO OUTFITTER'S AND GUIDE'S BOARD, ITS DESIGNATED AGENT OR ANY OTHER PERSON; AMENDING SECTION 36-5417, IDAHO CODE, BY PROVIDING A NEW MINIMUM AND MAXIMUM FINE, PROVIDING FOR DISPOSITION OF ALL FINES AND PENALTIES, AND PROVIDING FOR A STATEMENT SETTING FORTH THE TITLE OF THE COURT AND OF THE CAUSE FOR WHICH MONEYS WERE COLLECTED AND THE NAME AND RESIDENCE OF ALL DEFENDANTS AND THE NATURE OF THE OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-5402, Idaho Code, be, and the same is hereby amended to read as follows:

36-5402. DEFINITIONS. — (1) "Person"—includes any individual, firm, partnership, corporation or other organization or any combination thereof.

(2) "Outfitter"—includes any person, who, in any manner, advertises or holds himself out to the public for hire as an outfitter or guide, providing facilities and services for the conduct of hunting, fishing, or other recreational excursions, and maintains or leases outfitter's or guide's equipment or accommodations, leases or otherwise uses equipment or accommodations for such purposes, including boats or other floating craft, when used on the hazardous rivers of Idaho, as defined in subsection (9) below, excepting such as may be reasonable or necessary for the purpose of conducting or operating his personal business or occupation— , other than outfitting. Any firm, partnership, corporation or other organization or combination thereof operating as an outfitter shall designate one or more individuals as agents who shall conduct its operations and who shall meet all
of the qualifications of a licensed outfitter.

(3) "Guide"—is any natural person, who, for compensation or other gain, or promise thereof furnishes personal services in assisting or guiding any person to locate, hunt, trap, capture, take photographs by either still or moving pictures; photograph or kill any game animal or game bird, or to catch any fish in the state of Idaho, except any employee of the state of Idaho or the United States when acting in his official capacity. Any such person must be employed by an outfitter and anyone offering or providing such services who is not so employed shall be deemed to be an outfitter.

The term "guide" shall also include the furnishing of personal services in power boating, float boating or rafting on the hazardous rivers of Idaho as defined in subsection (9) below.

(4) "Board"—means the Idaho outfitter's and guide's board.

(5) "Resident"—means a person who has resided in the state of Idaho for a period of six (6) months next preceding the time of application for license.

(6) "Nonresident"—means any person not included in subsection (5) above.

(7) "License year"—means, commencing with July 1, 1965, the period from July 1 of each year to June 30 of the next year. That period of time beginning on April 1 and ending with March 31 of the following year.

(8) "Big Game Hunting Area"—means department of fish and game management unit or units, or portions thereof.

(9) "Hazardous Rivers of Idaho"—means the Salmon River, the Snake River from Hell's Canyon to the mouth of the Salmon River, and the Clearwater River, and tributaries of these.

(9) "Individual"—means any person other than a partnership, corporation or any other organization or combination thereof.

SECTION 2. That Section 36-5407, Idaho Code, be, and the same is hereby amended to read as follows:

36-5407. POWERS AND DUTIES OF BOARD. — The board shall have the following duties and powers:

(1) To conduct examinations to ascertain the qualifications of applicants for outfitter's or guide's licenses, and to issue such licenses to qualified applicants, with such restrictions and limitations thereon as the board may find reasonable.

(2) To prescribe and establish rules of procedure and regulations to carry into effect the provisions of this act, including but not limited to regulations prescribing all requisite qualifications of training, experience,
knowledge of rules and regulations of governmental bodies, condition and type of gear and equipment, examinations to be given applicants, whether oral, written or demonstrative, or a combination thereof.

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

(4) The board is expressly vested with the power and the authority to make and enforce any and all reasonable rules and regulations which shall by it be deemed necessary and which are not in conflict with the provisions of this act, for the express purpose of safeguarding the health, safety, welfare and freedom from injury or danger of those persons utilizing the services of outfitters and guides, and for the conservation of wildlife and range resources.

(5) The board shall have the power to cooperate with the federal government through its appropriate agency or instrumentality in matters of mutual concern regarding the business of outfitting and guiding in Idaho.

(6) The board shall have the power throughout the state of Idaho to require the attendance of witnesses and the production of such books, records and papers as may be required at any hearing before it, and for that purpose the board may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers. Subpoenas shall be directed to the sheriff of any county in the state of Idaho where such witness resides or may be found. Subpoenas shall be served and returned in the same manner as subpoenas in a criminal case. The fees and mileage of the sheriff and witnesses shall be the same as that allowed in district court criminal cases, which fees and mileage shall be paid from any funds in the state treasury available therefor in the same manner as other expenses of the board are paid. Disobedience of any subpoena, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, shall constitute a contempt of the district court of any county where such disobedience or refusal occurs, and said court, or any judge thereof, by proceedings for contempt instituted by the board in said court, may, if such contempt be found, punish said witness as in the case of disobedience of a subpoena issued from such court or refusal to testify therein.

SECTION 3. That Section 36-5408, Idaho Code, be, and the same is hereby amended to read as follows:

36-5408. APPLICATION FOR LICENSE - CONTENTS - FEE - QUALIFICATIONS - TERM - BOND. - (a) Each applicant for an
outfitter's or guide's license shall be a competent person of good moral character, who is a citizen of the United States, who is eighteen (18) years of age or older, and possess a working knowledge of the game and fishing laws of the state of Idaho and the regulations of the United States Forest Service. Make application for such license upon a form to be prescribed and furnished by the board.

(b) Each applicant for an outfitter's or guide's license shall make application for license therefor upon a form to be prescribed and furnished by the board, giving his full name and business address, the address of his principal place of business in the state of Idaho, the amount and kind of property owned and used in the outfitting business of the applicant, and the experience of applicant in such business. All applications for an outfitter's license shall be signed by the applicant, under oath or affirmation that all information supplied by him in the application form is true and correct as he verily believes and shall be duly notarized. Such applications shall include, but are not limited to, a worded description of the big game hunting boundaries for which application is made for a license, if applying for an outfitter's license to hunt big game.

All applications for a guide's license shall be signed by the applicant. Such applications shall contain the written endorsement of the outfitter by whom the applicant will be employed for the license year for which application is made.

(c) The application shall include, but is not limited to:

1. A worded description of the applicant's big game hunting boundaries, if an outfitter applicant, or the endorsement of the outfitter by whom the guide is employed, if a guide applicant;

2. A statement by the appropriate Idaho fish and game department district or regional conservation officer indicating whether or not the applicant has been convicted of, or forfeited bond upon, a violation of the fish and game laws of the state of Idaho in the twelve (12) month period next preceding the application date.

Applications shall be made to and filed with the board and accompanied by:

1. A statement by the appropriate Idaho fish and game department district or regional conservation officer indicating whether or not the applicant has been convicted of, or forfeited bond upon, a violation of the fish and game laws of the state of Idaho in the five (5) year period next preceding the application date.

2. A license fee as hereinafter provided, which will not be refunded, except where a license is denied to an applicant who had held during
the preceding license year a license of the same kind for which application is made, in order that such fee may be used in investigation of the applicant, for enforcement of this act, and for the administration costs of the board.

(3) The license fee for outfitters shall be fifty dollars ($50.00) and for guides fifteen dollars ($15.00), and the license fee for nonresidents for whom the resident requirements have been waived as herein provided shall be no less than one hundred and fifty dollars ($150.00) for outfitters and one hundred dollars ($100.00) for guides; provided however, that if such nonresident resides in a state requiring citizens of the state of Idaho to pay in excess of said amounts for similar licenses, the fee for such nonresident outfitter or guide shall be the same amount as such higher fee charged in the state where such nonresident resides; provided further, that no outfitter's or guide's license shall be issued to any applicant residing in a state which does not allow an Idaho resident to get a similar license in such state; and provided further that residential requirements herein provided for procuring an outfitter's or guide's license are hereby waived for the citizens of any state or states to the same extent the home state of the applicant waives such requirements for the citizens of Idaho. A penalty fee in the amount of fifty dollars ($50.00) shall be charged in addition to the regular resident or nonresident outfitter's license fee for any such applicant whose application is not complete by March 31 of the year in which application for such license is made.

(4) A bond to the state of Idaho for the benefit of person or persons employing the licensee and in a form approved by the board in the sum of five thousand dollars ($5,000) for outfitters, executed by a qualified surety, duly authorized to do business in this state, conditioned that for the current license year said applicant his agents and employees, if said license is issued to him, shall conduct his business as an outfitter without fraud or fraudulent representation, and will faithfully perform his contracts with and duties to his patrons; said bond shall be filed with the board before issuance of the license as provided herein.

(a) Residential requirements herein provided for procuring an outfitter's or guide's license are hereby waived for the citizens of any state or states to the same extent the home state of the applicant waives such requirements for the citizens of Idaho.

(d) The board, in its discretion, may make such additional investigation and inquiry relative to the applicant and his qualifications as it shall deem advisable, provided that final decision by the board upon an application
submitted by an applicant who has held during the preceding license year a
license of the same kind for which application is made shall not be later than
March 31 of the year in which the board receives all materials required to be
submitted in order to complete a license application or thirty (30) days from
the date the board receives all such materials, whichever is later; and upon an
application submitted by an applicant not holding during the preceding
license year a license of the same kind or embracing the same big game
hunting area for which application is made, not later than March 31 of the
year in which the board receives all materials required to be submitted in
order to complete a license application or ninety (90) days from the date the
board receives all such materials, whichever is later.

(e) Applications shall be made to and filed with the board and
accompanied by:

(1) A license fee as hereinafter provided, which will not be refunded,
except where an application is denied, in order that such fee
may be used in investigation of the applicant, for enforcement of this
act, and for the administrative costs of the board.

(2) A bond to the state of Idaho for the benefit of persons or persons
employing the licenses [licensee] in a form approved by the board in
the sum of $2,500.00 for outfitters and $1,000.00 for guides, executed
by a qualified surety, duly authorized to do business in this state,
conditioned that said applicant, his agents and employees, if said license
is issued to him, shall conduct his business as an outfitter or guide
without fraud or fraudulent representation, and will faithfully perform
his contracts with and duties to his patrons; said bond to be reissued as
often as the license is renewed, and said bond, after issuance of the
license as provided herein, shall be filed with the board.

(3) The license fee for outfitters shall be $50.00 and for guides,
$15.00, and the license fee for nonresidents, for whom the resident
requirements have been waived as herein provided, shall be $150.00 for
outfitters and $100.00 for guides. Provided, however, that if such
nonresident resides in a state requiring citizens of the state of Idaho to
pay in excess of said amounts for similar license, the fee for such
nonresident outfitter or guide shall be the same amount as such higher
fee charged in the state where such nonresident resides.

(f) The board, in its discretion, may make such additional investigation
and inquiry relative to the applicant and an applicant's qualifications as it
shall deem advisable, provided that final decision of the board upon any
renewal application shall not be later than thirty (30) days from date of
receipt of the complete application for license, and upon a new application.
not later than ninety (90) days from date of receipt of the complete application for license. A licensee in good standing shall be entitled to a new license for the ensuing license year upon complying with all provisions of this section.

SECTION 4. That Section 36-5409, Idaho Code, be, and the same is hereby amended to read as follows:

36-5409. FORM AND TERM OF LICENSE — NOTICE OF DENIAL. (a) Upon filing the application and payment of the license fee, the board, if all conditions of this section have been met, shall issue the license. Upon concurrence of a majority, the board, in its discretion may issue a license to any applicant who has filed an application in proper form with the board, including but not limited to payment of the license fee and furnishing of bond. Said license shall be in the form prescribed by the board, and shall be valid for the licensing year in which it is issued; provided, that no big game hunting area, outfitters or guides license may be assigned or otherwise transferred either by any holder thereof or by operation of law except as provided in this chapter. If the application is denied, the board shall notify the applicant, in writing, of the reasons for such denial, and if such reasons are corrected to the satisfaction of the board, a license will be issued upon re-application therefor.

(b) If the license application is for big game hunting, outfitting or guiding, the license, if granted by the board, shall specify in terms of a game management unit or units, or portions thereof, including description by geographic boundaries, the exact territorial limits of each outfitter's big game operations hunting area and the species of big game for which he is licensed to hunt therein. In so approving and/or licensing such activity, the board shall consider the following factors, among others:

1. The length of time in which the outfitter applicant has operated in that area;
2. The extent to which the outfitter is qualified by reason of experience, equipment or resources to operate in that area;
3. The outfitter's previous safety record;
4. The accessibility of the area, the particular terrain, and the weather conditions normal to that area during the big game hunting season.
5. The total amount of big game hunting area requested by any applicant compared to the area licensed to other outfitters so as to preserve competition among outfitters, provide an optimum game harvest, provide adequate outfitter services for the public, and assign big game hunting areas on a fair and equitable basis.
(c) If the outfitter applies for license to conduct boat or float boat operations, then the board may require the applicant to submit a separate application form, to be furnished by the board. The board may also require that boat guides submit an additional form, and both boat outfitters and boat guides applications may require such information as the board may deem reasonably necessary to carry out the intent of this act.

(c) The board shall refuse to issue any license to any applicant for an outfitter’s or guide’s license whom the board finds is not a competent person of good moral character; not a citizen of the United States; less than eighteen (18) years of age; not a resident of Idaho, unless waived as provided herein, and does not possess a working knowledge of the game and fishing laws of the state of Idaho and the regulations of the United States forest service. The board shall also refuse to issue an outfitter’s license to any applicant whom the board finds does not have sufficient financial responsibility to conduct adequately the business of an outfitter. The board shall refuse to issue any license to a firm, partnership, corporation or other organization or any combination thereof which fails to have at least one (1) designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter. The board may also refuse to grant an outfitter’s or guide’s license to any applicant for violation of any of the provisions hereinafter specified in this chapter as grounds for revocation or suspension of an outfitter’s or guide’s license. If the application is denied, the board shall notify the applicant, in writing, or the reasons for such denial within ten (10) days and if the applicant shall correct, to the satisfaction of the board, in writing, or the reasons for such denial within ten (10) days and if the applicant shall correct, to the satisfaction of the board, such reasons within thirty (30) days of receipt of such notice and if, thereafter, a majority of the board concur, the board may issue a license to the applicant.

(d) No license shall be issued by the board until a majority thereof has reported favorably thereon.

SECTION 5. That Section 36-5410, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 36-5411, Idaho Code, be, and the same is hereby amended to read as follows:

36-5411. DISPOSITION OF FUNDS — CONTINUING APPROPRIATION. — All fees collected by the board under the provisions of this act chapter shall be apportioned as follows:

(a) From all fees collected by the board there shall be deposited to the credit of the general fund of the state of Idaho a sum equal to ten per cent. (10%) thereof.

(b) The balance of said fees, and all other fees collected by the board,
shall be deposited by it in an account designated as the "Idaho outfitter's and guide's license fund," which fund is hereby created. All funds in said Idaho outfitter's and guide's license fund shall be deposited in a banking institution authorized to do business in the state, and a member of the federal depository system. All funds so deposited in said Idaho outfitter's and guide's license fund are hereby appropriated for the purpose of carrying out the provisions of this act. All expenditures of said fund by the board under the provisions of this act shall be paid out by check or signed by any two (2) members of the board for the purpose of carrying out the objects of this act. In the exercise of the powers herein granted the board shall have the power to make orders concerning the disbursement of the money of said Idaho outfitter's and guide's license fund, including the payment of compensation and expenses of its executive secretary, clerks, and other employees and for the payment of printing, and moneys in the said fund may be expended by the board for the promotion and improvement of the profession of outfitters and guides, and advertising of the state of Idaho. Deposited with the state treasurer in a special fund, which fund is hereby created, and designated as the Idaho outfitter's and guide's board fund. All moneys deposited in such fund are hereby continually appropriated to the outfitter's and guide's board for the purpose of conducting all operations of the board.

SECTION 7. That Section 36-5413, Idaho Code, be, and the same is hereby amended to read as follows:

36-5413. REVOCATION OR SUSPENSION OF LICENSE - GROUNDS. - Every license shall, by virtue of this act, chapter, be subject to suspension or revocation by the board in the manner herinafter set forth: for the following acts whether or not such acts were committed by the applicant before an application for license was filed or a license was granted:

1. For fraud or deception in procuring a license; supplying false information on the application form or for failure to provide information required to be furnished by the license application form for a license currently valid or for other fraud or deception in procuring a license under the provisions of this chapter.

2. For fraudulent, untruthful or misleading advertising in the five (5) year period next preceding the date of application for an outfitter's or guide's license;

3. For conviction for any felony;

4. For conviction of violation of regulations of the United States forest service in regard to the business of outfitting and guiding in the five (5) year period next preceding the date of application for an outfitter's or guide's
license;

5. For immoral, unethical or dishonorable conduct in the licensee's relation to his guest or patron in the five (5) year period next preceding the date of application for an outfitter's or guide's license;

6. For conviction of any violation of the fish and game laws of the state in the five (5) year period next preceding the date of application for an outfitter's or guide's license. For the purposes of this chapter, the term "conviction" shall mean a final conviction. Also for the purposes of this chapter, a, and/or forfeiture of bail or collateral deposited to secure a defendant's appearance shall be equivalent to a conviction;

7. For a substantial breach of any contract with any person utilizing his services in the five (5) year period next preceding the date of application for an outfitter's or guide's license;

8. For willful operation by an outfitter or guide in a big game hunting area other than that for which he is licensed, willfully operating as an outfitter in any area for which he is not licensed in the two (2) year period next preceding the date of application for an outfitter's or guide's license.

9. For the knowing and repeated employment of an unlicensed guide by an outfitter in the three (3) year period next preceding the date of application for an outfitter's or guide's license;

10. For inhumane treatment of any animal used by the licensed outfitter or guide in the conduct of his business which endangers the health or safety of any guest or patron or which interferes with the conduct of his business in the three (3) year period next preceding the date of application for an outfitter's or guide's license;

11. For failure by any firm, partnership, corporation or other organization or any combination thereof licensed as an outfitter to have at least one (1) licensed outfitter as designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter in the three (3) year period next preceding the date of application for an outfitter's or guide's license.

SECTION 8. That Section 36-5414, Idaho Code, be, and the same is hereby amended to read as follows:

36-5414. REVOCATION OR SUSPENSION OF LICENSE - REVIEW OF DENIAL OF LICENSE - PROCEDURE. Proceedings for the revocation or suspension of a license issued hereunder may be taken upon information and recommendation of any person. All accusations must be made in writing, and signed and verified by a person familiar therewith, the facts therein charged, and three copies thereof must be filed with the board, and submitted to the board. Thereupon, the board, acting as a board,
or through its secretary, shall make a preliminary investigation of all facts in connection with such charge. If the accusation be deemed insufficient, the board need take no further action, and the transcript of any such investigation shall be considered confidential. Should the board determine the accusations sufficiently founded it shall set a time and place for a formal hearing, and shall cause a copy of said complaint and a transcript of the investigation to be served upon the licensee accused, not less than twenty days prior to the day set for the hearing. At the hearing the board may be represented by counsel, and for such purpose the board is hereby authorized to employ an attorney at law, the accused by counsel, each with the right of cross-examination of the witnesses of the other. The board shall have the power to administer oaths, take depositions and issue subpoenas in the manner provided by law in civil cases. The board in its discretion may either decide to take no further action and the results of such investigation shall remain confidential, or the board may decide to initiate proceedings to suspend or revoke the license of the outfitter or guide against whom a complaint has been filed, in which case the board shall set a time and place for hearing as provided in section 67-5209, Idaho Code. Notice of such hearing shall be given to the licensee against whom accusations have been filed not later than sixty (60) days after the filing of such accusations. If, after full, fair and impartial hearing, the majority of the board shall find the accused guilty, has committed the violations alleged, the board may suspend the accused's license for a period not to exceed one (1) year, or the board may order the license revoked. The board shall forthwith suspend or revoke the such license in accordance with and pursuant to its order hereunder: the procedure established by sections 67-5211 and 67-5212, Idaho Code, provided that any applicant aggrieved by a denial of his application for an outfitter's or guide's license by the board shall have twenty (20) days from the day of receiving such notice of denial in which to submit a written request for a hearing before the board to review such action. Upon receipt of such request, the board shall hold a hearing as hereinbefore provided.

SECTION 9. That Section 36-5415, Idaho Code, be, and the same is hereby amended to read as follows:

36-5415. REVIEW OF ACTION OF BOARD ACTION. — Any person who feels aggrieved by any action of the board in denying the issuance of suspending or revoking his license as an outfitter or guide, or by any other order or decision of the board, may appeal therefrom to the district court of the state of Idaho for the respective district in which such person resides within sixty (60) days of the entry of the order taking such action, which appeal shall be perfected by filing with the clerk of said court a petition
briefly setting forth the action complained of and wherein the petitioner has been deprived of any legal rights. Summons and copy of the complaint shall be served on the board, or on the executive secretary thereof, or any member thereof, and all proceedings shall conform to the code of civil procedure of the state of Idaho. Upon such appeal the action shall be by trial de novo and upon demand in writing, either party shall be entitled to trial by jury. The court may sustain or reverse the action of the board, or may direct the board to take such other and further action as to the court may seem just and proper in the premises; or in the suspension or revocation of an outfitter's or guide's license may proceed as provided in sections 67-5215 and 67-5216, Idaho Code.

A revoked or suspended license may be reissued and reinstated at the discretion of the board.

SECTION 10. That Section 36-5416, Idaho Code, be, and the same is hereby amended to read as follows:

36-5416. COMPLAINT FOR VIOLATION — PROSECUTION BY COUNTY ATTORNEY. — The board, its designated agent or any other person may prefer a complaint for violation of any section of this act chapter before any court of competent jurisdiction in the county where defendant resides, or in the county where the offense occurred. It shall be the duty of the prosecuting attorney of each county in the state to prosecute all violations of the aforesaid provisions of this act chapter in their respective counties in which said violations occur. All such violations are hereby declared to be misdemeanors.

SECTION 11. That Section 36-5417, Idaho Code, be, and the same is hereby amended to read as follows:

36-5417. PENALTY FOR ACTING AS AN OUTFITTER OR GUIDE WITHOUT LICENSE. — Any person acting as an outfitter or guide within the meaning of this act chapter, without a license as herein provided, shall, upon conviction thereof, if a person, be punished by a fine of not to exceed less than three hundred dollars ($300.00) nor more than one thousand dollars ($1,000.00), or by imprisonment in the county jail for a term not to exceed ninety (90) days, if other than a corporation; or by both such fine and imprisonment in the discretion of the court; or if a corporation, by a fine of not to exceed $1,000.00.

All fines and penalties collected for violation of this section, under sentence or judgment of any court, shall be paid over by such court, in the same manner as provided for disposition of fish and game law violations, except that the outfitter's and guide's board fund shall receive the amount that would otherwise be paid over to the fish and game fund. Such court
shall also send to the Idaho outfitter’s and guide’s board a statement setting forth the title of the court and of the cause for which such moneys were collected, the name and residence of the defendant or defendants, the nature of the offense or offenses and the fine and the sentence or judgment imposed and such moneys so received by the board shall be deposited with the state treasurer and the state treasurer shall credit the same to the Idaho outfitter’s and guide’s board fund.

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 10, 1970

CHAPTER 140
(H. B. No. 555, As Amended)

AN ACT
DEFINING GENERAL ELECTION; DEFINING PRIMARY ELECTION; DEFINING SPECIAL ELECTIONS; DEFINING QUALIFIED ELECTOR; DEFINING REGISTERED ELECTOR; DEFINING SPECIAL PRESIDENTIAL ELECTOR; DEFINING DOMICILE; DEFINING TAXPAYING ELECTOR; DEFINING ELECTION OFFICIAL; DEFINING POLITICAL PARTY; DEFINING ELECTION REGISTER; DEFINING ELECTION RECORD OR POLL BOOK; DEFINING COUNTY CLERK; DEFINING CANDIDATE; DEFINING TALLY BOOK; PROVIDING THAT REFERENCES TO THE MALE ELECTOR INCLUDES FEMALE ELECTOR; AND PROVIDING THE METHOD OF COMPUTING ALL TIME PERIODS INCLUDED WITH THE ELECTION PROVISIONS; PROVIDING THAT THE SECRETARY OF STATE IS THE CHIEF ELECTION OFFICER OF THE STATE; PROVIDING THE SECRETARY OF STATE WITH THE AUTHORITY TO PROVIDE INSTRUCTIONS ON ALL ELECTION PROCEDURES AND TO PROVIDE THE FORM FOR ALL MATERIALS USED IN THE ELECTIVE PROCESS, REQUIRING THE SECRETARY OF STATE TO ASSIST AND DIRECT THE COUNTY CLERKS IN THE APPLICATION, OPERATION AND INTERPRETATION OF THE ELECTION LAWS; REQUIRING THE
SECRETARY OF STATE TO HOLD CONFERENCES ON THE ADMINISTRATION OF THE ELECTION LAWS FOR THE COUNTY CLERKS; AND REQUIRING THAT THE SECRETARY OF STATE SHALL PREPARE AND DISTRIBUTE COMPILATIONS AND DIGESTS OF THE ELECTION LAWS; PROVIDING THAT THE COUNTY CLERKS SHALL EXERCISE THE GENERAL SUPERVISION OF THE ELECTIONS AND ELECTION OFFICIALS WITHIN THE COUNTIES, SUBJECT TO THE DIRECTIVES AND AUTHORITY OF THE SECRETARY OF STATE; PROVIDING THE CLERKS WITH AUTHORITY TO ISSUE INSTRUCTIONS AND DIRECTIVES COMMENSURATE WITH THE GENERAL SUPERVISORY CAPACITY; PROVIDING POWERS AND DUTIES TO THE COUNTY CLERKS AS CHIEF ELECTION OFFICERS OF THE COUNTIES; REQUIRING THE COUNTY CLERKS TO HIRE ELECTION PERSONNEL AND MAKE ALL EXPENDITURES FOR ELECTIONS AND PROVIDING FOR THE PAYMENT OF PERSONNEL AND ELECTION EXPENSES; PROVIDING THE COUNTY CLERKS THE AUTHORITY TO PREPARE BALLOTS AND OTHER MATERIALS NECESSARY FOR THEIR ADMINISTRATION OF THE ELECTION LAWS; AND REQUIRING THE COUNTY CLERKS TO MAINTAIN OFFICE HOURS DURING THE POLLING HOURS ON ELECTION DAYS; PROVIDING PROCEDURE TO COMPEL COUNTY CLERK TO COMPLY WITH ELECTION LAWS, RULES AND REGULATIONS; PROVIDING THE SECRETARY OF STATE WITH AUTHORITY AND PROCEDURES TO REQUIRE COUNTY CLERKS TO COMPLY WITH THE ELECTION LAW, RULES AND REGULATIONS; PROVIDING THE COUNTY CLERKS WITH AUTHORITY AND PROCEDURES TO COMPEL LOCAL ELECTION OFFICIALS TO COMPLY WITH ELECTION LAWS, RULES AND REGULATIONS; AND PROVIDING LEGAL RELIEF TO PERSONS AFFECTED BY THE ACTION OR FAILURE OF ACTION OF THE SECRETARY OF STATE OR THE COUNTY CLERKS; REQUIRING THE BOARD OF COUNTY COMMISSIONERS TO ESTABLISH THE VOTING PRECINCTS WITHIN THE COUNTY AND THE PROCEDURES THEREFOR; REQUIRING THE BOARD OF COUNTY COMMISSIONERS TO DESIGNATE THE POLLING PLACES FOR EACH VOTING PRECINCT AND THE PROCEDURES THEREFOR; PROVIDING FOR THE APPOINTMENT OF ELECTION PERSONNEL AND THE
PROCEDURE THEREFOR; AND PROVIDING THE PROCEDURES FOR ALLOWING POLITICAL PARTY PERSONNEL TO OBSERVE THE VOTING AND COUNTING OF BALLOTS IN ELECTION PRECINCTS; PROVIDING ELECTORS A PRIVILEGE FROM ARREST FOR CERTAIN CRIMES WHILE ATTENDING A POLLING PLACE; PROVIDING MINIMUM REQUIREMENTS TO BE A QUALIFIED ELECTOR; PROVIDING CERTAIN DISQUALIFICATIONS OF ELECTORS; REQUIRING ALL QUALIFIED ELECTORS TO REGISTER BEFORE BEING PERMITTED TO VOTE AND PROVIDING EXCEPTIONS TO CERTAIN ELECTORS REGARDING THE RESIDENCE REQUIREMENTS FOR VOTING; REQUIRING THE COUNTY CLERKS TO APPOINT A REGISTRAR IN EACH VOTING PRECINCT, PROVIDING THE QUALIFICATIONS FOR REGISTRARS, AND PROVIDING POWERS AND DUTIES FOR REGISTRARS; PROVIDING THAT NO FEE SHALL BE CHARGED FOR THE PURPOSE OF REGISTERING AN ELECTOR AND PROVIDING METHODS FOR THE REGISTRATION OF PHYSICALLY INCAPACITATED ELECTORS; REQUIRING THE CLOSING OF THE REGISTER OF ELECTORS PRECEDING ANY ELECTION; PROVIDING OFFICE HOURS FOR THE COUNTY CLERKS ON THE LAST DAY OF REGISTRATION OF ELECTORS; PROVIDING PROCEDURES FOR ABSENTEE REGISTRATION; PROVIDING THAT CERTAIN INFORMATION SHALL BE REQUIRED FOR ELECTOR REGISTRATION; PROVIDING THE REGISTRARS THE RIGHT TO DETERMINE WHETHER ANY PERSON IS QUALIFIED TO REGISTER AND THE AUTHORITY TO REFUSE REGISTRATION TO UNQUALIFIED PERSONS, AND PROCEDURES FOR PERSONS TO SHOW THAT STATUS OF A QUALIFIED ELECTOR; ALLOWING QUALIFIED ELECTORS WHO CHANGE RESIDENCE WITHIN PRECINCTS OF THE SAME COUNTY TO VOTE THE COMPLETE ELECTION BALLOT; PROHIBITING QUALIFIED ELECTORS WHO MOVE FROM THEIR REGISTERING COUNTY THIRTY DAYS PRIOR TO ELECTION FROM VOTING FOR CANDIDATES OTHER THAN PRESIDENTIAL ELECTORS; PROVIDING PROCEDURES FOR OBTAINING CERTIFICATES OF REGISTRATION FOR ELECTORS WHO CHANGE THEIR RESIDENCE; PROVIDING THAT ALL REGISTRATION INFORMATION SHALL BE PLACED UPON A REGISTRATION CARD AND SIGNED BY THE ELECTOR WHICH
SHALL BE FILED WITH THE COUNTY CLERKS; PROVIDING THE COUNTY CLERK TO ALTER AND CHANGE ANY REGISTRATION CARD TO INDICATE BOUNDARY CHANGES OF VOTING PRECINCTS; PROVIDING THAT THE COUNTY CLERKS SHALL REVIEW REGISTRATION CARDS AND GIVE NOTICE TO ELECTOR'S PRIOR REGISTRATION BOARD OR COUNTY; GRANTING THE COUNTY CLERK TO REMOVE ELECTORS FROM THE REGISTER WHO ARE NOT CITIZENS OF THE UNITED STATES; PROVIDING THAT REGISTRATION OF ELECTORS WILL BE EFFECTIVE DURING THEIR SERVICE IN THE ARMED FORCES; PROVIDING CONDITIONS WHICH SHALL REQUIRE REREGISTRATION BY AN ELECTOR; PROVIDING FOR THE TRANSFERRING OF REGISTRATION OF AN ELECTOR; PROVIDING AUTHORITY AND THE RIGHT TO VOTE TO ELECTORS WHOSE NAMES HAVE BEEN CHANGED WHILE THE ELECTION REGISTER IS CLOSED; PROVIDING AUTHORITY FOR SPECIAL ELECTORS TO VOTE FOR PRESIDENTIAL ELECTORS, PROVIDING THE PROCEDURE FOR THE REGISTRATION OF SPECIAL PRESIDENTIAL ELECTORS; PROVIDING THE CONDITION FOR REREGISTRATION OF SPECIAL PRESIDENTIAL ELECTORS; PROVIDING FOR TRANSFERRING OF REGISTRATION OF SPECIAL PRESIDENTIAL ELECTORS; PROVIDING THAT REGISTRATION CARDS OF SPECIAL PRESIDENTIAL ELECTORS IS INVALID AFTER ELECTION FOR WHICH IT IS ISSUED; PROVIDING THAT THE METHOD OF REGISTRATION OF SPECIAL PRESIDENTIAL ELECTORS SHALL BE GOVERNED IN NEARLY AS POSSIBLE THE SAME MANNER AS OTHER QUALIFIED ELECTORS; PROVIDING THE AUTHORITY FOR CHALLENGING THE REGISTRATION OF ELECTORS; REQUIRING THE COUNTY CLERKS TO NOTIFY ALL CHALLENGED REGISTERED ELECTORS AND THE PROCEDURES FOR RESOLVING SUCH CHALLENGE; REQUIRING THE STATE BOARD OF HEALTH TO MONTHLY PROVIDE THE SECRETARY OF STATE WITH A LIST OF ALL DEATHS WITHIN THE STATE AND PROVIDING FOR THE REMOVAL OF SUCH NAMES ON THE ELECTION REGISTER BY THE COUNTY CLERKS; REQUIRING THE COUNTY CLERKS TO RETAIN ALL LISTS OF DEATHS FOR A TWO YEAR PERIOD; REQUIRING THE COUNTY CLERKS TO PURGE THE ELECTION REGISTER AFTER THE GENERAL ELECTION; REQUIRING THE COUNTY CLERKS TO RETAIN ALL CORRESPONDENCE RELATED TO THE PURGING OF THE
THAT POLITICAL PARTIES MAY RECEIVE A LIST OF THE ELECTION REGISTER AND PROVIDING CERTAIN PROHIBITIONS TO ITS USE; AND PROVIDING THAT ANY COUNTY MAY UTILIZE A DATA-PROCESSING SYSTEM FOR VOTER REGISTRATION; PROVIDING THE DEFINITION OF A POLITICAL PARTY AND THE METHODS OF FORMATION OF A POLITICAL PARTY; PROVIDING THE MEMBERSHIP OF THE COUNTY CENTRAL COMMITTEES OF A POLITICAL PARTY AND PROCEDURES FOR THEIR FORMATION; PROVIDING THE MEMBERSHIP OF A LEGISLATIVE DISTRICT CENTRAL COMMITTEE AND PROCEDURES FOR THEIR FORMATION; PROVIDING THE MEMBERSHIP OF THE STATE CENTRAL COMMITTEE OF A POLITICAL PARTY; PROVIDING THE COUNTY CENTRAL COMMITTEES SHALL HAVE POWERS AND DUTIES ADOPTED BY THE STATE CONVENTION; PROVIDING THE LEGISLATIVE DISTRICT CENTRAL COMMITTEES SHALL HAVE POWERS AND DUTIES ADOPTED BY THE STATE CONVENTION; AND PROVIDING FOR THE SELECTION OF DELEGATES TO THE STATE CONVENTIONS OF THE POLITICAL PARTIES; PROVIDING THE DATES FOR PRIMARY ELECTIONS, GENERAL ELECTIONS AND SPECIAL STATE ELECTIONS; PROVIDING FOR THE PUBLICATION OF NOTICES OF ELECTIONS BY THE COUNTY CLERKS AND THE PROCEDURES RELATING TO PUBLICATION; AND PROVIDING THAT ANY CONSTITUTIONAL AMENDMENTS SHALL BE CERTIFIED BY THE SECRETARY OF STATE AND THE PROCEDURES FOR PUBLICATION; PROVIDING FOR THE ELECTION OF UNITED STATES SENATORS, THEIR TERM OF OFFICE, THEIR QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THEIR TERM OF OFFICE, THEIR QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF PRESIDENTIAL ELECTORS, THEIR QUALIFICATIONS AND THEIR METHOD OF SELECTION; PROVIDING FOR THE ELECTION OF GOVERNOR, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF LIEUTENANT GOVERNOR, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF SECRETARY OF STATE, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF STATE AUDITOR, HIS TERM OF OFFICE,
QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF STATE TREASURER, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF ATTORNEY GENERAL, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF SUPERINTENDENT OF PUBLIC INSTRUCTION, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF STATE SENATORS AND MEMBERS OF THE STATE HOUSE OF REPRESENTATIVES, THEIR TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF JUSTICES OF THE SUPREME COURT, THEIR TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF DISTRICT JUDGES, THEIR TERMS OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF COUNTY COMMISSIONERS, THEIR TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF SHERIFF, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF THE CLERK OF THE DISTRICT COURT, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF COUNTY TREASURER, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF COUNTY ASSESSOR, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF CORONER, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF PROSECUTING ATTORNEY, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF PRECINCT COMMITTEEMEN BY THE POLITICAL PARTY, THEIR TERMS OF OFFICE, AND QUALIFICATIONS; REQUIRING THE SECRETARY OF STATE TO PRESCRIBE THE FORM FOR ALL DECLARATIONS OF CANDIDACY AND PETITIONS REQUIRED TO BE FILED FOR OFFICE AND THE METHOD FOR PAYMENT OF FILING FEES; AND REQUIRING THAT ALL WRITE-IN CANDIDATES AT PRIMARY ELECTIONS RECEIVE AT LEAST AS MANY VOTES AS EQUAL THE NAMES UPON THEIR PETITION IN ORDER TO BECOME A CANDIDATE IN THE GENERAL ELECTION AND
REQUIRING THEM TO PAY THE PROPER FILING FEE; REQUIRING THAT UNITED STATES CONGRESSIONAL CANDIDATES AND ALL STATE, DISTRICT, COUNTY AND PRECINCT CANDIDATES COMPLY WITH THE PROVISIONS OF THIS ACT; PROVIDING THAT ALL PERSONS QUALIFIED TO HOLD SUCH OFFICE ARE ENTITLED TO FILE A DECLARATION OF CANDIDACY AND PROVIDING THE DATES FOR FILING SUCH DECLARATIONS; PROVIDING THAT COUNTY AND PRECINCT CANDIDATES FILE THEIR DECLARATIONS WITH THE COUNTY CLERK AND ALL OTHER CANDIDATES FILE THEIR DECLARATIONS WITH THE SECRETARY OF STATE; REQUIRING THE COUNTY CLERK TO CERTIFY ALL COUNTY AND PRECINCT CANDIDATES TO THE COUNTY CENTRAL COMMITTEES OF THE RESPECTIVE POLITICAL PARTIES, REQUIRING THE SECRETARY OF STATE TO CERTIFY ALL LEGISLATIVE DISTRICT CANDIDATES TO THE LEGISLATIVE DISTRICT CENTRAL COMMITTEES OF THE RESPECTIVE POLITICAL PARTIES, REQUIRING THE SECRETARY OF STATE TO CERTIFY ALL CANDIDATES FOR STATEWIDE OFFICE TO THE STATE CENTRAL COMMITTEES OF THE RESPECTIVE POLITICAL PARTIES, AND PROVIDING THAT ALL INDEPENDENT CANDIDATES SHALL BE PLACED ON THE PRIMARY BALLOT WITH THE EXCEPTION THAT SUCH CANDIDATES MUST RECEIVE TEN PERCENT OF THE PRIMARY VOTE FOR THAT OFFICE TO BE A CANDIDATE IN THE GENERAL ELECTION; PROVIDING FOR THE STATE CONVENTIONS OF THE POLITICAL PARTIES, THE TIME FOR SUCH CONVENTIONS TO BE HELD AND THE PROCEDURES AND DUTIES OF SUCH CONVENTION; PROVIDING THE METHOD OF SELECTION AND NOMINATION OF CANDIDATES AT THE STATE CONVENTIONS; REQUIRING THE STATE CENTRAL COMMITTEE OF A POLITICAL PARTY TO CERTIFY ALL CANDIDATES NOMINATED AT THE CONVENTION TO THE SECRETARY OF STATE; PROVIDING THE METHOD FOR UNENDORSED CANDIDATES TO BECOME CANDIDATES AT THE GENERAL ELECTION; REQUIRING THE STATE CHAIRMAN OF A POLITICAL PARTY TO CERTIFY THE NAMES OF PRESIDENTIAL ELECTORS TO THE SECRETARY OF STATE; REQUIRING THE SECRETARY OF STATE TO CERTIFY ALL UNENDORSED CANDIDATES AND PROVIDE THE SAMPLE FORM OF THE
BALLOT TO THE COUNTY CLERKS NO LATER THAN AUGUST 1; 
AND REQUIRING THE COUNTY CLERKS TO PRINT THE 
OFFICIAL BALLOTS IN CONFORMANCE WITH THE SAMPLE 
BALLOT AND PUBLISH THE NAMES OF ALL CANDIDATES; 
PROVIDING THE PROCEDURE FOR FILLING VACANCIES IN 
THE SLATE OF CANDIDATES FOR PARTISAN OFFICES BY THE 
POLITICAL PARTIES PRIOR TO THE PRIMARY ELECTION; 
PROVIDING THE PROCEDURE FOR FILLING VACANCIES IN 
THE SLATE OF CANDIDATES FOR PARTISAN OFFICES BY THE 
POLITICAL PARTIES AFTER THE PRIMARY ELECTION; AND 
PROVIDING THAT NO VACANCIES IN THE SLATE OF 
CANDIDATES FOR NONPARTISAN OFFICES SHALL BE FILLED; 
PROVIDING FOR AN OFFICIAL ELECTION STAMP FOR EACH 
COUNTY; REQUIRING THE BOARD OF COUNTY 
COMMISSIONERS TO AUTHORIZE THE PRINTING OF A 
SUFFICIENT NUMBER OF BALLOTS AND TO PROVIDE A 
SUFFICIENT NUMBER OF BALLOT BOXES FOR THE POLLING 
PLACES; AUTHORIZING THE SECRETARY OF STATE TO 
PREScribe THE FORM FOR ALL BALLOTS AND OTHER 
ELECTION MATERIALS AND SUPPLIES; PROVIDING 
GUIDELINES FOR THE FORM OF THE PRIMARY ELECTION 
BALLOT; PROVIDING FOR A NONPARTISAN ELECTION BALLOT 
AND THE FORM THEREOF; PROVIDING GUIDELINES FOR THE 
FORM OF THE GENERAL ELECTION BALLOT; PROVIDING 
GUIDELINES FOR THE FORM OF THE BALLOT USED BY 
SPECIAL PRESIDENTIAL ELECTORS; REQUIRING THAT ALL 
BALLOTS WHICH ARE VOTED BE STAMPED AND PREscribING 
THE METHOD BY WHICH A BALLOT IS TO BE MARKED; 
REQUIRING THAT THE COUNTY CLERKS DELIVER SUFFICIENT 
BALLOTS TO EACH POLLING PLACE; REQUIRING THE COUNTY 
CLERK TO PREPARE INSTRUCTIONS FOR THE GUIDANCE OF 
ELECTORS; AND PROVIDING FOR THE PRINTING OF STICKERS 
IN THE EVENT OF VACANCIES AFTER THE PRINTING OF THE 
BALLOTS AND THE PROCEDURES FOR AFFIXING THEM TO 
THE ELECTION BALLOTS; PROVIDING DEFINITIONS FOR 
CERTAIN TERMS USED IN THIS ACT RELATING TO VOTING 
MACHINES; AUTHORIZING THE USE OF VOTING MACHINES OR 
VOTE TALLY SYSTEMS FOR ALL ELECTIONS; PROVIDING 
THAT ALL ELECTION LAWS INCLUDING THOSE CONTAINED IN 
CITY ORDINANCES OR CHARTERS SHALL APPLY TO
ELECTIONS IN WHICH MACHINES ARE USED UNLESS THEY ARE INCONSISTENT HEREWITH; PROHIBITING CERTAIN ACTS TO VOTING MACHINES; PROVIDING GOVERNING AUTHORITIES THE POWER TO PURCHASE, RENT OR OTHERWISE PROVIDE FOR THE USE OF VOTING MACHINES; PROVIDING FOR THE JOINT OWNERSHIP OF VOTING MACHINES BY MUNICIPAL CORPORATIONS AND OTHER LOCAL UNITS OF GOVERNMENT; PROVIDING METHODS OF PAYMENT OF VOTING MACHINES; REQUIRING THE APPROVAL OF THE SECRETARY OF STATE PRIOR TO THE ISSUING OF BONDS FOR THE PAYMENT OF VOTING MACHINES; REQUIRING THAT ALL VOTING MACHINES OR VOTE TALLY SYSTEMS BE SUBMITTED TO THE SECRETARY OF STATE FOR DETERMINATION OF WHETHER SUCH DEVICES COMPLY WITH THE REQUIREMENTS OF THIS ACT; PROVIDING STANDARDS AND TESTS FOR VOTING MACHINES AND VOTE TALLY SYSTEMS PRIOR TO THEIR APPROVAL BY THE SECRETARY OF STATE; REQUIRING THE SECRETARY OF STATE TO OUTLINE THE DUTIES OF ELECTION OFFICIALS PRESENT AT POLLING PLACES WHERE SUCH DEVICES ARE USED AND REQUIRING THE SECRETARY TO PRESCRIBE THE FORM OF ALL BALLOTS AND OTHER ELECTION MATERIALS AND SUPPLIES; PROVIDING FOR THE APPOINTMENT OF AN ELECTION BOARD WHERE SUCH DEVICES ARE USED AND PROVIDING FOR THE CREATION, CONSOLIDATION AND DIVISION OF VOTING PRECINCTS WHERE SUCH DEVICES ARE USED; REQUIRING THE COUNTY CLERKS OR CITY CLERKS TO PREPARE THE VOTING MACHINES AND INSTRUCT THE ELECTION BOARD IN THEIR OPERATION; PROVIDING FOR THE PREPARATION AND DELIVERY OF ALL VOTING SYSTEMS AND THE NECESSARY ELECTION BALLOTS, SUPPLIES AND MATERIALS; REQUIRING THE INDIVIDUAL ELECTION BOARDS TO PREPARE THE POLLING PLACE FOR THE PURPOSE OF VOTING BY SUCH DEVICES; ESTABLISHING STANDARDS FOR THE PREPARATION OF A VOTING MACHINE PRIOR TO AN ELECTION; REQUIRING NOTICE OF THE USE OF VOTING MACHINES TO THE POLITICAL PARTIES AND PROVIDING FOR REPRESENTATIVES OF POLITICAL PARTIES TO BE PRESENT AT THE POLLING PLACES DURING ELECTIONS; PROVIDING STANDARDS AND GUIDELINES FOR ALL BALLOTS USED WITH VOTING
MACHINES; PROVIDING FOR THE ROTATION OF NAMES OF CANDIDATES ON VOTING MACHINES; REQUIRING THE ELECTION BOARD TO PERIODICALLY EXAMINE THE VOTING MACHINES FOR DAMAGE OR DESTRUCTION DURING POLLING HOURS; PROVIDING FOR VOTING IN POLLING PLACES WHERE VOTING MACHINES ARE RENDERED INOPERATIVE; PROVIDING THE PROCEDURE FOR THE CLOSING OF THE POLLS WHERE VOTING MACHINES ARE IN USE; AUTHORIZING THE USE OF VOTING MACHINES FOR ABSENTEE VOTING; PROVIDING FOR THE USE OF PAPER BALLOTS WHERE VOTING MACHINES ARE USED AND AUTHORIZING THE TALLY OF VOTES IN SUCH PRECINCTS BY THE COUNTY CLERKS OFFICE; REQUIRING THE COUNTY CLERK TO PREPARE SAMPLE BALLOTS WHERE VOTING MACHINES ARE USED; REQUIRING THE COUNTY CLERKS TO PLACE ALL VOTING MACHINES OR SYSTEMS TO BE USED ON PUBLIC DISPLAY PRIOR TO ANY ELECTION IN WHICH THEY ARE USED; REQUIRING ELECTION BOARDS TO PROPERLY INSTRUCT THE ELECTORS IN THE USE OF THE VOTING MACHINES AT THE POLLING PLACES AND PROVIDING AID TO DISABLED ELECTORS; PRESCRIBING A TIME LIMIT FOR VOTING WHERE VOTING MACHINES ARE USED; AUTHORIZING THE SECRETARY OF STATE TO PURCHASE VOTING MACHINES OR VOTE TALLY SYSTEMS FOR THE PURPOSE OF RENTING OR LEASING SUCH DEVICES TO COUNTIES AND OTHER MUNICIPAL CORPORATIONS; AND ESTABLISHING STANDARDS FOR SUCH LEASE OR RENTAL AGREEMENTS; AUTHORIZING AND GRANTING THE PRIVILEGE OF ABSENTEE VOTING TO THE ELECTORS OF THIS STATE; PROVIDING FOR APPLICATION FOR BALLOTS TO BE CAST IN ABSENTEE AND THE PROCEDURES THEREFOR; REQUIRING THE COUNTY CLERK TO EXAMINE ALL APPLICATIONS TO DETERMINE WHETHER THE ELECTOR IS DULY REGISTERED AND REQUIRING THE COUNTY CLERK TO FORWARD THE OFFICIAL BALLOTS TO ALL REGISTERED ELECTORS; PROVIDING THE PROCEDURES FOR MARKING BALLOTS IN ABSENTEE; REQUIRING ALL ABSENTEE BALLOTS TO BE RECEIVED IN COUNTY CLERKS OFFICE AT SPECIFIED TIME TO BE TALLIED AND THE PROCEDURES AND DUTIES OF COUNTY CLERKS UPON THEIR RECEIPT OF ABSENTEE BALLOTS; REQUIRING ALL COUNTY CLERKS TO PROVIDE A POLLING
PLACE FOR ABSENTEE ELECTORS; PROCEDURES FOR RETENTION OF ABSENTEE BALLOTS AND FOR DELIVERY TO POLLING PLACES ON ELECTION DAY; DUTIES OF ELECTION OFFICIALS REGARDING ABSENTEE BALLOTS AT THE POLLING PLACES; PROCEDURES FOR CHALLENGING THE BALLOTS FOR ANY ABSENTEE ELECTOR; PROCEDURES FOR HANDLING AND STORAGE OF REJECTED ABSENTEE BALLOTS; AND REQUIRING THE COUNTY CLERK TO MAINTAIN A RECORD OF ALL APPLICATIONS FOR ABSENTEE BALLOTS; PROVIDING THAT THE POLLING HOURS ON ELECTION DAY SHALL BEGIN AT EIGHT O'CLOCK A.M. AND CONTINUE UNTIL ALL ELECTORS HAVE APPEARED OR UNTIL EIGHT O'CLOCK P.M.; GRANTING THE JUDGES OF ELECTIONS TO CHANGE THE LOCATION OF POLLING PLACES IF NECESSARY; PROVIDING THE PROCEDURES FOR ELECTION OFFICIALS TO EXAMINE ALL BALLOTS AND BALLOT BOXES; GRANTING THE AUTHORITY TO ADMINISTER OATHS OR CHALLENGE ANY ELECTOR; PROVIDING FOR AN ELECTION CONSTABLE AND HIS DUTIES; ESTABLISHING PROCEDURES FOR ELECTORS PRIOR TO THEIR RECEIPT OF THE OFFICIAL BALLOTS; ESTABLISHING PROCEDURES FOR ELECTORS UPON THEIR RECEIPT OF THE OFFICIAL BALLOTS; GRANTING AUTHORITY FOR ASSISTANCE TO PHYSICALLY DISABLED ELECTORS AND THE PROCEDURES FOR SUCH ASSISTANCE; PROVIDING PROCEDURES FOR ISSUANCE OF OTHER BALLOTS TO ELECTORS WHOSE BALLOTS ARE SPOILED AND PROHIBITING THE REMOVAL OF BALLOTS FROM POLLING PLACES; PROHIBITING ANY ELECTION OFFICIAL FROM COMMUNICATING ANY INFORMATION CONCERNING ELECTORS DURING THE POLLING HOURS; PROVIDING THE PROCEDURES AND STANDARDS IN THE EVENT AN ELECTOR IS CHALLENGED AS TO QUALIFICATIONS; AND REQUIRING THE SECRETARY OF STATE TO PREPARE A HANDBOOK SETTING FORTH THE QUALIFICATIONS OF ELECTORS AND THE METHOD OF ASCERTAINING SUCH QUALIFICATIONS AFTER A CHALLENGE; PROVIDING THAT THE COUNTING OF BALLOTS SHALL BEGIN UPON THE CLOSE OF THE POLLS AND PROVIDING FOR THE COUNTING OF BALLOTS DURING POLLING HOURS WHEN DUPLICATE BALLOT BOXES ARE USED; PROVIDING THE PROCEDURES FOR THE COMMENCEMENT OF
THE COUNTING OF THE BALLOTS PRIOR TO THE TALLYING OF VOTES FOR THE INDIVIDUAL CANDIDATES; PROVIDING THE METHOD OF TALLYING VOTES CAST FOR INDIVIDUAL CANDIDATES; AND REQUIRING THE JUDGE OF ELECTION TO ENCLOSE AND SEAL ALL ELECTION BALLOTS, TALLIES, AND OTHER SUPPLIES AND DELIVER SUCH SEALED CONTAINERS TO THE COUNTY CLERK OR THE SHERIFF; PROVIDING THAT THE BOARD OF COUNTY COMMISSIONERS SHALL BE THE COUNTY BOARD OF CANVASSERS FOR ALL ELECTIONS AND THE DATE OF THE COUNTY CANVASS; PROVIDING THE PROCEDURES FOR THE CANVASS OF THE VOTES BY THE COUNTY BOARD OF CANVASSERS; REQUIRING THE COUNTY CLERK TO PREPARE ABSTRACTS OF THE CANVASS AND DELIVER THEM TO THE SECRETARY OF STATE; REQUIRING THE COUNTY CLERK TO PREPARE AND ISSUE CERTIFICATES OF NOMINATION TO THE POLITICAL PARTY CANDIDATES AS TO THE PRIMARY ELECTION; REQUIRING THE COUNTY CLERK TO ISSUE AND DELIVER CERTIFICATES OF ELECTION TO THE CANDIDATES ELECTED AT THE GENERAL ELECTION; AND PROVIDING THE PROCEDURES FOR DETERMINATION OF ANY TIE VOTES; PROVIDING THE MEMBERSHIP OF THE STATE BOARD OF CANVASSERS; PROVIDING THE POWERS AND DUTIES OF THE STATE BOARD OF CANVASSERS; REQUIRING THE STATE BOARD OF CANVASSERS TO COMPILE AND PREPARE A STATEMENT OF THE TOTAL NUMBER OF VOTES CAST AND THE NUMBER OF VOTES RECEIVED BY ALL CANDIDATES FOR FEDERAL, STATE AND DISTRICT OFFICES; REQUIRING THE SECRETARY TO ISSUE CERTIFICATES OF NOMINATION AFTER THE PRIMARY ELECTION; REQUIRING THE SECRETARY OF STATE TO PREPARE THE GENERAL ELECTION SAMPLE BALLOTS AND DELIVER THEM TO THE COUNTIES PRIOR TO SEPTEMBER 25TH, IN A GENERAL ELECTION YEAR; REQUIRING THE SECRETARY OF STATE TO DELIVER CERTIFICATES OF ELECTION TO THE ELECTED OFFICIALS AFTER THE GENERAL ELECTION; AND PROVIDING PROCEDURES FOR THE DETERMINATION OF ANY TIE VOTES. REPEALING CHAPTER 1, TITLE 34, IDAHO CODE, RELATING TO GENERAL ELECTION PROVISIONS; REPEALING CHAPTER 2, TITLE 34, IDAHO CODE, RELATING TO THE TIME OF HOLDING
ELECTIONS; REPEALING CHAPTER 3, TITLE 34, IDAHO CODE, RELATING TO NOTICES OF ELECTIONS; REPEALING CHAPTER 4, TITLE 34, IDAHO CODE, RELATING TO THE QUALIFICATIONS OF VOTERS; REPEALING CHAPTER 5, TITLE 34, IDAHO CODE, RELATING TO ELECTION PRECINCTS, JUDGES AND CLERKS; REPEALING CHAPTER 6, TITLE 34, IDAHO CODE, RELATING TO NOMINATING ELECTIONS; REPEALING CHAPTER 7, TITLE 34, IDAHO CODE, RELATING TO THE NOMINATION OF SUPREME COURT JUSTICES AND DISTRICT JUDGES; REPEALING CHAPTER 8, TITLE 34, IDAHO CODE, RELATING TO THE REGISTRATION OF ELECTORS; REPEALING CHAPTER 10, TITLE 34, IDAHO CODE, RELATING TO THE CONDUCT OF ELECTIONS; REPEALING CHAPTER 11, TITLE 34, IDAHO CODE, RELATING TO ABSENTEE VOTING; REPEALING CHAPTER 12, TITLE 34, IDAHO CODE, RELATING TO CANVASS OF ELECTION RETURNS; REPEALING CHAPTER 13, TITLE 34, IDAHO CODE, RELATING TO THE STATE BOARD OF CANVASSERS; REPEALING CHAPTER 14, TITLE 34, IDAHO CODE, RELATING TO ERRORS AND MISTAKES IN BALLOTS AND RETURNS; REPEALING CHAPTER 16, TITLE 34, IDAHO CODE, RELATING TO SPECIAL ELECTIONS; AND REPEALING CHAPTER 24, IDAHO CODE, RELATING TO VOTING MACHINES; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. "General election" means the national, state and county election held on the first Tuesday succeeding the first Monday of November in each even-numbered year.

SECTION 2. "Primary election" means the election held on the Tuesday succeeding the fourth Monday of August in each even-numbered year.

SECTION 3. "Special election" means any national, state and county election held at a time other than the general or primary election for any purpose provided by law.

SECTION 4. "Qualified elector" or "elector" means a person who is twenty-one (21) years of age, is a United States citizen and has resided within the state at least six (6) months and in the county at least thirty (30) days next preceding the election at which he desires to vote.

SECTION 5. "Registered elector" means a qualified elector who has
registered as provided by law.

SECTION 6. "Special presidential elector" means any person who has resided within this state for less than six (6) months, but for the period required by the constitution or any person who has resided in this state for over six (6) months but not within the county in which he is required to vote for at least thirty (30) days preceding the general election at which presidential electors are being voted upon. Such persons, if registered, shall be allowed to vote for presidential electors only.

SECTION 7. "Domicile" means the physical presence of the person at a specific place within the state with the intent to make it a fixed and permanent home. "Residence", for voting purposes, means the establishment of a domicile within the state and a county for the period required by law, but residence is not lost by any qualified elector if he temporarily removes his domicile to another state or county with the intent to return to the area of his permanent domicile and does not register and vote at his temporary domicile.

SECTION 8. "Election official" means the secretary of state, any county clerk, judge of election, clerk of election, canvassing board or board of county commissioners engaged in the performance of election duties as required by law.

SECTION 9. "Political party" means an affiliation of electors representing a political group under a given name as authorized by law.

SECTION 10. "Election register" means the voter registration cards of all electors who are qualified to appear and vote at the designated polling places.

SECTION 11. "Election record" or "poll book" means the book containing a list of registered voters who have appeared and voted at the proper polling place. Names shall be entered in the poll book in the order in which the ballots are deposited in the ballot boxes or in the order in which the persons leave the polling place after casting their votes in a voting machine.

SECTION 12. "County clerk" means the clerk of the district court.

SECTION 13. "Candidate" means and includes every person for whom it is contemplated or desired that votes be cast at any political convention, primary, general or special election, and who either tacitly or expressly consents to be so considered, except candidates for president and vice-president of the United States.

SECTION 14. "Tally book" or "tally list" means the forms in which the votes cast for any candidate or special question are counted and totaled at the polling precinct.
SECTION 15. All references to the male elector includes the female elector and the masculine pronoun includes the feminine.

SECTION 16. Calendar days shall be used in all computations of time made under the provisions of this act. In computing time for any act to be done before any election, the first day shall be included and the last, or election day, shall be excluded. Sundays and legal holidays shall be included, but if the time for any act to be done shall fall on Sunday or a legal holiday, such act shall be done upon the day following such Sunday or legal holiday.

SECTION 17. The secretary of state is the chief election officer of this state, and it is his responsibility to obtain and maintain uniformity in the application, operation and interpretation of the election laws.

SECTION 18. In carrying out his responsibility under section 17, the secretary of state shall cause to be prepared and distributed to each county clerk detailed and comprehensive written directives and instructions relating to and based upon the election laws as they apply to elections, registration of electors and voting procedures which by law are under the direction and control of the county clerk. Such directives and instructions shall include sample forms of ballots, papers, documents, records and other materials and supplies required by such election laws. The secretary of state shall prescribe a form for voter registration cards based on the voter registration laws and, from time to time, shall cause to be prepared and distributed to each county clerk such written corrections of such directives and instructions and of the form for registration cards as are necessary to maintain uniformity in the application, operation and interpretation of and to reflect changes in the election laws. Each county clerk affected thereby shall comply with such directives and instruction, and corrections thereof, and shall provide voter registration cards prepared in accordance with the prescribed form.

SECTION 19. In carrying out his responsibility under section 17, the secretary of state shall assist and advise each county clerk with regard to the application, operation and interpretation of the election laws as they apply to elections, registration of electors and voting procedures which by laws are under the direction and control of the county clerk.

SECTION 20. In carrying out his responsibility under section 17, the secretary of state shall cause to be organized and conducted at convenient places and times in this state at least three (3) conferences on the administration of the election laws. The secretary of state shall cause written notice of the place and time of each conference to be given to each county clerk. Each county clerk or his designated deputy shall attend at least one (1) of the conferences and shall comply with the instructions given under the
authority of the secretary of state at each conference such county clerk
attends.

SECTION 21. The secretary of state shall:

(1) Prepare and cause to be printed, in appropriate and convenient
form, periodic compilations and digests of the election laws.

(2) Distribute in appropriate quantities to the county clerks for use by
such county clerks and by election boards, copies of such compilations and
digests and the sample form of such supplies and materials necessary to
conduct elections as the secretary of state considers appropriate, including
poll books, tally sheets, return sheets and abstract of vote sheets.

(3) Make such compilations and digests available for distribution, free
or at cost, to interested persons.

SECTION 22. Subject to and in accordance with the directives and
instructions prepared and distributed or given under the authority of the
secretary of state, each county clerk shall exercise general supervision of the
administration of the election laws by each local election official in his
county for the purpose of achieving and maintaining a maximum degree of
correctness, impartiality, efficiency and uniformity in such administration
by local election officials. If two (2) or more county clerks exercise general
supervision under this section of the administration of the election laws by
the same local election official, such county clerks shall cooperate and
coordinate to insure uniformity of such general supervision.

SECTION 23. Each county clerk may prepare and issue such directives
and instructions as he considers necessary to facilitate and assist in carrying
out his exercise of general supervision under section 22. Such directives and
instructions shall be directed to and shall be complied with by each local
election official affected thereby. Each county clerk shall distribute to each
local election official affected thereby a copy of each directive or instruction
prepared and issued under this section. Each county clerk may make
available for distribution, free or at cost, to other interested persons such
directives and instructions.

SECTION 24. In carrying out his exercise of general supervision under
section 22, each county clerk shall:

(1) Subject to and in accordance with any applicable election law,
devote and prescribe for use by each local election official in his county in
the administration of the election laws the contents, forms, character and
kinds of ballots, papers, documents, records and other materials and supplies
required or permitted by the election laws or otherwise necessary in such
administration by such local election officials. Each local election official
shall use such ballots, papers, documents, records and other materials and
supplies so prescribed.

(2) Require each local election official in his county to submit reports pertaining to the administration of the election laws by such local election official. Each local election official shall comply with any such requirement.

(3) Inspect and observe the administration of the election laws by any local election official in his county at any time he deems necessary.

(4) Carry on a program of inservice training for local election officials in his county by periodically distributing to them such bulletins, manuals and other informational and instructional materials and by establishing and conducting such classes of instruction pertaining to the administration of the election laws by local election officials as the county clerk considers desirable.

SECTION 25. (1) The county clerk may employ such personnel and procure such equipment, supplies, materials, books, papers, records and facilities of every kind as he considers necessary to facilitate and assist in carrying out his functions in connection with administering the election laws.

(2) The necessary expenses incurred by the county clerk in administering the election laws, including reasonable rental for polling places, shall be allowed by the board of commissioners and paid out of the county treasury.

(3) The county clerk and his deputies may administer oaths and affirmations in connection with the performance of their functions in administering the election laws.

SECTION 26. Subject to any applicable election law, the county clerk may devise, prepare and use in his administration of the election laws the ballots, papers, documents, records and other materials and supplies required or permitted by the election laws or otherwise necessary in such administration by such county clerk.

SECTION 27. On the day of any general, special or primary election held throughout the county, the county clerk shall keep his office open for the transaction of business pertaining to the election from the time the polls are opened in the morning continuously until the polls are closed.

SECTION 28. (1) Any person having knowledge of any failure of a county clerk to comply with a lawful directive or instruction prepared and distributed or given under the authority of the secretary of state may notify the prosecuting attorney of the county. Upon receipt of such notification the prosecuting attorney shall proceed immediately to investigate the alleged failure of the county clerk to comply. Upon the conclusion of the investigation the prosecuting attorney shall advise and direct the county
clerk with regard to how he must proceed in connection with the matter. The county clerk shall proceed immediately to comply with the directive of the prosecuting attorney.

(2) If the prosecuting attorney, upon the conclusion of an investigation under subsection (1) of this section, determines that the county clerk has failed to comply with a lawful directive or instruction prepared and distributed or given under the authority of the secretary of state, and that such failure to comply involves a violation by the county clerk of any statute, the violation of which is punishable by a criminal penalty or forfeiture of office, the prosecuting attorney shall promptly proceed to prosecute such violation by the county clerk.

(3) The remedy provided in this section is cumulative and does not exclude any other remedy provided by law against a county clerk who fails to comply with a lawful directive or instruction prepared and distributed or given under the authority of the secretary of state, or who violates any statute.

SECTION 29. (1) Whenever it appears to the secretary of state that a county clerk has failed to comply with a lawful directive or instruction prepared and distributed or given under the authority of the secretary of state, the secretary of state may apply to the appropriate district court or a judge thereof for a writ of mandamus to compel the county clerk to comply with such directive or instruction. In any such mandamus proceeding it is a defense that the directive or instruction in question is unlawful.

(2) The remedy provided in this section is cumulative and does not exclude any other remedy provided by law against a county clerk who fails to comply with a lawful directive or instruction prepared and distributed or given under the authority of the secretary of state.

SECTION 30. (1) Whenever it appears to a county clerk that any local election official in his county has failed to comply with any election law or any directive or instruction prepared and issued by the county clerk, the county clerk may issue an order to such local election official. The order shall specify in what manner the local election official has failed to comply, indicate the proper manner of compliance and direct the local election official to so comply with such law or directive or instruction within a designated reasonable time.

(2) If the local election official fails to comply as directed by the order of the county clerk, the county clerk may apply to a judge of the district court for the county in which the county clerk holds office for an order, returnable within five (5) days from the date thereof, to compel the local election official to comply with the order of the county clerk or to show
cause why he should not be so compelled. Upon receipt of the application of
the county clerk the judge shall issue the appropriate order, which shall be
final. The judge shall dispose of the matter as soon as possible and not more
than ten (10) days after his order is returned by the local election official.

(3) The remedy provided in this section is cumulative and does not
exclude any other remedy provided by law against the non-complying local
election official.

SECTION 31. (1) Any person adversely affected by any act or failure
to act by the secretary of state or a county clerk under any election law, or
by any order, rule, regulation, directive or instruction made under the
authority of the secretary of state or of a county clerk under any election
law, may appeal therefrom to the district court for the county in which the
act or failure to act occurred or in which the order, rule, regulation, directive
or instruction was made or in which such person resides.

(2) Any party to the appeal proceedings in the district court under
subsection (1) of this section may appeal from the decision of the district
court to the supreme court.

(3) The district courts and supreme court, in their discretion, may give
such precedence on their dockets to appeals under this section as the
circumstances may require.

(4) The remedy provided in this section is cumulative and does not
exclude any other remedy provided by law against any act or failure to act
by the secretary of state or a county clerk under any election law or against
any order, rule, regulation, directive or instruction made under the authority
of the secretary of state or a county clerk under any election law.

SECTION 32. The board of county commissioners in each county shall
establish a convenient number of election precincts therein. The board shall
have the authority to create new or consolidate established precincts only
within the boundaries of the legislative districts provided by section 67-202,
Idaho Code. No county shall have less than three (3) precincts. This board
action shall be done no later than the regular January meeting in a general
election year.

SECTION 33. The board shall, not less than thirty (30) days before
any election, designate a suitable polling place for each election precinct.
The physical arrangements of the polling place shall be sufficient to
guarantee all voters the right to cast a secret ballot. The expense of providing
such polling places shall be a public charge and paid out of the county
treasury.

SECTION 34. The county clerk shall appoint two (2) or more election
judges, one (1) of whom shall be designated chief judge, and the number of clerks deemed necessary by him for each polling place. No election board for a polling place shall exceed ten (10) members.

The chief election judge shall be responsible for the conduct of the proceedings in the polling place. Compensation for all election personnel shall be determined by the board of county commissioners.

Each election board shall contain personnel representing all existing political parties if a list of applicants has been provided to the county clerk by the precinct committeemen of the precincts at least sixty (60) days prior to the primary election.

SECTION 35. The judges of the election shall, if requested at any time, permit one (1) person authorized by each political party to be at the polling place for the purpose of challenging voters, and shall, if requested, permit any candidate, or one (1) person authorized by a candidate, several candidates or political party, to be present to watch the receiving and counting of the votes. Such authorization shall be evidenced by a writing signed by the county chairman and secretary of the political party, or by the candidate or candidates, and filed with the judges of the election. Persons permitted to be present to watch the counting of the votes shall not absent themselves until the polls are closed.

SECTION 36. Electors are privileged from arrest, except for treason, a felony or breach of the peace, during their attendance at a polling place.

SECTION 37. Every male or female citizen of the United States, twenty-one (21) years old, who has actually resided in this state for six (6) months, and in the county where he or she offers to vote for thirty (30) days next preceding the day of election, is a qualified elector unless otherwise provided. All other persons, if they have resided in this state for the period required by the constitution, are qualified to vote for presidential electors if registered within the time period provided by law.

SECTION 38. No elector shall be permitted to vote if he is disqualified as provided in article 6, sections 2 and 3 of the state constitution.

SECTION 39. All qualified electors must register as provided by law before being able to vote at any primary, general, special or any other election at which registration is required.

SECTION 40. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his absence while employed in the service of this state or the United States, while a student of any institution of learning, while kept at any state institution at public expense, nor absent from the state with the intent to have this state remain his residence. If a person is absent from this state but intends to maintain his
residence for voting purposes here, he shall not register to vote in any other state during his absence.

SECTION 41. (1) Each county clerk shall appoint an official registrar for each voting precinct within the county on March 1, preceding each general election. Each registrar shall be a qualified elector of the precinct for which he is appointed and shall serve until his successor is appointed and qualified. The precinct committeemen shall recommend persons for the position to the county clerk in writing at least ten (10) days prior to the date on which any appointment shall be made and the county clerk shall appoint the registrar from such lists if the persons recommended are qualified.

(2) The county clerk shall furnish each registrar with the supplies and materials necessary for the performance of his functions and shall supervise and instruct him in such performance.

(3) Each official registrar shall establish and maintain a permanent place, and such temporary places he deems necessary for the registration of electors. In so far as practicable, he shall acquaint the public with the location of such place or facility, the facilities available for registration and the ease and convenience with which registration may be accomplished. Each registrar shall receive such compensation as determined by the board of county commissioners which shall not exceed fifty cents ($ .50) for each voter personally registered by him.

(4) Each official registrar may administer oaths and affirmations in connection with the performance of his functions.

(5) At the end of each week each official registrar shall deliver, by certified mail or in person to the county clerk, the official registration cards of all electors registered by him during the week. The county clerk may reject any such registration if he determines that the elector is not qualified or that the official registration card is inaccurate or incomplete. The county clerk shall immediately notify the elector in writing of such rejection, by certified mail or otherwise. Such elector shall have ten (10) days from the date of such notice to perfect his registration.

SECTION 42. (1) Any county clerk or official registrar shall register without charge any qualified elector who personally appears in the office of the county clerk or before the official registrar, as the case may be, and requests to be registered.

(2) Upon receipt of a written application to the county clerk from any qualified elector who, by reason of illness or physical incapacity is prevented from personally appearing in the office of the county clerk or before an official registrar, the county clerk or an official registrar so directed by the
county clerk shall register such elector at the place of abode of the elector.

SECTION 43. (1) No elector may register within two (2) days preceding any election held throughout the county in which he resides for the purpose of voting at such election.

(2) Any elector who will complete his residence requirement or attain the age of twenty-one (21) years during the period when the register of electors is closed may register prior to the closing of the register.

SECTION 44. On the last day for registration of electors, including Saturday, the county clerk in all counties shall keep his office open for registration of electors from the time the office is opened in the morning continuously until 8:00 p.m.

SECTION 45. An elector absent from the state may register by:

(1) Signing a statement, under oath or affirmation, containing the same information as an official registration card or by completing an official registration card before a notary public or an official with elector registration functions similar to those of a county clerk or official registrar, and by mailing such statement or card to the county clerk of the county in which the elector resides; or

(2) Mailing a request for registration to the county clerk of the county in which the elector resides, and the postmark on such request indicates that it was posted not less than ten (10) days preceding the election. Upon receipt of such request the county clerk shall send to the elector an official registration card. The elector shall complete the card before a notary public or an official with elector registration functions similar to those of a county clerk or official registrar and shall return it to the county clerk.

SECTION 46. (1) Each elector who requests registration shall supply the following information under oath or affirmation:

(a) His full name, sex, and age.

(b) His mailing address, his residence address or any other necessary information definitely locating his residence.

(c) The period of time preceding the date of registration during which he has resided in the state.

(d) Whether or not he is a naturalized citizen. If he is a naturalized citizen and if he has not been previously registered in the county as a naturalized citizen, the elector shall exhibit his final citizenship papers or an authenticated copy thereof.

(e) His social security number, if any.

(f) That he is under no legal disqualifications to vote.

(g) The county and state where he was previously registered, if any.
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(2) Any elector who shall supply any information under subsection (1) of this section, knowing it to be false, is guilty of perjury.

SECTION 47. (1) The qualifications of any person who requests to be registered shall be determined in the first instance by the registering official from the evidence before him. If the registering official determines that such person is not qualified, he shall refuse to register the person.

(2) A person refused registration under subsection (1) of this section may make application to the county clerk for a hearing on his qualifications. Not more than ten (10) days after the date he receives such application, the county clerk shall hold a hearing on the qualifications of the applicant and shall notify the applicant of the place and time of such hearing. At such hearing the applicant may present evidence as to his qualifications, provided that no hearing shall be held subsequent to any election which is held within said ten (10) day period. If the county clerk determines that the applicant is qualified, the county clerk shall register the applicant immediately upon the conclusion of the hearing.

SECTION 48. An elector who changes his residence shall reregister; provided that any elector who moves within a precinct, or from one (1) precinct to another precinct within the same county, within thirty (30) days prior to any election shall be permitted to vote in the ensuing election if he obtains a certificate of registration from the county clerk. Upon delivery of the certificate to the registrar of the precinct in which he is currently resident, the elector shall be permitted to vote the entire ballot or ballots issued to that precinct.

SECTION 49. Any elector who changes his residence from one (1) county to another within the thirty (30) days prior to any election shall be permitted to vote at the ensuing election for presidential electors only.

SECTION 50. (1) An application for a certificate of registration may be made to the appropriate county clerk in person or in writing. The application shall contain the former and new residence address of the elector and shall be signed by the elector using the same name as appears on his official registration card.

(2) Upon receipt of an application for a certificate of registration, the county clerk shall immediately cancel the applicant's current registration. In order to vote at any election subsequent to the election for which the certificate was issued, the elector must reregister as provided by law.

(3) Certificates of registration shall be issued only by the county clerk.

SECTION 51. (1) The county clerk or official registrar shall enter the information supplied by the elector under section 46 of this act on a
registration card executed in duplicate which shall contain the following warning:

WARNING: Any elector who supplies any information, knowing it to be false, is guilty of perjury.

(2) The elector shall read the warning set forth in subsection (1) of this section and shall sign his name in an appropriate place on the completed card. The official who personally registers the elector shall sign his name and title in attestation in an appropriate place on the completed card.

(3) The registration card completed and signed as provided in this section constitutes the official registration card of the elector. The county clerk shall keep and file all such cards in a convenient manner in his office. Such cards constitute the register of electors and are available for public inspection.

SECTION 52. When changes in the boundaries of any precinct are made, the county clerk shall alter the official registration card of any elector to conform with the change and shall mail a written notice thereof to such elector at his residence address indicated on the altered registration card.

SECTION 53. Each week the county clerk shall review the registration cards of all newly registered electors for the past weekly period to determine whether they have been previously registered to vote in another state or in another county within this state. The county clerk shall mail a notification of registration to the proper registration official or county clerk where the elector was previously registered. This notice shall explain that the elector has appeared and registered in this county. The form of such notice shall be prescribed by the secretary of state.

SECTION 54. The county clerk shall remove from the register of electors the official registration card of any elector who appears by the registration records in the office of the county clerk not to be a citizen of the United States and shall suspend the registration of such elector. The county clerk shall mail a written notice of such removal and suspension to the elector at his residence address indicated on the card. If the elector proves to the county clerk that he is in fact a citizen of the United States, his card shall be replaced in the register and his registration reinstated.

SECTION 55. No elector's registration shall be cancelled, nor shall he be deprived of his right to vote at any election by reason of the removal of his official registration card from the register of electors, during any period that he is serving in the Armed Forces of the United States or of any ally of the United States.
SECTION 56. (1) An elector shall reregister if:
(a) His registration is cancelled by the county clerk as provided by law.
(b) He changes his residence.
(c) His name is changed by marriage or court order.
(2) An elector shall be reregistered in the same manner as a first registration.

SECTION 57. (1) In lieu of reregistration as provided in section 56 of this act, if an elector changes his residence to another precinct within the county or if his name is changed by marriage or by court order, he shall transfer his registration by delivering, by mail or otherwise, to the county clerk at any time during the period when the register of electors is open, a form furnished by the county clerk. The form shall contain the former and new residence address or the former and new name of the elector, or both, as the case may be, and shall be signed by the elector using the same name as appears on his official registration card.

(2) Upon receiving an application under subsection (1) of this section the county clerk shall compare the signature of the elector thereon with the signature of the elector on his official registration card. If such signatures appear to be the same, the county clerk shall record the change upon the official registration card. Such recording constitutes the transfer of registration and the county clerk shall mail a written notice thereof to the elector at his residence address then indicated on the card. The county clerk shall retain the application for two (2) years from the date of receipt thereof.

(3) If the county clerk is not satisfied that such signatures are the same, he shall mail to the elector at his present residence address indicated on the application a written notice directing the elector to appear in the office of the county clerk on a date not less than ten (10) days after the date of such notice to answer questions necessary to determine whether the elector is qualified for transfer of registration. If the elector fails to so appear, his registration shall not be transferred as requested in his application.

SECTION 58. An individual who is registered and in all other respects qualified to vote, whose name has been changed during the period when the register of electors is closed, by either marriage or by court order, may upon presentation of proof of change of name, vote in the precinct in which he is registered under his former name. At the time of voting he shall fill out and sign a reregistration card at the polling place.

SECTION 59. A person who is a qualified elector except that he has
resided in this state less than six (6) months, but for the period required by
the constitution, immediately preceding the election is entitled to vote in the
election for president or vice president of the United States.

SECTION 60. (1) Any county clerk shall issue a special registration
certificate without charge to any person referred to in section 59 of this act
who personally appears in the office of the county clerk and requests to be
registered for the purpose of voting for the candidates referred to in section
59 of this act.

(2) A person who requests registration under subsection (1) of this
section shall supply, under oath or affirmation, the information referred to
in subsection (1) of section 46 of this act.

(3) Any person who shall supply any information under subsection (2)
of this section, knowing it to be false, is guilty of perjury.

SECTION 61. (1) The county clerk shall enter the information
supplied by a person under subsection (2) of section 60 of this act on a form
prepared for such purpose. The form shall contain the warning set forth in
subsection (1) of section 51 of this act.

(2) The person shall read the warning referred to in subsection (1) of
this section and shall sign his name in an appropriate place on the completed
form. The official who personally registers the person shall sign his name and
title in attestation in an appropriate place on the completed form.

(3) The form completed and signed as provided in this section
constitutes the special registration certificate. The county clerk shall issue a
duplicate of the certificate to the person, and shall keep and file all original
copies of the certificates in a convenient manner in his office. The original
copies of the certificates are available for public inspection.

SECTION 62. (1) A person registered under section 59 to section 65
of this act shall reregister if:

(a) He changes his residence to another precinct within the state.
(b) His name is changed by marriage or court order.

(2) The person shall be reregistered in the same manner as a first
registration under sections 59 to 65 of this act.

SECTION 63. A person registered under section 46 of this act who
changes his residence within the state during the period when the register of
electors is closed may, upon request therefor and surrender of the special
registration certificate previously issued to him, procure from the county
clerk of the county in which he previously resided another special
registration certificate. Upon delivery of the certificate to the election board
and upon subscribing to an oath or affirmation before one of the election
board clerks stating his present residence and that he has removed to such residence since the close of the register, the person shall be permitted to vote in the precinct in which he presently resides.

SECTION 64. A special registration certificate issued under section 59 to section 65 of this act is invalid for all purposes after the election for which it is issued. A person shall surrender his copy of the certificate to the election board at the time he votes, and the election board shall deliver all such copies to the county clerk immediately after the completion of the counting of the ballots. The county clerk shall preserve all original and duplicate copies of the certificates for two (2) years after the election.

SECTION 65. (1) Sections 41, 42, 45, 51, 52, 56, 57 and 72 do not apply to registration under sections 59 to 65 of this act.

(2) Except as otherwise provided in sections 59 to 65 of this act, the registration and voting of persons referred to in section 61 shall be governed in as nearly as possible the same manner as the registration and voting of other qualified electors.

SECTION 66. At the time of any election, any registered elector may challenge the entry of an elector's name as it appears in the election register. Such a challenge will be noted in the remarks column following the elector's name stating the reason, such as "died", "moved", or "incorrect address". The individual making the challenge shall sign his name following the entry.

SECTION 67. (1) Within sixty (60) days after each election, the county clerk shall examine the election register and note the challenges as described in section 66 of this act. The county clerk shall mail a written inquiry to the challenged elector at his mailing address as indicated on his registration card. Such inquiry shall state the nature of the challenge and provide a suitable form for reply.

(2) Within sixty (60) days from date of mailing of the written inquiry the elector may, in person or in writing, state that the information on his registration card is correct or he may request a change in the information on his registration card. Upon receipt of such a statement or request the county clerk shall consider the challenge satisfied. If the elector fails to do either of these things, the county clerk shall cancel the registration of the challenged elector.

SECTION 68. The state board of health shall, on or about the 25th day of each month, furnish to the secretary of state a listing showing the name, age, county of residence and residence address of each Idaho resident who has died during the preceding month. The secretary of state shall sort this list by county and furnish a copy of same to each county clerk. Each
county clerk shall immediately cancel all registrations of individuals reported as deceased by the state board of health in the board's report to the secretary of state.

SECTION 69. Copies of all notices and other correspondence issued pursuant to the directives contained in sections 67 and 68 of this act shall be retained by the county clerk for a period of two (2) years from date of mailing.

SECTION 70. Within sixty (60) days following the date of any general election, the county clerk shall examine the election register and the signed statements of challenge made at that election. After this examination, the county clerk shall immediately cancel the registration of any elector who did not vote at any election for which registration is required in the past eight (8) years.

SECTION 71. All correspondence relating to the cancellation of an elector's registration shall be preserved by the county clerk for a period of two (2) years following the time of any general election.

SECTION 72. (1) The secretary of state or each of the county clerks, upon receiving a request therefor not later than the sixtieth (60th) day before a general, special or primary election, shall supply to any political party, a list of the registered electors of the county on the sixtieth (60th) day before the election and their addresses, arranged in groups according to election precincts. The secretary of state or county clerks shall make, collect and pay into the state or county treasury a charge for supplying lists of registered electors under this subsection sufficient to cover the additional actual cost thereof to the state or county.

(2) No person to whom a list of registered electors is made available or supplied under subsection (1) of this section and no person who acquires a list of registered electors prepared from such list shall use any information contained therein for commercial purposes.

SECTION 73. Any county may utilize a data-processing system for voter registration. Any data-processing system of registration shall conform to the provisions of this act and be approved by the secretary of state.

SECTION 74. A "political party," within the meaning of this act, is an organization of electors under a given name. A political party shall be deemed created and qualified to participate in elections in either of the two (2) following ways:

(1) By having three (3) or more candidates for state office listed under the party name at the last general election, or

(2) By presenting and filing a petition with the secretary of state signed
by qualified electors equal in number to ten percent (10%) of the total vote cast for the office of governor at the last gubernatorial election. Such endorsers of the petition need not necessarily be representatives or members of the group or party whose petition they endorse. Such petition shall declare that the signers endorse the doctrines of the party or group, the name of which shall be stated, and that they desire to participate and elect officers and nominate candidates by a state convention of all members of the party who wish to participate in such convention. The party or group may after filing a qualified petition proceed to hold a state convention in the manner and at the time provided by law; provided, that at the initial convention of any such newly organized political party, all members of the party shall be entitled to attend the convention and participate in the election of officers and the nomination of candidates. Thereafter, the conduct of any subsequent conventions shall be as provided by law. The petition must be filed ten (10) days prior to the last day provided by law for the holding of state party conventions and may contain the platform of the party. The names of the electors so petitioning need not all be on one (1) petition, but may be on one (1) or more petitions but each petition shall be verified by at least one (1) signer thereof to the effect that the signers are qualified electors of the state of Idaho according to his best information and belief.

SECTION 75. The county central committee of each political party in each county shall consist of the precinct committeemen representing the precincts within the county and the county chairman elected by the precinct committeemen. The precinct committeemen within each county shall meet at the county seat within ten (10) days after the primary election and at the time and date designated by the incumbent county chairman, and shall organize by electing a chairman, vice chairman, a secretary, a state committeeman, a state committeewoman, and such other officers as they may desire who shall hold office at the pleasure of the county central committee or until their successors are elected.

SECTION 76. The legislative district central committee of each political party in each legislative district shall consist of the precinct committeemen representing the precincts within the legislative district, and the legislative district chairman elected by the precinct committeemen. The precinct committeemen within each legislative district shall meet within the legislative district within eleven (11) days after the primary election, the meeting time and place to be designated by the incumbent legislative district chairman. At this meeting the precinct committeemen shall organize by
electing a chairman, vice chairman, a secretary and such other officers as they may desire, who shall hold office at the pleasure of the legislative district central committee or until their successors are elected.

SECTION 77. The state central committee of each political party shall consist of all legislative district chairmen, all county central committee chairmen, all state committeemen, and state committeewomen selected by the county central committees. Each of the above members of the state central committee shall be entitled to vote at all meetings of the state central committee.

SECTION 78. The county central committee shall have all the powers and duties prescribed by state law and rules and regulations promulgated and adopted by the state conventions or the state central committee.

SECTION 79. The legislative district central committee shall have all the powers and duties prescribed by state law and rules and regulations promulgated and adopted by the state conventions or the state central committee.

SECTION 80. The delegates to the state convention of each political party shall be selected as follows:

1. Each county delegation shall consist of the county chairman, the state committeeman, the state committeewoman and two members selected by the county central committee.

2. Each legislative district delegation shall consist of the legislative district chairman, the incumbent state legislators, one delegate for each two thousand (2000) votes, or major fraction thereof, cast for the office of United States representative of that political party at the last primary election within that legislative district. The delegates shall be selected by the members of the legislative district central committee.

All central committees shall select alternate delegates equal to the number of official delegates to which they are entitled.

SECTION 81. Elections shall be held in this state on the following dates or times:

1. A primary election shall be held on the Tuesday after the fourth Monday of August, 1972, and every two years thereafter on the above-mentioned Tuesday.

2. A general election shall be held on the first Tuesday after the first Monday of November, 1972, and every two years thereafter on the above-mentioned Tuesday.

3. Special state elections shall be held on the dates ordered by the governor's proclamation, or as otherwise provided by law.
SECTION 82. The several county clerks shall publish at least two (2) times, the notices for any primary, general or special election. The notice shall state the date of the election, the polling place in each precinct and the hours during which the polls shall be open for the purpose of voting.

The first notice shall be published at least twelve (12) days prior to any election and the second notice shall be published not later than five (5) days prior to the election. The notice of election shall be published in at least two (2) newspapers published within the county, but if this is not possible, the notice shall be published in one (1) newspaper published within the county or a newspaper which has general circulation within the county.

SECTION 83. Whenever a proposed constitution, constitutional amendment or other question is to be submitted to the people of the state for popular vote, it shall be certified by the secretary of state to the county clerks at least sixty (60) days before the election at which it will be voted upon. It shall be published in the form prescribed by the secretary of state.

SECTION 84. (1) At the general election, 1972, and every six (6) years thereafter, there shall be elected one (1) United States senator. At the general election, 1974, and every six (6) years thereafter, there shall be elected one (1) United States senator.

(2) No person shall be elected to the office of United States senator unless he has attained the age of thirty (30) years at the time of his election, has been a citizen of the United States at least nine (9) years and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of two hundred fifty dollars ($250) which shall be deposited in the general fund.

SECTION 85. (1) At the general election, 1972, and every alternate year thereafter, there shall be elected in each United States congressional district a member of the United States house of representatives and any additional number of representatives to which the state may be entitled in the state at large.

(2) No person shall be elected to the house of representatives unless he has attained the age of twenty-five (25) years at the time of his election, has been a citizen of the United States at least seven (7) years and shall have resided within the state for two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the
secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of five hundred (500) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred fifty dollars ($150) which shall be deposited in the general fund.

SECTION 86. (1) At the general election, 1972, and every four (4) years thereafter, there shall be elected such a number of electors of president and vice president of the United States as the state may be entitled to in the electoral college.

(2) No person shall be elected to this position unless he has attained the age of twenty-one (21) years at the time of the election, is a citizen of the United States and shall have resided within the state two (2) years next preceding his election.

(3) Such electors shall be certified to the secretary of state as provided for by law.

SECTION 87. (1) At the general election, 1974, and every four (4) years thereafter, a governor shall be elected.

(2) No person shall be elected to the office of governor unless he shall have attained the age of thirty (30) years at the time of his election, is a citizen of the United States and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto, a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred fifty dollars ($150) which shall be deposited in the general fund.

SECTION 88. (1) At the general election, 1974, and every four (4) years thereafter, there shall be elected a lieutenant governor.

(2) No person shall be elected to the office of lieutenant governor unless he shall have attained the age of thirty (30) years at the time of his election, is a citizen of the United States and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto, a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred dollars ($100) which shall be
deposited in the general fund.

SECTION 89. (1) At the general election, 1974, and every four (4) years thereafter, a secretary of state shall be elected.

(2) No person shall be elected to the office of secretary of state unless he shall have attained the age of twenty-five (25) years at the time of his election, is a citizen of the United States and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred dollars ($100) which shall be deposited in the general fund.

SECTION 90. (1) At the general election, 1974, and every four (4) years thereafter, a state auditor shall be elected.

(2) No person shall be elected to the office of state auditor unless he shall have attained the age of twenty-five (25) years at the time of his election, is a citizen of the United States and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred dollars ($100) which shall be deposited in the general fund.

SECTION 91. (1) At the general election, 1974, and every four (4) years thereafter, a state treasurer shall be elected.

(2) No person shall be elected to the office of state treasurer unless he shall have attained the age of twenty-five (25) years at the time of his election, is a citizen of the United States and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred dollars ($100) which shall be deposited in the general fund.

SECTION 92. (1) At the general election, 1974, and every four (4) years thereafter, an attorney general shall be elected.
(2) No person shall be elected to the office of attorney general unless he shall have attained the age of thirty (30) years at the time of his election, is admitted to the practice of law within the state, is a citizen of the United States and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred dollars ($100) which shall be deposited in the general fund.

SECTION 93. (1) At the general election, 1974, and every four (4) years thereafter, a superintendent of public instruction shall be elected.

(2) No person shall be elected to the office of superintendent of public instruction unless he shall have attained the age of twenty-five (25) years at the time of his election; is a citizen of the United States; holds a valid life or state life teaching certificate; is a graduate of an approved normal school, college or university as determined by the state board of education; is actively engaged in educational work in the state public schools or in the state educational institutions and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred dollars ($100) which shall be deposited in the general fund.

SECTION 94. (1) At the general election, 1972, and every alternate year thereafter, there shall be elected in each legislative district such representatives and senators as they may be severally entitled.

(2) No person shall be elected to the office of representative or senator unless he shall have attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States and shall have resided within the legislative district one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of at least fifty (50) but not more than two hundred (200) qualified electors which reside within the legislative district.
(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of fifteen dollars ($15) which shall be deposited in the general fund.

SECTION 95. (1) At the general election, 1972, and every alternate year thereafter, there shall be elected justices of the supreme court to fill any vacancy or vacancies occasioned by the expiration of the term or terms of office of any member or members.

(2) No person shall be elected to the office of justice of the supreme court unless he has attained the age of thirty (30) years at the time of his election, is a citizen of the United States, is admitted to the practice of law within this state, and has resided within this state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred fifty dollars ($150) which shall be deposited in the general fund.

SECTION 96. (1) At the general election, 1972, and every four (4) years thereafter, there shall be elected in each judicial district a sufficient number of district judges to fill any vacancy or vacancies occasioned by the expiration of the term or terms of office of any member or members.

(2) No person shall be elected to the office of judge of the district court unless he has attained the age of thirty (30) years at the time of his election, is a citizen of the United States, is admitted to the practice of law within this state, and shall have resided within the judicial district one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of five hundred (500) qualified electors which reside within the judicial district.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of seventy-five dollars ($75) which shall be deposited in the general fund.

SECTION 97. (1) A board of county commissioners shall be elected in each county at the general elections as provided by section 31-703, Idaho Code.

(2) No person shall be elected to the board of county commissioners unless he has attained the age of twenty-one (21) years at the time of the
election, is a citizen of the United States, and shall have resided in the county one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors from his commissioner district.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars ($40) which shall be deposited in the county treasury.

SECTION 98. (1) At the general election, 1972, and every four (4) years thereafter, a sheriff shall be elected in every county.

(2) No person shall be elected to the office of sheriff unless he has attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States and shall have resided within the county one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars ($40) which shall be deposited in the county treasury.

SECTION 99. (1) At the general election, 1974, and every four (4) years thereafter, a clerk of the district court shall be elected in every county. The clerk of the district court shall be the ex-officio auditor and recorder.

(2) No person shall be elected to the office of clerk of the district court unless he has attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States, and shall have resided within the county one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars ($40) which shall be deposited in the county treasury.

SECTION 100. (1) At the general election, 1972, and every alternate year thereafter, a county treasurer shall be elected in every county. The county treasurer shall be the ex-officio public administrator and ex-officio
tax collector.

(2) No person shall be elected to the office of county treasurer unless he has attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States and shall have resided within the county one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars ($40) which shall be deposited in the county treasury.

SECTION 101. (1) At the general election, 1972, and every alternate year thereafter, a county assessor shall be elected in every county.

(2) No person shall be elected to the office of county assessor unless he has attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States and shall have resided within the county one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars ($40) which shall be deposited in the county treasury.

SECTION 102. (1) At the general election, 1972, and every alternate year thereafter, a coroner shall be elected in every county.

(2) No person shall be elected to the office of coroner unless he has attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States and shall have resided within the county one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of ten dollars ($10) which shall be deposited in the county treasury.

SECTION 103. (1) At the general election, 1972, and every alternate
year thereafter, a prosecuting attorney shall be elected in every county.

(2) No person shall be elected to the office of prosecuting attorney unless he has attained the age of twenty-one (21) years at the time of his election, is admitted to the practice of law within this state, is a citizen of the United States and shall have resided within the county for one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars ($40) which shall be deposited in the county treasury.

SECTION 104. (1) At the primary election, 1972, and every alternate year thereafter, a precinct committeeman for each political party shall be elected in every voting precinct within each county.

(2) No person shall be elected to the office of precinct committeeman unless he has attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States and shall have resided within the voting precinct for a period of one (1) year next preceding his election.

(3) Each candidate shall file a declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors from his precinct.

(4) No filing fee shall be charged any candidate at the time of his filing his declaration of candidacy.

SECTION 105. (1) The secretary of state shall prescribe the form for all declarations of candidacy and petitions required to be filed for any office. This form shall be uniform throughout the state.

(2) All filing fees shall be paid in cash, cashier's check, or postal money orders.

SECTION 106. In addition to possessing all other qualifications, in order to become a candidate at the general election, those candidates whose names are written in at the primary election must receive at least as many write-in votes at the primary election as the minimum number of signatures required on the petition which must be attached to the declaration of candidacy for that office, and must pay the filing fee required for that office within ten (10) days following the primary election.

SECTION 107. All candidates for United States senator and
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representative in congress and all elective state, district, county and precinct offices, at regular elections shall be nominated at the primary elections and shall comply with the provisions of this act.

SECTION 108. Any person legally qualified to hold such office is entitled to become a candidate and file his declaration of candidacy. Each candidate for office shall file his declaration of candidacy in the proper office between June 1 and 5 p.m. June 7 prior to the primary election. All candidates shall declare their party affiliation or that they are independent candidates in their declaration of candidacy.

SECTION 109. All candidates for county or precinct offices shall file their declarations of candidacy with the county clerk of their respective counties. All candidates for district, state and federal offices shall file their declarations of candidacy with the secretary of state.

SECTION 110. Within five (5) days after the deadline for filing declarations of candidacy the county clerk shall certify to the county central committee of each political party a list of the candidates for county and precinct offices of their political party which have filed and are qualified.

Within five (5) days after the deadline for filing declarations of candidacy the secretary of state shall certify to the legislative district central committee of each political party a list of the legislative candidates of their political party which have filed and are qualified.

Within seven (7) days after the deadline for filing declarations of candidacy the secretary of state shall certify to the state central committee of each political party a list of the candidates which have filed for federal and state offices under the party name and are qualified for their official endorsement at their respective state assemblies.

Independent candidates for any office filing declarations of candidacy shall have their names placed on the primary ballot as provided by law; provided, however, that independent candidates shall be required to receive ten percent (10%) of the total votes cast for that particular office at the primary election or their name shall not be placed on the general election ballot.

SECTION 111. A state convention shall be held by each political party not later than June 30 nor before June 15 in each election year at a time and place determined by the state central committee. The state central committee chairman shall preside and cause notice to be given to each

*The bracketed material on pages 388 and 389 was inadvertently omitted in the signed bill.
Each state convention shall write and adopt rules and regulations governing the conduct of their respective conventions.

At their convention each political party may:

(1) Adopt and write a party platform.

(2) Elect any desired officers not otherwise provided for by law.

(3) In the year of presidential elections (a) elect delegates to the national convention in the manner prescribed by national party rules; (b) elect a national committeeman and a national committeewoman; and (c) select presidential electors.

(4) Endorse and select national and state candidates for the primary elections.

(5) Adopt rules, regulations and directives regarding party policies, practices and procedures.

SECTION 112. The convention shall have before it for consideration all candidates who have filed their declaration of candidacy for a federal or state office of the party represented at the convention. If only one (1) candidate has filed his declaration for any office, then only in that event shall one (1) candidate be nominated for such office. In all other events at least two (2) candidates shall be nominated for each office. All candidates receiving more than twenty per cent (20%) of the votes cast at the state convention on any ballot where at least two (2) candidates received more than twenty per cent (20%) of the votes cast at the state convention for any office, shall be nominated for that office. In the event at least two (2) candidates do not receive more than twenty per cent (20%) of the votes cast at the state convention for any office on any given ballot then the candidate receiving the least number of votes on said ballots shall be dropped from the subsequent ballot, and if on said subsequent ballot at least two (2) candidates do not receive more than twenty per cent (20%) of the votes cast at the state convention for said office, the candidate receiving the least number of votes on that ballot shall be dropped from the subsequent ballot; this procedure and the balloting shall continue until at least two (2) candidates shall have received more than twenty per cent (20%) of the votes cast at the state convention for such office at which time balloting for such office shall cease. No candidate shall be nominated for any office until at least (2) candidates are nominated for such office, unless only one (1) candidate has filed his declaration for such office as provided hereinabove. All candidates nominated as herein provided shall be certified to the secretary of state as candidates as hereinafter provided in the following
primary election and upon such certification shall be duly certified by the secretary of state to the county clerk as candidates for the primary election as provided by law. The delegates of each congressional district to the respective convention shall act as an assembly to nominate the candidates for congress for their respective district in the same manner as provided above. They shall be bound by the same rules as the state convention but shall determine their own procedure.

No delegation shall vote or be bound by the unit rule and no delegate shall vote any proxy or exercise more than one (1) vote. If a delegate is not present then the alternate delegate in the order of election certified to the state convention shall be entitled to vote. All balloting shall be by a roll call vote of the respective delegations represented and the chairman of each delegation shall announce the votes of his delegates unless a delegate of said delegation shall demand a polling of said delegation, in which event each delegate of said delegation shall be called to cast his vote.

The chairman and the secretary of the respective state conventions shall forthwith, after the adjournment of the convention, certify to the secretary of state the names of the candidates and the respective offices for which they have been nominated as candidates in the coming primary election. The secretary of state shall, within five (5) days after the receipt of such certificates from the officers of the respective state conventions, certify to the county clerks the candidates of each party whose names are to be placed upon the primary ballots and the names of the offices for which they are running.

SECTION 113. The state central committee chairman, within five (5) days after adjournment of the state convention, shall certify to the secretary of state the names of the candidates and the respective offices for which they have been nominated. The secretary of state, within five (5) days after receipt, shall certify to the county clerks the names of the candidates to be placed upon the primary ballots.

SECTION 114. Candidates for federal or state office who have filed a declaration of candidacy and submitted to a state convention of any political party, who received at least ten percent (10%) of the votes cast and a majority of the votes from the delegations of at least six (6) counties or six (6) legislative districts or any combination thereof on the ballot on which the candidates of the state convention are nominated for such office, shall have his name placed on the primary ballot after meeting the following qualifications:

(1) He shall file a new declaration of candidacy with the secretary of
state who shall prescribe the proper form of the declaration. All declarations
of candidacy shall be filed no later than July 15, in the general election year.

(2) He shall file a petition with his declaration which shall contain the
signatures of qualified electors equal to ten percent (10%) of the vote cast
for the party's nominee for that office at the last general election for that
particular office. No person shall sign more than one (1) such petition under
this section for the same office, however, this shall not preclude a person
from signing a petition who signed the petition of a candidate who had not
been nominated at the state convention.

(3) He shall pay a fee of five dollars ($5.00) at the time of filing.

SECTION 115. The state chairman of each political party shall certify
the names of the presidential and vice-presidential candidates and
presidential electors to the secretary of state in order for them to appear on
the general election ballot. The secretary of state shall certify such
candidates to the county clerks at the same time as certification of
candidates nominated for state and federal offices by the voters in the
primary election.

SECTION 116. The secretary of state shall certify, within three (3)
days after the filing deadline for such candidates, to the county clerks the
names of the candidates who qualified under section 114 of this act which
shall be placed upon the ballot.

The secretary shall then provide the sample form of the primary ballot
to each of the county clerks no later than August 1, prior to the primary. The
sample ballot shall contain the proper candidates to be voted upon within
the county whose declarations or nominations were filed and certified in the
office of the secretary of state with instructions for the placing of candidates
seeking the nomination for county and precinct offices. If a county is within
more than one (1) legislative district, the secretary of state shall provide a
sample ballot for each legislative district which includes part of the county.

SECTION 117. Upon receipt of the sample ballot and instructions
from the secretary of state, each county clerk shall print and prepare the
official primary ballots for the forthcoming election. The printing of the
ballots shall be a county expense and paid out of the county treasury.

Each county clerk shall cause to be published on the earliest date
possible in August the names of all the candidates who shall appear on the
primary ballot. The names shall be listed alphabetically under each particular
office title.

SECTION 118. Vacancies that occur before the primary election in the
slate of candidates of any political party shall be filled in the following
manner if only one (1) candidate declared for that particular office or if no candidate filed a declaration of candidacy for that particular office:

(1) By the county central committee if the vacancy occurs on a county level.

(2) By the legislative district central committee if it is a vacancy by a candidate for the state legislature.

(3) By the state central committee if it is a vacancy by a candidate for a federal or state office, but such vacancy must have occurred after the state convention.

(4) No central committee shall fill any vacancy which occurs within three (3) days prior to the primary election. Vacancies which occur during this three (3) day period shall be filled according to the provisions of section 119.

SECTION 119. Vacancies which occur after the primary election shall be filled in the same manner as provided for vacancies prior to the primary election except that if more than one (1) candidate was seeking the party nomination for that particular office, the person receiving the next highest number of votes at the primary shall be the party nominee if he polled at least twenty-five percent (25%) of the total vote for the office in the party primary.

SECTION 120. All vacancies of candidates for nonpartisan offices that occur before the general election shall not be filled.

SECTION 121. The county clerk shall provide for an official election stamp of such character or device, and of such material as the board of county commissioners may select. Each stamp shall have upon its face the date and year of the election in which it is used and the words “Official Election Ballot.” In the event such stamp is lost, destroyed or unavailable upon election day, the distributing clerk shall initial each ballot and write “stamped” upon the ballot in the appropriate place.

SECTION 122. At its regular meeting in July, the board of county commissioners shall authorize that a suitable number of ballots be printed for each polling place. The county clerk shall cause such ballots to be printed upon receiving final instructions from the secretary of state, and the cost shall be paid from the county treasury. The board of county commissioners shall authorize the printing of ballots in the same manner for special elections when such special election is ordered by the governor or provided by law.

The board of county commissioners shall also provide a suitable number of ballot boxes for each polling place within the county, and shall
have complete authority to determine the specifications for such ballot boxes.

SECTION 123. (1) The secretary of state shall, in a manner consistent with the election laws of this state, prescribe the form for all ballots, absentee ballots, diagrams, sample ballots, ballot labels, voting machine labels or booklets, certificates, notices, declarations of candidacy, affidavits of all types, lists, applications, poll books, tally sheets, registers, rosters, statements and abstracts if required by the election laws of this state.

(2) The secretary of state shall prescribe the arrangement of the matter to be printed on each kind of ballot and label, including:

(a) The placement and listing of all offices, candidates and issues upon which voting is statewide, which shall be uniform throughout the state.

(b) The listing of all other candidates required to file with him, and the order of listing all offices and issues upon which voting is not statewide, which shall be completed by the county clerk for use in his county.

(3) The names of candidates for legislative or special district offices shall be printed only on the ballots and ballot labels furnished to voters of such district.

(4) The names of all candidates which appear on any election ballot shall be rotated in the manner determined by the secretary of state.

SECTION 124. There shall be a single primary ballot on which the complete ticket of each political party shall be printed. Each political ticket shall be separated from the others by a perforated line that will enable the elector to detach the ticket of the political party voted from those remaining. All candidates who have filed their declarations of candidacy and are subsequently certified shall be listed under the proper office titles on their political party ticket. The secretary of state shall design the primary ballot to allow for write-in candidates under each office title. A single column shall be provided for all independent candidates.

The office titles shall be listed in descending order beginning with the highest federal office and ending with precinct offices. The secretary of state has the discretion and authority to arrange the above classifications of offices in any manner which he selects.

SECTION 125. There shall be a single nonpartisan ballot for the election of justices of the supreme court and district judges. The names of all candidates for each office shall be listed under the proper office title by the secretary of state. A similar ballot shall be prepared for any general election.

SECTION 126. There shall be a single general election ballot on which
the complete ticket of each political party shall be printed. Each political party ticket shall include that party’s nominee selected at the primary election for each particular office. A separate column shall be made available for independent and write-in candidates.

The office titles shall be listed in descending order. The secretary of state has the discretion and authority to arrange the above classifications of offices in any manner which he selects.

At any general election at which the electors are to vote upon constitutional amendments or other issues, the secretary of state shall provide a separate general election ballot on which all such amendments and issues shall be printed.

SECTION 127. There shall be a single general election ballot on which only the nominees for president and vice-president and their electors shall be printed. The secretary of state shall have the discretion and authority to design the ballot in any manner he selects. This ballot shall be distributed to voters who are qualified to vote for presidential electors only at the ensuing general election.

SECTION 128. Every ballot used at any primary, general or special election shall be stamped on the outside with the official election stamp before it is given to the voter. At this time the election official distributing the ballots shall give the voter instructions in regard to folding the ballot after he has voted.

The voter shall mark his ballot with a cross (X) or other mark sufficient to show his intent in the place provided after the name of the candidate for whom he intends to vote for each office.

If a person votes by writing the name of a candidate on the ballot, such act shall constitute a vote for the person’s name who appears without the necessity of placing a mark after the name written on the ballot.

SECTION 129. It shall be the duty of the county clerk to furnish and cause to be delivered a sufficient number of election ballots to the judges of elections of each voting precinct. The ballots shall be delivered to the polling place within the precinct on or before the opening of the polls for the election together with the official stamp and ink pad in sealed packages. Upon delivery of the ballots and supplies, the chief judge of elections must return a written receipt to the county clerk.

The county clerk shall keep a record of the number of ballots printed and furnished to each polling place within the county and preserve the same for one (1) year.

SECTION 130. The county clerk shall prepare full instructions for the
guidance of voters at such elections, as to obtaining ballots, as to the manner of marking them, and as to obtaining new tickets in place of those spoiled, and provide sample ballots. The form and manner of display of the above mentioned instructions shall be prescribed by the secretary of state and be uniform throughout the state.

SECTION 131. When any vacancy occurs after the printing of the ballots and is filled as provided by law, the county clerk shall thereupon have printed a sufficient number of stickers containing the name of the candidate designated to fill the vacancy and shall deliver them to the judges of elections of the precincts interested therein.

The distributing clerk shall affix such stickers on the ballot before it is given to the elector. The sticker shall be placed over the name of the previous candidate. If the vacancy occurs after the deadline for filling the same, the distributing clerk shall cross the name of such candidate off the ballot and no votes shall be cast for the candidate. The county clerk shall notify the precincts of this authorization as soon as a vacancy occurs.

SECTION 132. As used in this act:

(1) "Ballot" means any material used on which votes are cast for offices and candidates and measures which do not appear on ballot labels or a ballot which is used to record votes which are cast for offices and candidates and measures in a voting system which does not use ballot cards.

(2) "Ballot card" means the tabulating card or cards of any size upon which the voter records his vote.

(3) "Ballot label" means the cards, papers, booklet or other material containing the names of offices and candidates and measures to be voted on.

(4) "Election" means all state, county, city, district and other political subdivision elections.

(5) "Governing body" means the board of county commissioners of any county or the governing body of any city, district or other political subdivision as the case may be.

(6) "Measure" means a proposed law, act or part of an act of the legislative assembly or amendment to the Idaho constitution to be submitted to the people for their approval or rejection at an election. "Measure" also means other propositions which can be submitted to the voters at any election by counties, cities, districts or other political subdivisions.

(7) "Model" means a mechanically operated model of a portion of the face of the machine illustrating the means of voting.

(8) "Precinct" includes all election districts.

(9) "Voting machine" means:
(a) Any mechanical device which will record every vote cast by any voter on candidates and measures and which will either internally or externally total all votes cast on that device;
(b) Any device into which a ballot card may be inserted and which is so designed and constructed that the vote for any candidate or measure may be indicated by punching or marking the ballot card.
(10) "Vote tally system" means one (1) or more pieces of machinery or equipment necessary to examine and tally automatically paper ballots having marks placed thereon by a written mark or by a marking stamp. The examination shall be accomplished by either mark sensing or optical scanning.

SECTION 133. At all elections, ballots or votes may be cast, registered, recorded and counted by means of voting machines or vote tally systems as provided.

SECTION 134. All the provisions of the election laws and of any city charter or ordinance not inconsistent with this act shall apply to all elections in election precincts where voting machines or vote tally systems are used. Any provision of law or of any city charter or ordinance which conflicts with the use of voting machines or vote tally systems as provided in this act does not apply to election precincts in which voting machines or vote tally systems are used.

SECTION 135. (1) No person shall:
(a) Tamper with or injure or attempt to injure any voting machine or vote tally system to be used or being used in an election.
(b) Tamper with any voting machine or vote tally system that has been used in an election.
(c) Prevent or attempt to prevent the correct operation of any voting machine or vote tally system.
(2) An unauthorized person shall not make or have in his possession a key to a voting machine to be used or being used in an election.
(3) Neither the secretary of state nor any officer or employee of any county, city, district or other political subdivision using voting machines or vote tally systems, shall solicit or accept any compensation, other than amounts paid by the governmental unit, in connection with the sale, lease or use of voting machines or vote tally systems.

SECTION 136. The governing body at any regular meeting or a special meeting called for the purpose, may rent, purchase or otherwise procure, and provide for the use of, any voting machine or vote tally system approved by the secretary of state in all or a portion of the election precincts thereof.
Thereafter the voting machine or vote tally system may be used for voting at all elections for public and party offices and on all measures and for receiving, registering and counting the votes thereof in such election precincts as the governing body directs.

SECTION 137. (1) In procuring the necessary voting machines or vote tally systems to be used, a governing body of any county, city, district or other political subdivision in the county, may by agreement entered into by the board of county commissioners and the governing bodies of cities, districts or other political subdivisions, provide for the joint purchase and subsequent ownership of voting machines or vote tally systems and for the care, maintenance and use of the machines or vote tally systems.

(2) The governing body of two (2) or more counties may by agreement provide for the joint use of voting machines or vote tally systems.

SECTION 138. (1) The governing body may, on the adoption and purchase of voting machines or vote tally systems, provide for their payment in the method it determines to be for the best interest of the county, city, district or other political subdivision. The governing body may make contracts for the purchase of the machines or vote tally systems with such provisions with regard to price, manner of purchase and time of payment that the governing body determines are proper.

(2) For the purpose of paying for voting machines or vote tally systems, the governing body may:

(a) Issue bonds, warrants, notes or other negotiable obligations. The bonds, warrants, certificates, notes or other obligations shall be a charge upon the county, city, district or other political subdivisions.

(b) Pay for the voting machines or vote tally system in cash out of the general fund.

(c) Provide for the payment for the voting machines or vote tally systems by other means.

(3) In estimating the amount of taxes for the general fund, if any, the amount required for payment for voting machines or vote tally systems shall be added, extending over the time required to pay for the machines or vote tally systems.

SECTION 139. The governing body of any county shall, prior to authorizing the issuance of bonds obtain the approval in writing of the secretary of state as to the type and number of machines or vote tally systems to be purchased and the price to be paid therefor.

SECTION 140. (1) The secretary of state shall publicly examine all makes of voting machines or vote tally systems submitted to him and
determine whether the machines or vote tally systems comply with the requirements of this act, and can safely be used by voters at elections under the provisions of this act.

(2) Any person owning or interested in a voting machine or vote tally system may submit it to the secretary of state for examination. For the purpose of assistance in examining the machine or vote tally system the secretary of state may employ not more than three (3) individuals who are expert in one (1) or more of the fields of data processing, mechanical engineering and public administration. The compensation of these assistants shall be paid by the person submitting the machine or vote tally system.

(3) Within thirty (30) days after completing the examination and approval of any voting machine or vote tally system the secretary of state shall make and file in his office his report on the machine or vote tally system, together with a written or printed description and drawings and photographs clearly identifying the machine or vote tally system and the operation thereof. As soon as practicable after such filing, the secretary of state upon request shall send a copy of the report to any governing body within the state.

(4) Any voting machine or vote tally system that receives the approval of the secretary of state may be used for conducting elections in this state. Any machine or vote tally system that does not receive such approval shall not be adopted for or used at any election. After a voting machine or vote tally system has been approved by the secretary of state, any change or improvement in the machine or vote tally system that does not impair its accuracy, efficiency or capacity shall not render necessary a reexamination or reapproval of the machine or vote tally system.

SECTION 141. (1) No voting machine or vote tally system shall be approved by the secretary of state unless it is constructed so that it:

(a) Secures to the voter secrecy in the act of voting.

(b) Provides facilities for voting for the candidates of as many political parties or organizations as may make nominations and for or against as many measures as may be submitted.

(c) Permits the voter to vote for any person for any office and upon any measure that he has the right to vote for.

(d) Permits the voter, except at primary elections, to vote for all the candidates of one (1) party or in part for the candidates of one (1) party and in part for the candidates of one (1) or more other parties.

(e) Permits the voter to vote for as many persons for an office as he is lawfully entitled to vote for but no more.
(f) Prevents the voter from voting for the same person more than once for the same office.

(g) Correctly registers or records all votes cast for any and all persons and for or against any and all measures.

(h) Can be adjusted so that the counting mechanism rejects any vote cast on the tabulating card in excess of the number which the voter is entitled to vote.

(i) Provides that a vote for more than one (1) candidate cannot be cast by one (1) single operation of the machine or vote tally system.

(2) A vote tally system shall be:

(a) Capable of correctly counting votes on ballots or ballot cards on which the proper number of votes have been marked for any office or question or issue that has been voted.

(b) Capable of ignoring the votes marked for any office or question or issue where more than the allowable number of votes have been marked, but shall correctly count the properly voted portions of the ballot card.

(c) Capable of accumulating a count of the specific number of ballots or ballot cards tallied for a precinct, accumulating total votes by a candidate for each office; and accumulating total votes for and against each question and issue of the ballots or ballot cards tallied for a precinct.

(d) Capable of tallying votes from ballots or ballot cards of different political parties, from the same precinct, in the case of a primary election.

(e) Capable of accommodating rotation of candidates' names on the ballot or ballot card, provided that all ballots or ballot cards from one (1) precinct shall be of the same rotation sequence.

(f) Capable of automatically producing precinct totals in either printed, marked, or punched form, or combinations thereof.

SECTION 142. (1) The secretary of state shall issue an administrative order outlining the duties of each of the clerks on the election board. He shall devise and prescribe for use by each local election officer the contents, form, character and kinds of ballots, ballot labels, ballot cards, formats, records, papers and documents and other materials and supplies and procedures necessary in the use of voting machines or vote tally systems and in the process of counting and tabulating the ballots by mechanical or electrical counting devices or equipment or computers.
(2) The secretary of state shall prescribe rules and regulations to achieve and maintain the maximum degree of correctness, impartiality and efficiency on the procedures of voting, and of counting, tabulating and recording votes, by the devices, machines or vote tally systems and methods provided by this act.

SECTION 143. (1) The election board of each election precinct in which a voting machine or vote tally system is used shall consist of an election judge and four (4) clerks. The clerks of an election board shall not all be members of the same political party.

(2) The qualifications and duties of election judges shall apply to the appointment of election board clerks in counties or precincts where voting machines or vote tally systems are used.

(3) The board of county commissioners or the governing body of a city, district or other political subdivision, not later than forty (40) days before an election, may create, unite, combine or divide one (1) or more election precincts for the purpose of using one (1) or more voting machines or vote tally systems therein at the election. The number of registered voters to be included in each of the election precincts shall be determined by such board of county commissioners or governing body of a city, district or other political subdivision.

SECTION 144. (1) Before each election at which voting machines or vote tally systems are to be used, the county clerk of a county, or the clerk of a city, district or other political subdivision, in which voting machines or vote tally systems are to be used, shall cause them to be properly prepared and shall cause the election board to be properly instructed in their use.

(2) For the purpose of giving such instruction, the county clerk shall call the meeting or meetings of the election board that are necessary. Each election board shall attend the meetings and receive the instruction necessary for the proper conduct of the election with the machine or vote tally system.

(3) No election board judge or clerk shall serve in any election at which a voting machine or vote tally system is used unless he has received the required instruction and is fully qualified to perform the duties in connection with the machine or vote tally system; but this requirement shall not prevent the appointment of an election board clerk to fill a vacancy in an emergency.

SECTION 145. (1) The election officer charged with the duty of providing ballots shall provide all necessary instruction, forms and supplies required for the proper use of the voting machines or vote tally systems.
(2) Within a proper and reasonable time before the first election at which voting machines or vote tally systems are to be used, the secretary of state shall prepare samples of the printed matter and supplies required. He shall furnish one (1) of each of the samples to the election officer in charge of the election of each county, city, district or other political subdivision in which the machines or vote tally systems are to be used.

(3) The county clerk or other election officer shall deliver voting machines to each election board as provided for election supplies.

SECTION 146. (1) The election board of each election precinct in which a voting machine is to be used shall meet at the polling place for the election precinct at least thirty (30) minutes before the time set for opening the polls. Before preparing the machine for voting, the election board shall proceed as prescribed in subsection (2) of this section.

(2) The election board shall:
(a) Cause the voting machine to be placed where it can be conveniently attended by the election board and conveniently operated by the voters and where the ballot labels on the machine can be plainly seen by the election board and the public when not being voted on.
(b) Cause the model to be placed where each voter can conveniently operate it and receive instructions on the model as to the manner of voting before entering the voting machine booth.
(c) Determine that the ballot labels are in the proper place on the machine.

(3) After performing their duties as provided in this section, the election board shall certify to the fact in the appropriate places in the poll book.

SECTION 147. (1) In preparing a voting machine for an election, the county clerk or the clerk of the city, district or other political subdivision, as the case may be, shall:
(a) Arrange the machine and the ballot labels so that it shall in every particular case meet the requirements of voting and counting at such elections.
(b) Thoroughly inspect and test the machine, and file a certificate in his office that the ballot labels have been properly arranged.

(2) The arrangement of offices and names of candidates upon the ballot labels shall conform as nearly as practicable to the provisions of law for the arrangement of names on paper ballots, and in the event that there are more candidates for any office than can be placed upon one (1) page, the labels shall be clearly marked to indicate that the names of candidates for
the office are continued on the following page.

(3) Representatives of political parties and candidates shall be permitted to examine the voting machines or vote tally systems.

SECTION 148. Before preparing the voting machines or vote tally systems for any election, the county clerk shall mail to the chairman of the county or legislative district central committees of each political party who has notified such clerk that notice is desired, a written notice stating the time and place or places where voting machines or vote tally systems will be prepared for the election. At such times and places, one (1) representative of each political party is entitled to be present and see that the machines or vote tally systems are properly prepared and placed in proper condition and order for use at the election. In nonpartisan elections each candidate may designate one (1) representative who has the same powers as the political party representatives. The political party and candidate representatives shall certify that they have witnessed the testing and preparation of the machines or vote tally systems. The certificates shall be filed in the office of the county clerk.

SECTION 149. (1) The ballots and ballot labels required to be furnished for general or special elections shall be printed in black ink on clear white material of such size and arrangements as to suit the construction of the machine. The ballot labels for measures may contain a condensed statement of purpose for each measure to be voted on, accompanied by the words “Yes” and “No”. The title of the offices on the ballot labels shall be printed in type as large as the space for the office will reasonably permit. Where more than one (1) candidate can be voted for an office, there shall be printed below the office title words indicating the number the voter is lawfully entitled to vote for out of the whole number of candidates, such as “Vote for Two”.

(2) The ballots and ballot labels required to be furnished for primary elections shall be of different colors for the political parties who are nominating or electing candidates.

(3) The “judiciary ballot” may be added to the ballot labels for the political parties. Candidates for the above offices will be shown under the general title of nonpartisan judicial candidates.

(4) When a vote tally system is used, the county clerk shall prepare the ballots as nearly as practicable as required by law.

SECTION 150. In each primary and general election when two (2) or more persons are candidates for nomination or election to the same office, the county clerk or the clerk of a city, district or other municipality in
which voting machines or vote tally systems are used shall rotate the names of candidates as directed by the secretary of state.

SECTION 151. The election board shall occasionally examine the face of the voting machine and the ballot labels to determine that the machine and the ballot labels have not been damaged or tampered with.

SECTION 152. (1) If any voting machine used in any election precinct, during or before the time the polls are opened, becomes damaged so as to render it inoperative in whole or in part, an election board clerk immediately shall notify the election officer charged with the care of the machine.

(2) If possible, the election officer so notified shall repair the machine at once or substitute another machine for the damaged machine.

(3) If no other machine can be procured for use at the election and the damaged machine cannot be repaired in time for further use at the election, or where in the discretion of a majority of the members of the election board it is impracticable to use the machine, the election board shall permit the voters to use paper ballots prepared as in cases where paper ballots are used. The paper ballots shall be furnished to the election board by the county clerk. The paper ballots shall be issued, voted and deposited in ballot boxes in as nearly the same manner as provided by law, except that the paper ballots shall not be tallied and returned by the election board. Instead, these paper ballots shall be delivered to the county clerk for his tally and canvass.

SECTION 153. (1) At the hour for closing the polls, the election board shall declare the polls of the election closed and shall not permit any further voting. However, electors who are, at the hour of closing, within the polling room or awaiting their turn to vote shall be considered as having begun the act of voting and shall be permitted to cast their votes.

(2) At any time prior to the closing of the polls provision may be made for the delivery of voted ballots to the county clerk or the clerk of a city, district or other political subdivision for counting. If such procedure is adopted, the result of this early count shall not be released to the public until after 8:00 p.m. of election day.

SECTION 154. The county clerk may provide that absent voting shall be either by voting machine or by marking a paper ballot. In either case he shall cause sufficient ballots of the proper kind to be provided.

*The above bracketed material was inadvertently omitted in the signed bill.
SECTION 155. In any election where voting machines or vote tally systems are used:

(1) Paper ballots may be used to record the electors' votes for party offices.

(2) Paper ballots may be used to record the electors' votes for or against municipal candidates or measures.

(3) Paper ballots which are used in conjunction with voting machines may be returned to the office of the county clerk for counting by special counting boards. Ballots so counted shall be tallied and returned by precinct.

(4) Ballots or ballot cards may be returned to the office of the county clerk for counting.

(5) In the event that paper ballots are used in conjunction with voting machines or vote tally systems to record write-in votes, these paper ballots may be returned to the office of the county clerk for counting by special counting boards. Ballots so counted shall be tallied and returned by precinct.

SECTION 156. (1) At each primary, general and special election there shall be provided as many sample ballots as the county clerk considers necessary. The sample ballots shall be prepared and distributed as provided by law.

(2) For each primary, general and special election the county clerk shall cause to be published a facsimile, except as to size, of the sample ballot required in subsection (1) of this section.

SECTION 157. (1) Before each election at which voting machines are to be used the county clerk shall place on public exhibition a suitable number of machines for the proper instruction of voters. The machines shall be arranged and equipped with ballot labels so as to best illustrate the method of voting at that election and, so far as practicable, shall contain:

(a) The names of the offices to be filled.

(b) The names of the candidates to be voted for, together with their proper party designations in case of party elections.

(c) Statements of the measure to be voted on.

(2) In addition to supplying sample ballots, the county clerk shall, before the election, take reasonable additional steps to familiarize the voters with a diagram showing the face of the voting machine after the official ballot labels are arranged thereon with illustrated instructions how to vote, and with the locations of the voting machines that are on public exhibition.

(3) Before each election at which a vote tally system is to be used, the
county clerk shall make every reasonable effort to acquaint the electors within his county with the ballot format and the marking system.

SECTION 158. (1) The election board clerks shall instruct electors on how to record their votes on the voting machine or vote tally system, and shall give assistance to any elector who declares that he is unable by reason of physical disability to record his vote on the machine or vote tally system, and on request by the elector after he has entered the voting booth, shall give him the necessary information to enable him to record his vote.

(2) Any elector who, because of blindness or other physical disability, is unable to mark his ballot shall, upon request, receive the assistance of the election board clerks or some other person chosen by the elector in the marking thereof. Such clerks or person shall ascertain the wishes of the elector and mark his ballot in accordance therewith, and shall thereafter give no information regarding such marking. The election board judge may require a declaration of disability to be made by the elector under oath. Whenever an elector receives assistance in this manner, a clerk shall make a notation thereof in the poll book following the name of the elector.

(3) If any elector, after entering the voting booth, asks for information regarding the operation of the voting machine or marking device, the election board clerks shall give him the necessary information.

SECTION 159. (1) Except for cases of physically disabled electors, the operation of voting shall be secret.

(2) No elector shall remain within the voting booth longer than five (5) minutes. If the elector refuses to leave at the end of that time, the election board clerks may remove him. However, the election board may grant the voter a longer time if no other electors are waiting to vote.

SECTION 160. (1) The secretary of state may enter into an agreement with any county, city, district or other political subdivision within the state of Idaho for the rental of approved voting machines or vote tally systems to them.

(2) The secretary of state on having entered into an agreement with a county, city, district or other political subdivision may purchase the necessary voting machines or vote tally systems.

SECTION 161. The rental agreement shall provide:

(1) Annual payments sufficient to liquidate the costs of the voting machine or vote tally system in five (5) years together with the interest computed at the rate of five percent (5%) per annum, payable on or before
December 15.

(2) That maintenance, storage and transportation costs of the machine are to be paid by the county, city, district or other political subdivision.

(3) That after the completion of the fifth (5th) year of rental the title to the voting machine or vote tally systems shall be transferred by the secretary of state to the county, city, district or other political subdivision.

SECTION 162. Any registered elector of the state of Idaho may vote at any election by absentee ballot as herein provided.

SECTION 163. Any registered elector may make written application to the county clerk, or other proper officer charged by law with the duty of issuing official ballots for such election, for an official ballot or ballots of the kind or kinds to be voted at the election. The application shall contain the name of the elector, his home address, precinct or polling place, county, and address to which such ballot shall be forwarded. In the event an elector desires to have his ballot delivered by an agent, he shall include the name and address of the agent within the application.

The application for an absent elector's ballot shall be signed personally by the applicant or if unable to sign his name, by his agent in his presence and at his request. The application shall be filed with the county clerk not later than 5:00 p.m. on the day before the election nor earlier than sixty (60) days before the election. In the event a registered elector is unable to vote in person at his designated polling place on the day of election because of an accident, sudden illness or other disability which could not be anticipated, he may nevertheless apply personally or through his agent for an absent elector's ballot on election day under rules and regulations as prescribed by the secretary of state.

A person in the United States service may make application for an absent elector's ballot by use of a properly executed federal post card application as provided for in the laws of the United States known as "Federal Voting Assistance Act of 1955." The issuing officer shall keep as a part of the records of his office a list of all applications so received and of the manner and time of delivery or mailing to and receipt of returned ballot.

SECTION 164. (1) Upon receipt of an application for an absent elector's ballot within the proper time, the county clerk receiving it shall examine the records of his office to ascertain whether or not such applicant is registered and lawfully entitled to vote as requested and, if found to be so, he shall deliver to the applicant personally, or by mail to the mailing address...
given in the application, an official absent elector's ballot, a return envelope with the affidavit thereon properly filled in as to precinct and residence address as shown by the records in his office, and an instruction card.

(2) If a person in the United States service submits a properly executed federal post card application and the county clerk receiving it shall determine that such applicant is not properly registered, the county clerk shall cause the applicant to be registered and shall then deliver to the applicant the official absent elector's ballot and other materials as above set forth.

(3) The absent elector's ballot and other materials shall be delivered or mailed to the absent elector within forty-eight (48) hours after the receipt of the application, if the official ballots are then printed, or, if not then printed, within forty-eight (48) hours after such printed ballots shall be delivered to the county clerk.

SECTION 165. Upon receipt of the absent elector's ballot the elector shall thereupon mark and fold the ballot so as to conceal the marking, deposit it in the ballot envelope and seal the envelope securely. In the event an election requires a perforated ballot, the unvoted portion must be deposited in the unvoted ballot envelope and sealed. The ballot envelopes must then be deposited in the return envelope and sealed securely.

The elector shall then execute an affidavit on the back of the return envelope in the form prescribed, provided however, that such affidavit need not be notarized.

SECTION 166. The return envelope shall be mailed or delivered to the officer who issued the same; provided, that an absentee ballot must be received by the issuing officer by 5:00 p.m. on the day prior to the election before such ballot may be counted.

Upon receipt of an absent elector's ballot the county clerk of the county wherein such elector resides shall write or stamp upon the envelope containing the same, the date and hour such envelope was received in his office and, if the ballot was delivered in person, the name and address of the person delivering the same. He shall safely keep and preserve all absent electors' ballots unopened until the time prescribed for delivery to the judges in accordance with this act.

SECTION 167. Each county clerk shall provide an "absent electors' polling place". It shall be provided with voting booths and other necessary supplies as provided by law.
SECTION 168. On receipt of such absent elector's ballot or ballots, the officer receiving them shall forthwith enclose the same, unopened in a carrier envelope endorsed with the name and official title of such officer and the words: "absent electors' ballot to be opened only at the polls". He shall hold the same until the delivery of the official ballots to the judges of election of the precinct in which the elector resides and shall deliver the ballot or ballots to the judges with such official ballots.

SECTION 169. Between the opening and closing of the polls on such election day the judges of election of such precinct shall open the carrier envelope only, announce the absent elector's name, and compare the signature upon the return envelope with the elector's registration card, and in the event they find such signatures to correspond and the applicant to be a duly registered elector of the precinct and that he has not heretofore voted at the election, they shall open the return envelope and remove the ballot envelopes and deposit the same in the proper ballot boxes and cause the absent elector's name to be entered on the poll books and his registration card marked the same as though he had been present and voted in person. The ballot envelope shall not be opened until the ballots are counted.

SECTION 170. The vote of any absent elector may be challenged in the same manner as other votes are challenged and the receiving judges shall have power and authority to determine the legality of such ballot. If the challenge be sustained, or if the receiving judges determine that the affidavit accompanying the absent elector's ballot is insufficient, or that the elector is not a qualified registered elector the envelope containing the ballot of such elector shall not be opened and the judges shall endorse on the back of the envelope the reason therefor. Whenever it shall be made to appear to the receiving judges by sufficient proof that any elector who has marked and forwarded his ballot has died, then the envelope containing the ballot of such deceased elector shall not be opened and the judges shall make proper notation on the back of such envelope. If an absent elector's envelope contains more than one marked ballot of any one kind, none of such ballots shall be counted and the judges shall make notations on the back of the ballots the reason therefor. Judges of election shall certify in their returns the number of absent electors' ballots cast and counted and the number of such ballots rejected.

SECTION 171. All absent electors' identification envelopes, ballot stubs and absent electors' ballots rejected by the judges in accordance with
the provisions of this act shall be returned to the county clerk. All absent electors' ballots received by the county clerk after 12:00 noon on the day of the general, primary or special election, together with the rejected absent electors' ballots returned by the judges of election as provided in this section, shall remain in the sealed identification envelopes and be handled in the manner provided for other spoiled ballots.

SECTION 172. The county clerk shall keep a record in his office containing a list of names and precinct numbers of electors making application for absent electors' ballots, together with the date on which such application was made, the date on which such absent elector's ballot was returned. If an absent elector's ballot is not returned or if it be rejected and not counted, such fact shall be noted on the record. Such record shall be open to public inspection under proper regulations.

SECTION 173. At all primary, general and special elections, the polls shall be opened at 8:00 a.m. and remain open until all registered electors of that precinct have appeared and voted or until 8:00 p.m. of the same day, whichever comes first.

Upon opening the polls, one of the judges shall make the proclamation of the same and thirty (30) minutes before closing the polls a proclamation shall be made in the same manner.

SECTION 174. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the judges of election, after assembling and before receiving any vote, may adjourn to the nearest convenient place for holding the election, and at such adjourned place forthwith proceed with the election and the county clerk shall be notified of the change.

Upon adjourning any election, the judges shall cause proclamation thereof to be made, and shall post a notice upon the place where the adjournment was made from notifying electors of the change of polling place.

SECTION 175. In the presence of bystanders the judges of elections shall break the sealed packages of election ballots, official stamp and other supplies.

Before receiving any ballots the judges shall open and exhibit, close and lock the ballot boxes, and thereafter they shall not be removed from the polling place until all ballots are counted. They shall not be opened until the polls are closed unless the precinct is using a duplicate set of ballot boxes.
SECTION 176. Any judge may administer and certify any oath required to be administered during the progress of an election or challenge any elector.

SECTION 177. The judges of election may appoint some capable person to act as election constable during the election, and he shall have the power to make arrests for disturbance of the peace, as provided by law for constables, and he shall allow no one within the voting area except those who go to vote, and shall allow but one elector in a compartment at one time. He shall remain and keep order at the polling place until all of the votes are tallied.

SECTION 178. An elector desiring to vote shall state his name and address to the judge or clerk in charge of the registration cards. He shall then proceed to the distributing clerk who shall give him the necessary ballots and folding instructions after stamping them with the official stamp. At this time a check mark shall be made on the registration card to denote the receipt of a ballot.

SECTION 179. On receipt of his ballot the elector shall retire to a vacant voting booth and mark his ballot according to the instructions provided by law. Before leaving the voting compartment the elector shall fold his ticket so that the official stamp is visible and the face of the ballot is completely enclosed.

After marking his ballot, the elector shall present himself to the judge in charge of the poll book and state his name and residence. The judge shall mark or write his name in the poll book and direct him to deposit his ballot in the proper box after ascertaining that the ballot is folded correctly.

SECTION 180. If any registered elector, who is blind or otherwise disqualified by reason of physical infirmities rendering such elector incapable of personally marking his ballot, desires to vote, then and in that case such elector shall be given assistance by the person of his choice or by one (1) of the election clerks. Such clerk or selected person shall mark the ballot in the manner directed by the elector and fold it properly and present it to the elector before leaving the voting compartment or area provided for such purpose. The elector shall then present it to the judge of election in the manner provided above.

SECTION 181. No person shall take or remove any ballot from the polling place. If an elector inadvertently or by mistake spoils a ballot, he shall return it folded to the distributing clerk, who shall give him another
ballot. The ballot thus returned shall, without examination, be immediately
cancelled by writing across the back, or outside of the ballot as folded, the
words "spoiled ballot, another issued," and deposit the spoiled ballot in a
box provided for that purpose.

SECTION 182. No judge or clerk shall communicate to anyone any
information as to the name or number on the registry list of any elector who
has not applied for a ballot, or who has not voted at the polling place; and
no judge, clerk or other person whomsoever, shall interfere with, or attempt
to interfere with, a voter when marking his ballot. No judge, clerk or other
person shall, directly or indirectly, attempt to induce any voter to display his
ticket after he shall have marked the same, or to make known to any person
the name of any candidate for or against whom he may have voted.

SECTION 183. In case any person offering to vote is challenged one
(1) of the judges must declare the qualifications of an elector to such person.
If the person so challenged then declares himself duly qualified, and the
challenge is not withdrawn, one (1) of the judges shall then tender him the
elector's oath, as prescribed by the secretary of state. No challenged elector
shall have the right to vote until he has subscribed to the elector's oath.
Upon a challenged elector's subscribing the elector's oath, he shall be
entitled to vote.

SECTION 184. The secretary of state shall prepare a handbook which
sets forth the qualifications of an elector and test questions which shall aid
the judges of election to determine whether a person is qualified to vote at
the election.

A sufficient number of these handbooks shall be transmitted to each
county clerk who shall provide each polling place with a sufficient number
of copies.

SECTION 185. (1) When the polls are closed the judges must
immediately proceed to count the ballots cast at such election. The counting
must be continued without adjournment until completed and the result
declared.

(2) If the precinct has duplicate ballot boxes, the counting shall begin
after five (5) ballots have been cast. At this time, the additional clerks shall
close the first ballot box and retire to the counting area and count the
ballots. Upon completion of this counting the clerks shall return the ballot
box and then proceed to count all of the ballots cast in the second box
during this period. This counting shall continue until the polls are closed at
which time all election personnel shall complete the counting of the ballots.

SECTION 186. The counting must commence by comparison of the marked registration cards and the poll lists from the commencement; and a correction of any mistake that may be found therein, unless they are found to agree. This box shall then be opened and the ballots found therein counted by the judges, unopened and the number of ballots in the box must agree with the number marked in the poll book or election register as having received a ballot, and this number, together with the number of spoiled ballots, must agree with the number of stubs or counterfoils in the books from which the ballots have been taken. If the number of ballots issued does not agree with the number of stubs or counterfoils, the election judges shall have authority to make any decision to correct the situation; but this shall not be construed to allow the judges to void all ballots cast at that polling place.

When duplicate ballot boxes are used in a precinct, the duties herein prescribed shall be done after all of the votes have been tallied.

SECTION 187. The ballots and poll lists agreeing, the election personnel shall then proceed to tally the votes cast. Under each office title the number of votes for each candidate and such other information required by the secretary of state shall be entered in the tally books together with the total of the above figures in the manner prescribed by the secretary of state. Any ballot or part of a ballot from which it is impossible to determine the elector’s choice, shall be void and shall not be counted. When a ballot is sufficiently plain to determine therefrom a part of the voter’s intention, it shall be the duty of the judges to count such part.

Following the counting, the judges must post a correct copy of such results at the polling place and a copy transmitted to the county clerk.

In no event shall the results of such count be released to the public until after 8:00 p.m. of election day.

SECTION 188. After the counting of the votes, the judges of the election shall enclose and seal the election register book, tally books, all ballot stubs, unused ballot books, and other supplies and deliver them to the county clerk’s office. If the office of the county clerk is closed, the articles shall be delivered to the sheriff or one of his deputies who shall deliver them to the county clerk no later than the day after the election.

SECTION 189. The county board of commissioners shall be the county board of canvassers and the county clerk shall serve as their secretary for this purpose. The county board of canvassers shall meet on the second day after the primary election and within eight (8) days after the general
election for the purpose of canvassing the election returns of all precincts within the county.

SECTION 190. The board shall examine and make a statement of the total number of votes cast for all candidates or special questions that shall have been voted upon at the election. The statement shall set forth the special questions and the names of the candidates for whom the votes have been cast. It shall also include the total number of votes cast for each candidate for office by precinct and the total number of affirmative and negative votes cast for any special question by precinct. The board shall certify that such statement is true, subscribe their names thereto, and deliver it to the county clerk.

SECTION 191. After the canvass of the votes for each office the board shall cause the county clerk to make abstracts of the returns for each candidate which shall then be signed by each member of the board. The abstracts shall be in a form prescribed by the secretary of state and be uniform throughout the state.

The county clerk, by registered mail, shall forward to the secretary of state the abstracts for all candidates for federal, state or district offices.

SECTION 192. Immediately after the primary election canvass the county clerk shall issue certificates of nomination to the political party candidates of each party who receive the highest number of votes for their particular county of precinct office, and the candidates so certified shall have their names placed on the general election ballot. The county clerk shall issue certificates of election to the precinct committeemen of each political party who receive the highest number of votes in their precinct. The county clerk shall also certify by registered mail such elections to the secretary of state. The form for such certificate shall be prescribed by the secretary of state and be uniform throughout the state.

SECTION 193. Immediately after the general election canvass, the county clerk shall issue a certificate of election to the county candidates who received the highest number of votes for that particular office and they shall be considered duly elected to assume the duties of the office for the next ensuing term.

SECTION 194. In the case of a tie vote between candidates at a primary election or general election, the interested candidates shall appear before the county clerk within two (2) days after the canvass and the tie shall be determined by a toss of a coin.

SECTION 195. The governor, secretary of state, state auditor, state treasurer and the attorney general shall constitute the state board of
canvassers. The state board of canvassers shall meet on the sixth (6th) day after the primary election and within fifteen (15) days after the general election in the office of the secretary of state for the purpose of canvassing the abstracts of votes cast for all candidates for federal, state and district offices.

SECTION 196. The board shall examine the abstracts of votes from the county canvasses and make a statement of the total number of votes cast for all federal, state and district candidates or special questions that shall have been voted upon at the election. The statement shall set forth the special questions and the names of the candidates for whom the votes have been cast. It shall also include the total number of votes cast for each candidate for office by county and legislative district, and the total number of affirmative and negative votes cast for any special question by county. The board shall certify that such statement is true, subscribe their names thereto, and deliver it to the secretary of state.

SECTION 197. After the canvass of the abstracts, the board shall make a statement of the total number of votes cast at any such election for all the candidates for federal, state or district offices, which statement shall show the names of the persons to whom such votes shall have been cast for the particular offices and the total number cast to each, distinguishing the several districts, counties and precincts in which they were given. They shall certify such statement to be correct, and subscribe their names thereto.

SECTION 198. (1) Immediately after the primary election canvass, the secretary of state shall issue certificates of nomination to the political party candidates of each party who receive the highest number of votes for their particular federal, state or district office. The candidates so certified shall have their names placed on the general election ballot.

(2) Immediately after the primary election canvass, the secretary of state shall issue certificates of nomination to the nonpartisan candidate or candidates who receive the highest number of votes for the number of vacancies which are to be filled for a particular office and also to the same number of candidates who receive the second highest number of votes for the particular office. The candidates so certified shall have their names placed on the general election ballot. If it appears from the canvass that a particular candidate has received a majority of the total vote cast for the particular office, he shall be issued a certificate of election instead of a certificate of nomination and no candidates shall run for the particular office in the general election.

SECTION 199. The secretary of state, not later than September 25,
shall prepare the necessary general election sample ballots for the various counties and forward them to the several county clerks. The secretary of state shall place the names of the candidates for all federal, state and district offices on the sample ballots.

SECTION 200. Immediately after the general election canvass, the secretary of state shall issue certificates of election to the federal, state and district candidates who received the highest number of votes for the particular office and they shall be considered duly elected to assume the duties of the office for the next ensuing term.

SECTION 201. In the case of a tie vote between the candidates at a primary or general election, the interested parties or their authorized agents shall appear before the secretary of state within two (2) days after the canvass and the tie shall be determined by a toss of a coin.

SECTION 202. That Chapter 1, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 203. That Chapter 2, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 204. That Chapter 3, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 205. That Chapter 4, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 206. That Chapter 5, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 207. That Chapter 6, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 208. That Chapter 7, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 209. That Chapter 8, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 210. That Chapter 9, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 211. That Chapter 10, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 212. That Chapter 11, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 213. That Chapter 12, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 214. That Chapter 13, Title 34, Idaho Code, be, and the same is hereby repealed.
SECTION 215. That Chapter 14, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 216. That Chapter 16, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 217. That Chapter 24, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 218. An emergency existing therefor, which emergency is hereby declared to exist, Sections 132 through and including Section 161 and Section 217 shall be in full force and effect on and after their passage and approval.

SECTION 219. This act, with the exception of Sections 132 through and including Section 161 and Section 217, shall be in full force and effect on and after January 1, 1971.

Approved March 10, 1970.

CHAPTER 141
(S. B. No. 1474)

AN ACT

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

SECTION 1. That Section 61-332, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 3, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 61-332, Idaho Code, and to read as follows:

61-332. PURPOSE OF ELECTRIC SUPPLIER STABILIZATION ACT. — A. This act includes sections 61-332, 61-332A, 61-332B, 61-332C, 61-333, 61-334, 61-334A, and 61-334B, Idaho Code, as herein enacted, section 61-333A, Idaho Code, as herein amended, and sections 61-333B and 61-333C, Idaho Code, as already enacted, and shall be referred to herein as “this act” and may be cited and referred to as the “electric supplier stabilization act”.

B. This act is designed to promote harmony among and between electric suppliers furnishing electricity within the state of Idaho, prohibit the “pirating” of customers of another supplier, discourage duplication of electric facilities, and stabilize the territories and customers served with electricity by such suppliers.

SECTION 3. That Chapter 3, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 61-332A, Idaho Code, and to read as follows:

61-332A. DEFINITIONS FOR ELECTRIC SUPPLIER STABILIZATION ACT. — As used in this act, unless the context requires otherwise:

1. “Public utility” means an electric utility regulated by the Idaho public utilities commission.
2. "Cooperative" means a cooperative corporation furnishing electric service in the state of Idaho to its consumer-members who own and operate the cooperative.

3. "Municipality" means any municipal corporation or quasi-municipal corporation furnishing electric service to its citizens in the state of Idaho.

4. "Supplier" means any public utility, cooperative, or municipality supplying or intending to supply electric service to a consumer.

5. "Electric service" means electricity furnished to an ultimate consumer by a supplier.

6. "Consumer" is any person, firm, corporation, or other entity receiving or intending to receive electric service at a specific service entrance.

7. "Service entrance" means the entrance of electric service from facilities of the supplier to the service equipment or utilization equipment of the consumer. In determining "service entrance" reference shall be made to the definition of "entrance of the service to the service equipment or utilization equipment" as defined in the national electrical code of 1965.

8. "New service entrance" means a service entrance not previously served with electricity. A change, improvement, replacement, enlargement, or change in location of a service entrance shall not be deemed a "new service entrance" if utilized to serve any service or utilization equipment previously served with electricity from the former service entrance, but for the rules of this act shall be deemed the former "service entrance". A change in consumer shall not be construed to make an existing service entrance a "new service entrance". A change, enlargement, or other modification of service or utilization equipment served from an existing service entrance shall not be construed to make it a "new service entrance".

9. "Transmission line" means any electric line of a supplier for carrying a voltage of sixty-nine (69) KV or more.

10. "Service line" means any electric line of a supplier for carrying less than sixty-nine (69) KV and used or capable of use to provide electric service for a consumer.

11. "Existing service line" means any electric service line in existence at the time of the event in question and constructed to supply a consumer that could be lawfully served by that supplier under this act. It shall not mean any service line constructed to obtain an advantage under this act, or to evade its purpose or terms.
SECTION 4. That Chapter 3, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 61-332B, Idaho Code, and to read as follows:

61-332B. ELECTRIC SUPPLIER PROHIBITED FROM SERVING CONSUMERS OR FORMER CONSUMERS OF ANOTHER SUPPLIER. — No electric supplier shall construct or extend facilities, nor make any electric connections, nor permit any connections to be made to any of its facilities for the purpose of supplying electric service nor shall it supply or furnish electric service to any electric service entrance that is then or had at any time previously been connected for electric service to facilities of another electric supplier, without the written consent of such other electric supplier; provided, however, (a) such other electric supplier is then, or was previously the last supplier, lawfully connected to said electric service entrance, and (b) such other electric supplier is willing and able to provide adequate electric service.

SECTION 5. That Chapter 3, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 61-332C, Idaho Code, and to read as follows:

61-332C. RULES FOR SELECTING ELECTRIC SUPPLIER FOR NEW ELECTRIC SERVICE ENTRANCES. — In the event more than one (1) electric supplier is willing and able to provide adequate electric service to a consumer at any new electric service entrance, the following rules shall govern:

1. If no electric supplier has an existing service line within one thousand three hundred and twenty feet (1,320 ft.) of the new service entrance the consumer shall have the right of choice of supplier.

2. If only one (1) electric supplier has an existing service line within one thousand three hundred and twenty feet (1,320 ft.) of the new service entrance that supplier shall have the right to serve the consumer at the new service entrance.

3. If more than one (1) electric supplier has an existing service line within one thousand three hundred and twenty feet (1,320 ft.) of the new service entrance the supplier whose existing service line is nearest the new service entrance shall have the right to serve the consumer at the new service entrance.

4. If more than one (1) electric supplier has an existing service line within one thousand three hundred and twenty feet (1,320 ft.) of the new service entrance and the existing service lines are equidistant from the service entrance, or it cannot be determined by proof which service line is nearest the new service entrance, then the consumer shall have
the right of choice of supplier.

No electric supplier shall construct or extend facilities, nor make any electric connections, nor permit any connection to be made from any of its facilities to any new service entrance nor shall it supply electric service to any new service entrance in violation of the rules herein, without the written consent of any electric supplier with a prior right under the rules to serve the consumer at the new service locations.

SECTION 6. That Section 61-333, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 3, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 61-333, Idaho Code, and to read as follows:

61-333. AUTHORIZING CONTRACTS AMONG ELECTRIC SUPPLIERS TO RESOLVE TERRITORIES, CONSUMERS AND TO TRANSFER FACILITIES. — A. Any electric supplier may contract in writing with any other electric supplier for the purpose of allocating territories, consumers, and future consumers between the suppliers and designating which territories and consumers are to be served by which contracting supplier. The territories and consumers so allocated and designated may include all or any portion of the territories and consumers which are being served by any or all of the contracting suppliers at the time the contract is entered into, or which could be economically served by the then existing facilities of any contracting supplier, or by reasonable and economic extensions thereto.

B. Any electric supplier may also contract in writing with any other electric supplier for the sale, exchange, transfer, or lease of equipment or facilities located within territory which is the subject of any allocation contract entered into under subsection A hereof.

C. Any contract validly entered pursuant to this section shall be binding and shall be legally enforceable pursuant to this act, or by any other remedy provided by law.

SECTION 8. That Section 61-333A, Idaho Code, be, and the same is hereby amended to read as follows:

61-333A. INCREASED AREA — EXTENSION OF SERVICE PERMITTED. — In the event an area hereafter shall be included as a result of incorporation or annexation within the boundaries of a city, town or village, any public utility and any cooperative association organized for the purpose of furnishing electric service to its members or consumers only, furnishing electric service or operating electric facilities in such area prior to such inclusion, shall, unless the municipality acquire such facilities pursuant to
section 61-333B, Idaho Code, and subject to the provisions of sections 61-332 and 61-333, Idaho Code, sections 61-332-B and 61-332C, Idaho Code, have the right to continue and extend the furnishing of electric services in such area, and to utilize public streets, alleys and thoroughfares, or such portion of such annexed area as is designated on the recorded plat for the installation of utilities, for such purpose. Such public utility or cooperative association shall comply with all lawful and reasonable safety requirements and the laws of the state of Idaho and nondiscriminatory ordinances of the city, town or village, as to the manner of constructing and maintaining electrical facilities therein.

SECTION 9. That Section 61-334, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Chapter 3, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 61-334, Idaho Code, and to read as follows:

61-334. SPECIAL RULES OF INTERPRETATION. — Nothing contained in this act shall be construed to:

1. Grant Idaho public utilities commission jurisdiction over cooperatives or municipalities.

2. Apply to controversies between two (2) or more public utilities.

3. Preclude any electric supplier from extending electric service to its own property or facilities or to another electric supplier for resale, provided any line extension made under this clause shall not be considered in determining the right of suppliers to serve new service entrances under section 61-332C, Idaho Code.

SECTION 11. That Chapter 3, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 61-334A, Idaho Code, and to read as follows:

61-334A. LEGAL RELIEF FOR AGGRIEVED ELECTRIC CONSUMER. — A. Any consumer of electricity who feels aggrieved with his present electric service may apply to the district court of the county of his residence for an order to show cause why he should not be permitted to change supplier, and if the court finds and concludes that the electric service is inadequate and will not likely be made adequate or that the rates are unreasonable and will not likely be made reasonable, the court may authorize the change to the new supplier.

B. The present and prospective electric supplier shall both be made a party to any suit under this section.

C. This section and any order hereunder shall not be construed to grant
any franchise or right to a public utility or cooperative to commence electric service within a municipality where it does not already have such franchise or right.

SECTION 12. That Chapter 3, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 61-334B, Idaho Code, and to read as follows:

61-334B. LEGAL REMEDIES FOR VIOLATION OF THIS ACT.—

A. Any electric supplier whose rights under this act shall be violated or threatened with violation, shall be entitled to injunctive relief against said violation upon proper complaint and proof in accordance with Idaho rules of civil procedure in district court, against the other electric supplier and any other person responsible for the violation.

B. In any suit for injunctive relief findings and conclusions by the court that any rules under this act have been violated or threatened to be violated shall require findings and conclusions by the court of actual or threatened irreparable injury as to the electric supplier whose rights are violated or threatened with violation as a basis for equitable relief hereunder.

C. The injunctive relief to be granted under this section for violation of this act shall be negative in form, enjoining further acts in violation of such rules, shall be affirmative in form in requiring removal of any electric connections, facilities or equipment that constitute the violation and shall be a combination thereof necessary to enforce compliance with this act.

D. Any aggrieved party may also pursue any other remedy provided by law.

Approved March 10, 1970

CHAPTER 142
(S. B. No. 1524)

AN ACT
RELATING TO INTEREST PAID ON PUBLIC FUNDS; AMENDING SECTION 67-2743, IDAHO CODE, TO PROVIDE THAT A STATE DEPOSITORY SHALL PAY INTEREST AT THE MAXIMUM PERMISSIBLE RATE AUTHORIZED BY REGULATION OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR ITS MEMBER BANKS AND THE MAXIMUM PERMISSIBLE RATE AUTHORIZED BY REGULATION OF THE FEDERAL
DEPOSIT INSURANCE CORPORATION FOR NONMEMBER BANKS OF THE FEDERAL RESERVE SYSTEM; AMENDING SECTION 57-133, IDAHO CODE, TO PROVIDE THAT A PUBLIC DEPOSITORY SHALL PAY INTEREST AT THE MAXIMUM PERMISSIBLE RATE AUTHORIZED BY REGULATION OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR ITS MEMBER BANKS AND THE MAXIMUM PERMISSIBLE RATE AUTHORIZED BY REGULATION OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR NONMEMBER BANKS OF THE FEDERAL RESERVE SYSTEM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-2743, Idaho Code, be, and the same is hereby amended to read as follows:

67-2743. NO INTEREST PAID ON DEMAND DEPOSITS — INTEREST ON TIME DEPOSITS. — No state depository shall pay interest upon demand deposits made by the state treasurer under the provisions of this chapter nor shall any such demand deposits bear interest. Every state depository shall pay interest upon time deposits made by the state treasurer and evidenced by certificates of deposit at the rate hereinafter provided. The rate of interest to be paid upon such time deposits shall be the then prevailing rediscount rate as established by regulation of the board of governors of the federal reserve system under and pursuant to the federal reserve act, applicable to the federal reserve district which includes the state of Idaho; provided that said rate shall not exceed the maximum permissible rate authorized by regulation of the board of governors of the federal reserve system for its member banks, banks which are members of that system and for banks which are not members of the federal reserve system, the maximum permissible rate authorized by the federal deposit insurance corporation shall apply.

SECTION 2. That Section 57-133, Idaho Code, be, and the same is hereby amended to read as follows:

57-133. DEMAND DEPOSITS — NO INTEREST — PAYMENT OF SERVICE CHARGES — INTEREST ON TIME DEPOSITS. — No public depository shall pay interest to the depositing unit upon demand deposits made with it by such depositing unit, nor shall any such demand deposit bear interest.

The supervising boards of all depositing units are authorized in their discretion and from time to time to adopt, amend, and/or repeal rules and
regulations not inconsistent with other provisions of this act providing for
the payment by such depositing unit to its designated depository or
depositories of reasonable charges for their services rendered in acting as
such depositories. The rate of such charges and the terms and conditions
thereof shall be fixed by such supervising boards in such rules and
regulations, and shall be uniformly applicable to all designated depositories
for such depositing unit under like circumstances and conditions. Such
charges shall be allowed and paid from the funds of such depositing unit
available for the payment of its general expenses as other claims against said
funds are allowed and paid.

Every public depository shall pay interest upon time deposits made by
the time depositing unit and evidenced by certificates of deposit, at the rate
hereinafter provided. The rate of interest to be paid upon such time deposits
shall be the then prevailing rediscount rate as established by regulation of
the board of governors of the federal reserve system and pursuant to
the federal reserve act, applicable to the federal reserve district which
includes the state of Idaho; provided, that said rate shall not exceed the
maximum permissible rate authorized by regulation of the board of
governors of the federal reserve system for its member banks. Banks which
are members of that system and for banks which are not members of the
federal reserve system, the maximum permissible rate authorized by the
federal deposit insurance corporation shall apply.

SECTION 3. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect on and after
its passage and approval.

Approved March 12, 1970.

CHAPTER 143
(S. B. No. 1428, As Amended)

AN ACT
AMENDING SECTION 19-2513, IDAHO CODE, RELATING TO
INDETERMINATE SENTENCE, BY PROVIDING THAT AN
INDETERMINATE SENTENCE SHALL BE TO THE CUSTODY OF
THE STATE BOARD OF CORRECTION; AMENDING SECTION
19-2514, IDAHO CODE, RELATING TO SENTENCE OF A
PERSISTENT VIOLATOR ON A THIRD FELONY CONVICTION. BY
PROVIDING THAT THE SENTENCE SHALL BE TO THE CUSTODY OF THE STATE BOARD OF CORRECTION; AMENDING SECTION 19-2601, IDAHO CODE, RELATING TO COMMUTATION, SUSPENSION, WITHHOLDING OF SENTENCE AND PROBATION, BY PROVIDING THAT THE COURT MAY SUSPEND THE EXECUTION OF JUDGMENT DURING THE FIRST SIXTY DAYS OF A SENTENCE DURING WHICH TIME THE COURT RETAINS JURISDICTION AND PLACES THE DEFENDANT ON PROBATION; AMENDING SECTION 19-2604, IDAHO CODE, RELATING TO DISCHARGE OF DEFENDANT AND AMENDMENT OF JUDGMENT, BY PROVIDING THAT IF SENTENCE HAS BEEN IMPOSED BUT SUSPENDED DURING THE FIRST SIXTY DAYS AND THE DEFENDANT PLACED ON PROBATION, THE COURT MAY AMEND THE JUDGMENT OF CONVICTION FROM CUSTODY OF THE STATE BOARD OF CORRECTION TO CONFINEMENT IN A PENAL FACILITY AND SUCH AMENDED JUDGMENT SHALL BE DEEMED A MISDEMEANOR CONVICTION; AMENDING SECTION 20-101, IDAHO CODE, RELATING TO THE ESTABLISHMENT, LOCATION AND USE OF THE PENITENTIARY, BY PROVIDING THAT FACILITIES MAY BE ACQUIRED BY LAW FOR THE USE OF THE STATE BOARD OF CORRECTION AND BY PROVIDING THAT OFFENDERS SHALL BE COMMITTED TO THE CUSTODY OF THE STATE BOARD OF CORRECTION; AMENDING SECTION 20-209, IDAHO CODE, RELATING TO CONTROL AND MANAGEMENT OF PENITENTIARY AND INMATES, BY PROVIDING THAT FACILITIES MAY BE ACQUIRED BY LAW FOR USE BY THE STATE BOARD OF CORRECTION; AMENDING CHAPTER 2 OF TITLE 20, IDAHO CODE, RELATING TO THE STATE BOARD OF CORRECTION, BY THE ADDITION OF A NEW SECTION 20-209A, TO PROVIDE THAT A PERSON WHO IS SENTENCED TO THE CUSTODY OF THE STATE BOARD OF CORRECTION SHALL RECEIVE CREDIT TOWARD SERVICE OF HIS SENTENCE FOR TIME SPENT IN PHYSICAL CUSTODY PENDING TRIAL, OR SENTENCING OR APPEAL; AMENDING SECTION 20-223, IDAHO CODE, RELATING TO RULES AND REGULATIONS GOVERNING PAROLE, BY PROVIDING THAT THE STATE BOARD OF CORRECTION SHALL ESTABLISH RULES AND REGULATIONS GOVERNING PAROLE; AMENDING SECTION 20-226, IDAHO CODE, RELATING TO RECORDS OF
PRISONERS, BY PROVIDING THAT THE BOARD SHALL KEEP RECORDS OF ALL PERSONS COMMITTED TO ITS CUSTODY; AMENDING SECTION 20-234, IDAHO CODE, RELATING TO FURNISHING OF INFORMATION TO SHERIFF, BY PROVIDING THAT THE BOARD OF CORRECTION SHALL FURNISH INFORMATION TO THE SHERIFF; AMENDING SECTION 20-237, IDAHO CODE, RELATING TO TRANSMISSION OF CONVICTED PERSONS; AMENDING SECTION 20-241, IDAHO CODE, RELATING TO ACCEPTANCE OF FEDERAL OR OTHER FUNDS AND AGREEMENTS WITH FEDERAL OR LOCAL AGENCIES, BY PROVIDING THAT IF SUITABLE FACILITIES ARE NOT AVAILABLE TO THE STATE BOARD OF CORRECTION IT MAY ENTER INTO AN AGREEMENT WITH THE UNITED STATES, ANOTHER STATE, OR POLITICAL SUBDIVISIONS TO PROVIDE FOR THE SAFEKEEPING, CARE, SUBSISTENCE, GOVERNMENT, DISCIPLINE, REFORMATION, REHABILITATION AND TREATMENT OF PRISONERS, PROVIDING THAT THE STATE RETAINS JURISDICTION OF ALL SUCH PRISONERS, AND PROVIDING THAT THE ATTORNEY GENERAL SHALL ENFORCE SUCH AGREEMENTS IN A CIVIL SUIT; AMENDING SECTION 20-242, IDAHO CODE, RELATING TO FURLOUGH, BY PROVIDING THAT A PERSON COMMITTED TO THE CUSTODY OF THE BOARD OF CORRECTION MAY BE RELEASED ON FURLOUGH, PRESCRIBING CONDITIONS UNDER WHICH FURLOUGH MAY BE GIVEN, PROVIDING FOR CONFINEMENT OF A PRISONER WHEN NOT ON FURLOUGH, PROVIDING FOR DISPOSITION OF EARNINGS, PROVIDING FOR CANCELLATION OF FURLOUGH, PROVIDING THAT WILLFUL FAILURE TO RETURN TO PLACE OF CONFINEMENT SHALL BE AN ESCAPE, AND PROVIDING THAT A FURLOUGH MAY BE REVOKED WITHOUT HEARING; AMENDING SECTION 20-243, RELATING TO DELIVERY OF PERSON TO PENITENTIARY OR BOARD OF CORRECTION, BY PROVIDING THAT A CONVICTED PERSON MAY BE DELIVERED TO THE PENITENTIARY OR TO THE CUSTODY OF THE BOARD OF CORRECTION; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 19-2513, Idaho Code, be, and the same is hereby amended to read as follows:
19-2513. INDETERMINATE SENTENCE. — The minimum period of imprisonment in the penitentiary heretofore provided by law for the punishment of felonies, and each such minimum period of imprisonment for felonies, hereby is abolished. Whenever any person is convicted of having committed a felony, the court shall, unless it shall commute the sentence, suspend or withhold judgment and sentence or grant parole probation, as provided by chapter 26 of title 19, Idaho Code, as amended, or unless it shall impose the death sentence as provided by law, sentence such offender to imprisonment in the penitentiary, the custody of the state board of correction for an indeterminate period of time, but stating and fixing in such judgment and sentence a maximum term of imprisonment, which term shall be for a period of not less than two years nor exceeding that provided by law therefor, and judgment and sentence shall be given accordingly, and such sentence shall be known as an indeterminate sentence; provided, however, that the enactment of this act shall not affect the indictment, information, prosecution, trial, verdict, judgment, or punishment of any felonies heretofore committed, but all laws now and hitherto in effect relating thereto are continued in full force and effect as to such crimes heretofore committed.

SECTION 2. That Section 19-2514, Idaho Code, be, and the same is hereby amended to read as follows:

19-2514. PERSISTENT VIOLATOR — SENTENCE ON THIRD CONVICTION FOR FELONY. — Any person convicted for the third time of the commission of a felony, whether the previous convictions were had within the state of Idaho or were had outside the state of Idaho, shall be considered a persistent violator of law, and on such third conviction shall be sentenced to imprisonment in the state penitentiary a term in the custody of the state board of correction which term shall be for not less than five years and said imprisonment term may extend to life.

SECTION 3. That Section 19-1601, Idaho Code, be, and the same is hereby amended to read as follows:

19-2601. PAROLE—COMMUTATION, SUSPENSION, WITHHOLDING OF SENTENCE—PROBATION. — Whenever any person shall have been convicted, or enter a plea of guilty, in any district court of the state of Idaho, of or to any crime against the laws of the State, except those of treason or murder, the court in its discretion, may:

1. Commute the sentence and confine the defendant in the county jail, or, if the defendant is of proper age, in the State Industrial School, Youth Training Center; or
2. Suspend the execution of the judgment at the time of judgment or at any time during the term of a sentence in the county jail and place the defendant on probation under such terms and conditions as it deems necessary and expedient; or

3. Withhold judgment on such terms and for such time as it may prescribe and may place the defendant on probation; or

4. Suspend the execution of the judgment at any time during the first sixty days of a sentence to the custody of the state board of correction, during which time the court shall retain jurisdiction over the defendant which jurisdiction shall be entered on the order of commitment, and place the defendant on probation under such terms and conditions as it deems necessary and expedient, notwithstanding that the term of the court during which such defendant was convicted or sentenced may have expired.

Provided, however, that if

5. If the crime involved is a felony and if judgment is withheld as provided in 3 above or if judgment and a sentence of imprisonment to the penitentiary custody to the state board of correction is suspended at the time of judgment in accordance with 2 above or as provided by 4 above and the court shall place the defendant upon probation, it may be to the board of corrections correction, or to some proper person selected and designated by the court, under such terms and conditions as the court deems necessary and expedient, and provided, further, that if

6. If the crime involved is a misdemeanor, indictable or otherwise, or if the court should suspend any remaining portion of a jail sentence already commuted in accordance with 1 above, the court, if it grants probation, may place the defendant on probation in charge of some proper person selected and designated by the court for that purpose, and make such orders relative thereto as the court in its sound discretion deems necessary and expedient.

SECTION 4. That Section 19-2604, Idaho Code, be, and the same is hereby amended to read as follows:

19-2604. DISCHARGE OF DEFENDANT — AMENDMENT OF JUDGMENT. — 1. If sentence has been imposed but suspended, or if sentence has been withheld, upon application of the defendant and upon satisfactory showing that the defendant has at all times complied with the terms and conditions upon which he was placed on probation, the court may, if convinced by the showing made that there is no longer cause for
continuing the period of probation, and if it be compatible with the public interest, either upon motion of the prosecuting attorney or of its own motion, terminate the sentence or set aside the plea of guilty or conviction of the defendant, and finally dismiss the case and discharge the defendant; and this shall apply to the cases in which defendants have been convicted and granted probation by the court before this law goes into effect, as well as to cases which arise thereafter. The final dismissal of the case as herein provided shall have the effect of restoring the defendant to his civil rights.

2. If sentence has been imposed but suspended during the first sixty days of a sentence to the custody of the state board of correction, and the defendant placed upon probation as provided in 4 of section 19-2601, Idaho Code, upon application of the defendant, the prosecuting attorney, or upon the court's own motion, and upon satisfactory showing that the defendant has at all times complied with the terms and conditions of his probation, the court may amend the judgment of conviction from a term in the custody of the state board of correction to "confinement in a penal facility" for the number of days served prior to suspension, and the amended judgment may be deemed to be a misdemeanor conviction.

SECTION 5. That Section 20-101, Idaho Code, be, and the same is hereby amended to read as follows:

20-101. ESTABLISHMENT, LOCATION. AND USE OF PENITENTIARY. — There shall be continually maintained for the care and custody of convicts, prisoners in Idaho, correctional facilities for use by the state board of correction located in the county of Ada and at such other places in the state of Idaho as may be determined by the board of correction; provided however that no facility may be acquired except as provided by law. A penitentiary at Boise City, in Ada County, on the lands connected therewith and set apart and reserved therefor and granted and donated to the state of Idaho by the general government upon its admission into the Union, wherein must be confined for reformation and punishment, and employed at hard labor, all All offenders convicted and sentenced according to law to imprisonment in the state prison; shall be committed to the custody of the state board of correction, and all All persons convicted of crimes against the laws of this state, and sentenced to confinement in the state prison shall be committed to the custody of the state board of correction, and must, be sentenced to hard labor during the term of their confinement, and must perform such labor under such rules and regulations as may be prescribed by the state board of correction.
SECTION 6. That Section 20-209, Idaho Code, be, and the same is hereby amended to read as follows:

20-209. CONTROL AND MANAGEMENT OF PENITENTIARY AND INMATES. — The state board of correction shall have the control, direction and management of such correctional facilities as may be acquired by law for use by the state board of correction and of the present penitentiary of the state and all property owned or used in connection therewith, and shall provide for the care, maintenance and employment of all inmates now or hereinafter confined therein committed to its custody.

SECTION 7. That Chapter 2 of Title 20, Idaho Code, be, and the same is hereby amended by the addition of a new Section 20-209A, Idaho Code, to read as follows:

20-209A. COMPUTATION OF TERM. — When a person is sentenced to the custody of the board of correction, his term of confinement begins from the day of his sentence. A person who is sentenced may receive credit toward service of his sentence for time spent in physical custody pending trial or sentencing, or appeal, if that detention was in connection with the offense for which the sentence was imposed. The time during which the person is voluntarily absent from the penitentiary, jail, facility under the control of the board of correction, or from the custody of an officer after his sentence, shall not be estimated or counted as a part of the term for which he was sentenced.

SECTION 8. That Section 20-223, Idaho Code, be, and the same is hereby amended to read as follows:

20-223. PAROLE, RULES AND REGULATIONS GOVERNING — OFFENSES NOT PAROLABLE. — The state board of correction shall have the power to establish rules and regulations under which any prisoner, excepting any under sentence of death, may be allowed to go upon parole outside the penitentiary, but to remain while on parole in the legal custody and under the control of the board and subject to be taken back into confinement at the direction of the board; provided, however, that no person serving a life sentence in the state penitentiary shall be eligible for release on parole until he has served at least ten years. That no person serving sentence in the state penitentiary for any of the following crimes, to wit: homicide in any degree, treason, rape where violence is an element of the crime, robbery of any kind, kidnapping, burglary when armed with a dangerous weapon, assault with intent to kill, or murder in the second degree, shall be released on parole before he has served at least one-third of his sentence. That no person serving sentence in the state penitentiary for
any of the following crimes: rape, incest, crime against nature, or committing a lewd act upon a child or with an attempt or assault with intent to commit any of the said crimes, or whose history and conduct indicate to the state board of correction that he is a sexually dangerous person, shall be released on probation or parole except upon the examination and recommendation of one or more psychiatrists licensed to practice medicine in the state of Idaho, to be selected by the state board of correction; and upon such recommendation, to be released on probation or parole only to the state hospital which such examiners shall deem best equipped to treat such person, and that any such person shall not be released from such state hospital except upon the examination and recommendation of one or more psychiatrists licensed to practice medicine in the state of Idaho, to be selected by the state board of correction, at least one of whom shall not be the superintendent of such state hospital. Before ordering the parole of any prisoner, the board shall have the prisoner appear before it and shall interview him. A parole shall be ordered only for the best interests of society, not as a reward of clemency. It shall not be considered to be a reduction of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care, and when the board believes that he is able and willing to fulfill the obligations of a law abiding citizen. The board may also by their rules and regulations fix the times and conditions under which any application denied shall be reconsidered.

No person or persons who have been committed to the state penitentiary for the crime of murder in the first or second degree in which the crime was committed in the commission or attempt to commit any sex offense upon the person of the victim of such crime, shall be released from the said penitentiary custody before the expiration of the full term of his or their sentence, by said board, by pardon, or parole or probation.

SECTION 9. That Section 20-226, Idaho Code, be, and the same is hereby amended to read as follows:

20-226. RECORDS OF PRISONERS — RULES AND REGULATIONS FOR PRIVACY OF RECORDS. — The state board of correction shall cause a complete record to be kept of every prisoner incarcerated in the state penitentiary, committed to its custody. Such record shall be organized in accordance with the most modern method of filing and indexing so that there will always be immediately available a complete history on each prisoner. The board may make rules as to the privacy of such records and their use by others than the state board of correction and its staff.

SECTION 10. That Section 20-234, Idaho Code, be, and the same is
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hereby amended to read as follows:

20-234. PAROLE INFORMATION TO BE TRANSMITTED TO SHERIFF. — Whenever any person sentenced to serve a term in the state penitentiary, committed to the custody of the state board of correction shall have been granted a parole by the state board of correction, it shall be the duty of the secretary to transmit to the sheriff of the county within which said prisoner shall be paroled, a copy of the parole agreement, and information as to the place of residence of said prisoner within said county.

SECTION 11. That Section 20-237, Idaho Code, be, and the same is hereby amended to read as follows:

20-237. TRANSMISSION OF CONVICTED PERSONS TO PENITENTIARY OR CUSTODY OF BOARD — NOTICE OF CONVICTION TO DIRECTOR — TRANSPORTED BY PENITENTIARY GUARDS — TIME FOR NOTICE. — When any person is convicted in any court of the state and sentenced to imprisonment in the state penitentiary and committed to the custody of the state board of correction, or sentenced to suffer the death penalty, the sheriff of the county in which such conviction shall have been had shall immediately, upon passing of sentence, notify the director that a person is in his custody waiting transportation to the state penitentiary. Such notice shall be transmitted by either telegraph or telephone, followed by a written confirmation by certified mail. As soon as possible upon receipt of such notice, the director shall dispatch one or more guards, as may be necessary, from said prison to the place where the said convicted person is detained, to secure and convey said convicted person to the state penitentiary, or other facility within the state designated by the state board of correction. Such guards shall have authority to demand and receive the The convicted person, and the certified copy of the judgment from the sheriff, and immediately upon the delivery of such convicted person to him, the said guard shall convey such convicted person to the state penitentiary and deliver him shall be delivered into custody of the director; provided, that the judge of the court in which any person is convicted may, by order duly made, direct the sheriff of the county in which a term of court is being held, to withhold the notice herein provided, until the last day of the then current term of court, if such judge has reason to believe that more than one person shall be convicted at such term.

SECTION 12. That Section 20-241, Idaho Code, be, and the same is hereby amended to read as follows:

20-241. ACCEPTANCE OF FEDERAL OR OTHER FUNDS OR PROPERTY — AGREEMENTS WITH FEDERAL OR LOCAL AGENCIES.
The state board of correction, with the written consent of the governor, shall have the power and it shall be its duty:

1. To accept from the United States of America or any of its agencies, such funds, equipment, and supplies as may be made available to this state for any of the purposes contemplated by law, and to enter into such contract and agreements with the United States or any of its agencies, or other states, as may be necessary, proper and convenient, not contrary to the laws of the state.

2. To enter into an agreement with the board of county commissioners of any county, or with the governing officials of any municipality of this state for the payment by said county or municipality of all or any part of the cost of performance by the state board of correction of any parole or probation services or the supervision of any parole or probation case arising within the said county or municipality, as the case may be, or the maintenance therein of work camps as authorized by this act law.

3. To accept any grant or donation of land or any gift of money or valuable thing made to the state for any of the purposes contemplated by this act law.

4. To determine the availability of state facilities suitable for the detention and confinement of persons held under authority of state law. If the state board of correction determines that suitable state facilities are not available, it may enter into an agreement with the proper authorities of the United States, another state, or a political subdivision of this state, to provide for the safekeeping, care, subsistence, proper government, discipline, and to provide programs for the reformation and rehabilitation and treatment of prisoners. Facilities made available to the state board of correction by agreement may be in this state, or in any other state, territory or possession of the United States. The state board of correction shall not enter into an agreement with an authority unable to provide the degree or kind of safekeeping, care and subsistence required by the laws of this state and the rules and regulations adopted by the state board of correction.

a. An authority, receiving physical custody for the purpose of incarceration of a person sentenced by a court under the terms of an agreement made under this section, shall be considered as acting solely as agent of this state. This state retains jurisdiction over a person incarcerated in an institution of another state, the United States, or a political subdivision of this state.
b. The attorney general of this state shall enforce an agreement made under this section in a civil suit.

SECTION 13. That Section 20-242, Idaho Code, be, and the same is hereby amended to read as follows:

20-242. WORK CAMPS FOR PAROLEES OR PROBATIONERS FURLOUGH. — The state board of correction may maintain camps at which persons released on parole or probation may be employed for not more than six months at public works under the supervision of the state board of forestry or state highway commission, or other state agency or county or municipality authorizing such work. Any person so employed shall receive such wage for his or her services as may be fixed by the state board of correction. 1. When a person is committed to the custody of the state board of correction, the board may, upon conditions which it may impose, direct that the person be permitted to continue in his regular employment or educational program, if that is compatible with the requirements of subsection 3 of this section, or may authorize the person to secure employment for himself.

2. If the board directs that the prisoner be permitted to continue in his regular employment or education, the board shall arrange for a continuation of the employment or education so far as possible without interruption. If the prisoner does not have regular employment, and the board has authorized the prisoner to secure employment for himself, the prisoner may do so, and the board may assist him in doing so.

3. Whenever the prisoner is not employed and between the hours or periods of employment or schooling, he shall be domiciled in a jail or facility as directed by the board of correction.

4. The earnings of the prisoner shall be retained by the prisoner under such terms and conditions as the board may impose. From such earnings the board may require that:

a. the prisoner pay an amount to the board of correction sufficient for the prisoner’s board and personal expenses, both inside and outside the jail or facility, including costs of administering such prisoner’s work furlough program, but not to exceed in any event five dollars ($5.00) per day;

b. the prisoner provide for the reasonable and adequate support and maintenance of the prisoner’s dependents;

c. the prisoner pay preexisting debts;

d. the prisoner deposit earnings in a financial institution.

5. If the prisoner violates the conditions established for his conduct,
custody or employment, the board may order the balance of the prisoner's sentence to be spent in actual confinement.

6. The willful failure of a prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement under this section is an escape from the place of confinement and is punishable as provided by section 18-2505, Idaho Code.

7. A furlough may be revoked by the board at any time without notice or hearing.

SECTION 14. That Section 20-243, Idaho Code, be, and the same is hereby amended to read as follows:

20-243. DELIVERY OF CONVICTED PERSON TO PENITENTIARY OR BOARD — COPY OF COMMITMENT — RECEIPT FOR DELIVERY OF PRISONER. — When any convicted person is delivered to the penitentiary or to the custody of the board of correction, the officer having the prisoner in charge shall deliver to the chairman of the state board of correction or such official, as the board may designate, a certified copy of the commitment received by such officer from the clerk of the court where the convicted person was tried, and shall take from such official a certificate of the delivery of such convicted person, and such certified copy of the commitment shall be evidence of the fact therein contained.

SECTION 15. This act shall be in full force and effect on and after July 1, 1970, except paragraph 6, section 3, of section 19-2601, Idaho Code, which shall be in full force and effect on and after July 1, 1971.

Approved March 14, 1970

CHAPTER 144
(S. B. No. 1517, As Amended)

AN ACT
AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5705, IDAHO CODE, AUTHORIZING DIVISIONS OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO ENTER CONTRACTS TO PROVIDE SERVICES TO FEDERAL, COUNTY OR CITY AGENCIES WITHIN THE STATE OF IDAHO WHEN JUSTIFIED AND
REQUESTED BY SUCH NON-STATE AGENCY AND APPROVED BY THE STATE BOARD OF EXAMINERS AND AUTHORIZING ANY DIVISION OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO CHARGE AND RECEIVE PAYMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN PROVIDING SUCH SERVICES AND CONTINUALLY APPROPRIATING ANY MONEY SO RECEIVED BY ANY DIVISION OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO THE DIVISION PROVIDING SUCH SERVICES; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5706, IDAHO CODE, AUTHORIZING ANY DIVISION OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES PROVIDING SERVICES TO DEPARTMENTS OF STATE GOVERNMENT AS AUTHORIZED UNDER CHAPTER 57, TITLE 67, IDAHO CODE, TO CHARGE AND RECEIVE PAYMENT IN ADVANCE OF PERFORMING SUCH SERVICES FOR A PERIOD OF TIME NOT TO EXCEED THE CURRENT APPROPRIATION OF THE DEPARTMENT REQUESTING SUCH SERVICES AND ALLOWING SUCH PAYMENTS TO BE USED FOR SALARIES AND WAGES, TRAVEL AND OTHER CURRENT EXPENSES OF THE DIVISION PROVIDING THE SERVICES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 57, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-5705, Idaho Code, and to read as follows:

67-5705. DIVISIONS OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES MAY RECEIVE PAYMENT FOR SERVICES TO FEDERAL, COUNTY AND CITY AGENCIES — APPROPRIATION. — Any division of the department of administrative services may enter and execute contracts to provide services to any federal, county or city agency within the state of Idaho when justified and requested by such non-state agency and approved by the state board of examiners. Any division of the department of administrative services is authorized to charge and receive payment for actual and necessary expenses incurred in providing services to any unit of government under this section. Any money received by any division of the department of administrative services for services provided under this section is hereby continually appropriated to the division providing the services as compensation for such actual and necessary expenses.
SECTION 2. That Chapter 57, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-5706, Idaho Code, and to read as follows:

67-5706. ADVANCE PAYMENTS AND INTER-ACCOUNT TRANSACTIONS. — Any division of the department of administrative services providing services to departments of state government as authorized in this chapter may charge and receive payment in advance of performance thereof for a period of time not to exceed the current appropriation of the department requesting such services. Such payments may be used for salaries and wages, travel and other current expenses of the division providing the services.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970.

CHAPTER 145
(S. B. No. 1522, As Amended)

AN ACT
PROVIDING FOR THE IDAHO STATE HISTORICAL SOCIETY AND PROVIDING FOR A BOARD OF TRUSTEES THEREFOR AND THE SCOPE OF ITS AUTHORITY; PROVIDING THE MEMBERSHIP AND APPOINTMENT PROCEDURES FOR THE BOARD; PROVIDING FOR MEETINGS OF THE BOARD AND PROVIDING EXPENSE ALLOWANCES; PROVIDING POWERS AND DUTIES OF THE BOARD; PROVIDING FOR APPOINTMENT OF THE DIRECTOR OF THE SOCIETY AND PRESCRIBING HIS DUTIES; PROVIDING THAT TITLE TO PROPERTY HELD BY THE HISTORICAL SOCIETY OF THE STATE OF IDAHO BE TRANSFERRED TO THE BOARD; PROVIDING THAT THE BOARD BE EMPOWERED TO ACQUIRE AND DISPOSE OF PROPERTY; REPEALING SECTIONS 67-4101 THROUGH 67-4113, IDAHO CODE, INCLUSIVE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The Idaho state historical society, hereinafter referred to as the society, shall be governed by a board of trustees. The board shall be
responsible for administering the powers and duties required to preserve and protect any historical record of the history and culture of Idaho.

SECTION 2. The board of trustees shall consist of five (5) members to be appointed by the governor. The members of the board shall be chosen with due regard to their knowledge, competence, experience and interest in the fields related to the preservation of the historical archives of Idaho. The governor shall consider geographic representation and population distribution when selecting board members. All appointees shall be chosen solely on the basis of their qualifications, and not more than three (3) members of the board shall belong to the same political party.

All members of the board of trustees shall serve at the pleasure of the governor or for a specific term, whichever is the shorter. Unless otherwise removed, the first board shall consist of one (1) member appointed for a term of two (2) years, two (2) members appointed for a term of four (4) years, and two (2) members appointed for a term of six (6) years, beginning January 1, 1971. Appointments thereafter, except appointments for the unexpired portion of a term, shall be for a term of six (6) years.

SECTION 3. The board shall hold such meetings as may be necessary for the orderly conduct of its business, with at least one (1) meeting in each calendar quarter, and from time to time on seventy-two (72) hours' notice of the chairman or of a majority of the members. At the first meeting of the board, and every two (2) years thereafter, the members of the board shall select a chairman and a vice-chairman. Three (3) members shall be necessary to constitute a quorum at any meeting and action of the majority of members present shall be the action of the board.

The members of the board of trustees of the society shall not receive compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties as members of the board.

SECTION 4. The board of trustees of the society shall have powers and duties as follows:

1. To appoint a director of the society as provided herein and advise him in the performance of his duties and formulate general policies affecting the society.
2. To encourage and promote interest in the history of Idaho and encourage membership in the society.
3. To collect for preservation and display artifacts and information illustrative of Idaho history, culture and society.
4. To print such publications and reports as may be deemed necessary.
5. To encourage creation of county historical societies and museums in the counties of Idaho.
6. To facilitate the use of Idaho records for official reference and historical research.
7. To accept from any state, county, or city, or any public official, any official books, records, documents, original papers, newspaper files, printed books, or portraits, not in current use. When such documents are so accepted, copies therefrom shall be made and certified under the seal of the society upon application of any person, which person shall pay for such copies reasonable fees established by the society.
8. To require that any state, county, or city, or any public official, deposit official books, records, documents, or original papers, not in current use, which are of definite historical importance, in the society for preservation and to provide methods whereby such materials, which have no significance, may be destroyed.
9. To establish such rules and regulations as may be necessary to discharge the duties of the society.
10. To employ such personnel as may be necessary for the administration of its duties in accordance with the standards prescribed by the personnel commission.
11. To have and use an official seal.
12. To delegate and provide subdelegation of any such authority.

SECTION 5. A director of the society shall be appointed by the board of trustees, serve at the pleasure of the board, be qualified by reason of his education, training, experience and demonstrated ability to fill such position, and exercise the following powers and duties in addition to all other powers and duties inherent in the position or delegated to him or imposed upon him by the board:

1. To be a non-voting member of the board of trustees and secretary thereto.
2. To be the administrative officer of the state historical society.
3. To prescribe such rules and regulations as may be necessary for the efficient operation of his office.

SECTION 6. All rights and title to property, real and personal, belonging to the historical society of the state of Idaho are hereby vested in the board of trustees and their successors.

SECTION 7. The board of trustees of the society is empowered to acquire, by purchase or exchange, any property which in the judgment of the board is needful for the operation of the society, and to dispose of, by sale or exchange, any property which in the judgment of the board is not needful for the operation of the same.
SECTION 8. That Sections 67-4101 through 67-4113, Idaho Code, inclusive, be, and the same are hereby repealed.

SECTION 9. This act shall be in full force and effect on and after January 1, 1971.

Approved March 14, 1970.

CHAPTER 146
(S. B. No. 1543)

AN ACT
AMENDING SECTION 39-2624, IDAHO CODE, PROHIBITING THE SALE OF SAFE AND SANE FIREWORKS, EXCEPT AT SPECIFIC TIMES, AND PROHIBITING THE SALE, GIVING AWAY, POSSESSION OR DISCHARGING OF DANGEROUS FIREWORKS, EXCEPT TO LICENSEES OF THE GOVERNING BODY WHERE SO SOLD FOR PUBLIC DISPLAY, OR AGRICULTURE AND WILDLIFE USE WITHIN THE AREA OF SUCH GOVERNING BODY; MAKING IT THE DUTY OF A PURVEYOR OF SUCH DANGEROUS FIREWORKS TO DETERMINE THAT SUCH PERSON IS SO LICENSED; PROHIBITING THE USE OF DANGEROUS FIREWORKS FOR OTHER PURPOSES; AMENDING CHAPTER 26, TITLE 39, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 39-2629A, IDAHO CODE, PROVIDING CITIES POWER TO IMPOSE FURTHER REGULATIONS NOT IN CONFLICT WITH THE ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-2624, Idaho Code, be, and the same is hereby amended to read as follows:

39-2624. RIGHT TO SELL SAFE FIREWORKS. — "Safe and sane fireworks" may not be sold or offered for sale at retail, given away, or discharged except from 12 o'clock noon June 15 to midnight on the 5th day of July of each year.

"Dangerous fireworks" shall not be sold at retail, given away, possessed or discharged except as provided in the Idaho Fireworks Act to a person having a valid license for public display, or agricultural and wildlife use as
defined by the Idaho laws issued by the governing body of the area wherein the same is sold, given away, possessed or discharged for use within the area of such governing body. It shall be the duty of every seller or distributor of dangerous fireworks to require each licensee to present said license to the seller or distributor of dangerous fireworks at the time of every sale to the licensed person. No dangerous fireworks shall be discharged or used except for public display, or for agricultural and wildlife use, pursuant to license therefor.

Violation of these provisions shall be a misdemeanor.

SECTION 2. That Chapter 26, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 39-2629A, Idaho Code, and to read as follows:

39-2629A. REGULATION BY CITY ORDINANCE. - This act shall not be construed to prohibit the imposition by municipal ordinance of further regulations, upon the sale, use and possession of fireworks within the corporate limits of a city, but no city shall permit or authorize the sale, use, or possession of any fireworks in violation of this act.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970.

CHAPTER 147
(S. B. No. 1547, As Amended)

AN ACT
AMENDING CHAPTER 1, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-125A, IDAHO CODE, PROVIDING FOR LIABILITY FOR WILFUL OR NEGLIGENT CONDUCT IN STARTING FOREST OR RANGE FIRES, AND PROVIDING FOR RECOVERY OF FIRE SUPPRESSION COSTS.

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

SECTION 1. That Chapter 1, Title 38, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 38-125A, Idaho Code, and to read as follows:
38-125A. LIABILITY FOR WILFUL OR NEGLIGENT CONDUCT – RECOVERY OF FIRE SUPPRESSION COSTS. – Any person, firm or corporation that wilfully or negligently is responsible for the starting or existence of a fire on forest or range land shall be liable for the costs incurred by the state or its authorized agencies in controlling or extinguishing such fire. The amount of such costs shall be recovered by a civil action prosecuted in the name of the state of Idaho.

Approved March 14, 1970.

CHAPTER 148
(S. B. No. 1551)

AN ACT
AMENDING SECTION 37-3309, IDAHO CODE, TO PROVIDE THAT ANY PERSON WHO SHALL SELL, DISPENSE, MANUFACTURE, COMPOUND OR PROCESS OR HAVE IN THEIR POSSESSION IN THIS STATE ANY OF THE ENUMERATED DRUGS SHALL BE GUILTY OF A FELONY, UNLESS EXCEPTED; AMENDING SECTION 37-3310, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR DRUGS ISSUED AS TO NAME AND ADDRESS OF PATIENT, NAME OF PRACTITIONER, NAME OF DISPENSING PHARMACY OR PRACTITIONER, DATE ON WHICH DISPENSED AND DIRECTION FOR USE; AMENDING CHAPTER 33, TITLE 37, IDAHO CODE, BY ADDING THERETO A NEW SECTION 37-3311A, IDAHO CODE, PROVIDING THAT THE POSSESSION OF A GREATER OR LESSER AMOUNT OF AN ENUMERATED DRUG BY A PERSON CHARGED UNDER THE PROVISIONS OF THIS ACT SHALL BE DEEMED TO BE PRIMA FACIE EVIDENCE OF GUILT; AMENDING CHAPTER 33, TITLE 37, IDAHO CODE, BY ADDING THERETO A NEW SECTION 37-3311B, IDAHO CODE, PROVIDING WHAT CONSTITUTES LEGAL POSSESSION OF AN ENUMERATED DRUG UNDER THIS ACT, AND PROVIDING THAT A PERSON CHARGED UNDER THIS ACT SHALL SHOW LEGAL PROOF OF POSSESSION AND FAILURE TO DO SO WILL CONSTITUTE PRIMA FACIE EVIDENCE OF GUILT; AMENDING CHAPTER 33, TITLE 37, IDAHO CODE, BY ADDING THERETO A NEW SECTION
37-3311C, IDAHO CODE, PROVIDING THAT IT SHALL BE UNLAWFUL TO ASSOCIATE OR FREQUENT PLACES WHERE KNOWN ILLEGAL ENUMERATED DRUGS ARE LOCATED AND HELD FOR SALE, TRANSPORTED, SOLD, ADMINISTERED, USED, OR GIVEN AWAY, AND PROVIDING THAT A VIOLATION OF THIS SECTION SHALL BE A MISDEMEANOR; AMENDING CHAPTER 33, TITLE 37, IDAHO CODE, BY ADDING THERETO A NEW SECTION 37-3311D, IDAHO CODE, PROVIDING THAT IT SHALL BE A MISDEMEANOR FOR ANY PERSON TO ASSOCIATE OR FREQUENT PLACES WHERE KNOWN ILLEGAL ENUMERATED DRUGS ARE LOCATED AND HELD FOR SALE, TRANSPORTED, SOLD, ADMINISTERED, USED, OR GIVEN AWAY, AND PROVIDING THAT A VIOLATION OF THIS SECTION SHALL BE A MISDEMEANOR; AMENDING CHAPTER 33, TITLE 37, IDAHO CODE, BY ADDING THERETO A NEW SECTION 37-3311D, IDAHO CODE, PROVIDING THAT IT SHALL BE A MISDEMEANOR FOR ANY PERSON TO SELL, OFFER FOR SALE, ANY DRUG OR SIMILARITY OF AN ENUMERATED DRUG CLAIMING IT TO BE AN ENUMERATED DRUG AS PROVIDED BY THIS CODE; AMENDING CHAPTER 33, TITLE 37, IDAHO CODE, BY ADDING THERETO A NEW SECTION 37-3311D, IDAHO CODE, PROVIDING THAT POLICE OFFICERS INVESTIGATING VIOLATIONS OF THIS ACT IN PERFORMANCE OF THEIR OFFICIAL DUTIES, AND ANY PERSON WORKING UNDER THEIR IMMEDIATE DIRECTION, SUPERVISION, OR INSTRUCTION IS IMMUNE FROM PROSECUTION UNDER THIS ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 37-3309, Idaho Code, be, and the same is hereby amended to read as follows:

37-3309. PERSON WHO MAY MAKE, AND SELL, DISPENSE OR POSSESS DRUGS. — No person who shall sell, dispense, manufacture, compound or process or have in their possession in this state any of the enumerated drugs shall be guilty of a felony and shall on conviction thereof be subject to imprisonment for not more than five (5) years or a fine of not more than five thousand dollars ($5,000.00) or both such imprisonment and fine, except that this prohibition shall not apply to the following persons whose activities in connection with any drug are as specified in this section:

(a) Manufacturers, compounders, and processors, operating and licensed or registered in conformance with the laws of this state relating to the manufacture, compounding or processing of drugs, who are regularly engaged in preparing pharmaceutical chemicals or prescription drugs for distribution through branch outlets, through wholesale druggists or by direct shipment:

(1) to pharmacists or to hospitals, clinics, public health agencies or physicians for dispensing by registered pharmacists upon prescriptions, or for use by or under the supervision of
practitioners licensed in this state to administer such drugs in the
course of their professional practice; or
(2) to laboratories or research or educational institutions for their
use in research, teaching or chemical analysis.

(b) Suppliers (operating and licensed or registered in conformance with
the laws of this state relating to the manufacture, compounding or
processing of drugs) of manufacturers, compounders, and processors referred
to in subsection (a).

(c) Wholesale druggists and repackers who maintain and license or
register their establishments in conformance with state and local laws
relating to the manufacture, compounding or processing of drugs and are
regularly engaged in supplying prescription drugs to pharmacies, hospitals,
clinics, public health agencies or physicians, for dispensing by registered
pharmacists upon prescriptions or for use by or under the supervision of
practitioners licensed in this state to administer such drugs in the course of
their professional practice; or to laboratories or research or educational
institutions for their use in research, teaching or clinical analysis.

(d) Pharmacies, hospitals, clinics and public health agencies which
maintain their establishments in conformance with state and local laws
regulating the practice of pharmacy and medicine, which are regularly
engaged in dispensing drugs upon prescriptions of practitioners licensed in
this state to administer such drugs for patients under the care of such
practitioners in the course of their professional practice.

(e) Practitioners licensed in this state to prescribe or administer any of
the enumerated drugs, while acting in the course of their professional
practice.

(f) Persons who use any of the enumerated drugs in research, teaching
or chemical analysis and not for sale.

(g) Officers and employees of this state, or of a political subdivision of
this state or of the United States while acting in the course of their official
duties, which duties require the possession or use of the drugs enumerated in
this act.

(h) An employee or agent of any person described in the preceding
subsections while operating in the course of their employment.

(i) A common carrier, contract carrier or warehouseman, or any
employee thereof, whose possession of any of the enumerated drugs or
counterfeit drugs is in the usual course of his business or employment as
such, is to sell, deliver or otherwise dispose of any of the enumerated drugs
or counterfeit drugs to any person.
SECTION 2. That Section 37-3310, Idaho Code, be, and the same is hereby amended to read as follows:

37-3310. WHEN POSSESSION OF DRUG LAWFUL — PRESCRIPTION REQUIREMENTS. — No person, other than a person described in section 37-3309 shall possess any of the enumerated drugs unless the drug was obtained upon a valid prescription, and is held in the original container in which the drug was delivered; or the drug was delivered by a practitioner in the course of his professional practice and the drug is held in the immediate container in which the drug was delivered.

Before any enumerated drug is furnished to the person for whom it is prescribed or furnished by a practitioner directly to the patient for later consumption by the patient; the container in which the enumerated drug is placed must be labeled and the label must contain all of the following information:

(a) Name and address of patient;
(b) Name of practitioner;
(c) Name of dispensing pharmacy or practitioner;
(d) Date on which dispensed;
(e) Direction for use.

SECTION 3. That Chapter 33, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 37-3311A, Idaho Code, and to read as follows:

37-3311A. POSSESSION OF A GREATER OR LESSER AMOUNT OF AN ENUMERATED DRUG — EVIDENCE OF GUILT. — In a prosecution under this act, proof that a defendant received or has had in his possession at any time a greater amount of enumerated drugs than is accounted for by any record required by law or that the amount of the drug possessed by a defendant is a lesser amount than is accounted for by any record required by law is prima facie evidence of guilt.

SECTION 4. That Chapter 33, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 37-3311B, Idaho Code, and to read as follows:

37-3311B. PROOF OF PRESCRIPTION FOR LEGAL POSSESSION. — It shall be required that any defendant charged with a violation of any of the provisions of this act, show proof of legal possession of any enumerated drug by prescription or any record required by law. Failure to show such proof shall be deemed prima facie evidence of guilt.

SECTION 5. That Chapter 33, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known
and designated as Section 37-3311C, Idaho Code, and to read as follows:

37-3311C. UNLAWFUL TO ASSOCIATE OR FREQUENT PLACES KNOWN WHERE ILLEGAL ENUMERATED DRUGS ARE LOCATED. — It shall be unlawful for any person to knowingly and wantonly frequent places where illegal enumerated drugs are being held for sale, transported, sold, administered, used, or given away. A violation of this section shall deem those persons guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than three hundred dollars ($300.00) and not more than six (6) months in the county jail, or both fine and imprisonment.

SECTION 6. That Chapter 33, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 37-3311D, Idaho Code, and to read as follows:

37-3311D. MISREPRESENTATION OF ILLEGAL INTENDED SALE. — It shall be unlawful for any person to sell, offer for sale, any drug or similarity of an enumerated drug claiming it to be an enumerated drug in violation of section 37-3302, Idaho Code.

A violation of this section shall deem those persons guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than three hundred dollars ($300.00) and not more than six (6) months imprisonment in the county jail, or both fine and imprisonment.

SECTION 7. That Chapter 33, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 37-3311E, Idaho Code, and to read as follows:

37-3311E. POLICE OFFICERS IMMUNE FROM PROSECUTION. — All duly authorized peace officers while investigating violations of this act in performance of their official duties, and any person working under their immediate direction, supervision, or instruction are immune from prosecution under this act.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970.
CHAPTER 149
(S. B. No. 1558, As Amended)

AN ACT

PROVIDING FOR A NOXIOUS WEED LAW; REPEALING CHAPTER 24, TITLE 22, IDAHO CODE; PROVIDING THAT IT IS THE DUTY OF EVERY PERSON TO CONTROL NOXIOUS WEEDS ON LANDS OWNED OR CONTROLLED BY HIM IN CONFORMANCE WITH THIS ACT AND REGULATIONS MADE UNDER IT; DEFINING TERMS; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ACT JOINTLY BY THE COMMISSIONER OF AGRICULTURE AND THE CONTROL AUTHORITIES; SETTING FORTH THE POWERS AND DUTIES OF THE COMMISSIONER AND CONTROL AUTHORITIES; PROVIDING FOR APPOINTMENT OF AND POWERS AND DUTIES OF WEED CONTROL SUPERINTENDENTS; PROVIDING FOR CONTROL AND DESTRUCTION OF WEEDS, NOTICES FOR DESTRUCTION OF WEEDS, QUARANTINES AND EXPENSES FOR THE SAME; PROVIDING FOR FEDERAL AID AND A STATE NOXIOUS WEED ERADICATION TRUST FUND; PROVIDING FOR COST AND PAYMENT FOR CONTROLLING WEEDS BY THE PERSON OR AGENCY OWNING OR CONTROLLING LAND OR BY CONTROL AUTHORITIES AT THEIR DISCRETION; PROVIDING FOR PUBLICATION OF LISTS OF WEEDS; PROVIDING FOR THE METHOD OF SHARING COSTS OF CONTROL AND PROVIDING A COUNTY TAX FOR SUCH PURPOSE; PROVIDING FOR SUBMISSION OF STATEMENTS TO COUNTY AUDITOR; PROVIDING FOR EQUIPMENT, MATERIALS, CHARGES AND RECORDS OF CONTROL AUTHORITIES AND COOPERATION BETWEEN CONTROL AUTHORITIES; PROVIDING FOR PREVENTION OF SPREAD OF NOXIOUS WEEDS; PROVIDING FOR PROTESTS, HEARINGS AND APPEAL; PROVIDING FOR REPAYMENT OF COUNTY FUNDS; PROVIDING FOR DISBURSEMENTS FROM COUNTY WEED FUNDS; PROVIDING FOR SHARING OF COSTS BY COUNTY COMMISSIONERS; PROVIDING FOR COUNTY WEED ERADICATION REVOLVING FUNDS; PROVIDING FOR THE USE OF COUNTY WEED ERADICATION REVOLVING FUNDS; PROVIDING FOR CLAIMS AGAINST COUNTY WEED REVOLVING FUNDS AND
REIMBURSEMENT OF SUCH FUNDS; PROVIDING THAT THE COUNTY TREASURER IS TO ACCOUNT FOR MONEY IN THE COUNTY WEED REVOLVING FUNDS; PROVIDING FOR HANDLING AND KEEPING COUNTY WEED REVOLVING FUNDS BY COUNTY TREASURERS; PROVIDING FOR LIABILITY OF COUNTY TREASURERS FOR LOSS OF MONEY IN COUNTY WEED REVOLVING FUNDS; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 24, Title 22, Idaho Code, be, and the same is hereby repealed.

SECTION 2. It shall be the duty of every person to control the spread of and to eradicate noxious weeds on lands owned or controlled by him and to use such methods for that purpose and at such times as are approved and adopted by the state commissioner of agriculture hereinafter referred to as the "commissioner".

SECTION 3. As used in this act:

(1) "Person" means any individual, partnership, firm, corporation, company, society, association, the state or any department, agency or subdivision thereof, or any other entity.

(2) "Control", "controlled" or "controlling" includes being in charge of or being in possession, whether as owner, lessee, renter, tenant, under statutory authority or otherwise.

(3) "Noxious weed" means any plant which is determined by the commissioner to be injurious to public health, crops, livestock, land or other property.

(4) "Control authority" means the chief executive or governing body of each state agency, county, city or other governing body of any municipal corporation or quasi-municipal corporation.

(5) "Applicable fund" means the control authority’s fund current at the time the work is performed or the money is received.

SECTION 4. (1) (a) The duty of enforcing this act and carrying out its provisions is vested in the commissioner, and the authorities designated in this act acting under the supervision and direction of the commissioner. The commissioner shall determine what weeds are noxious for the purposes of this act, and shall compile and keep current a list of such noxious weeds, which list shall be published and incorporated in the rules and regulations of the commissioner. The commissioner shall, from time to time, adopt and
publish methods as official for control and eradication of noxious weeds and
make and publish such rules and regulations as in his judgment are necessary
to carry out the provisions of this act.

(b) The commissioner is authorized to investigate the subject of
noxious weeds; to require information and reports from any other control
authority as to the presence of noxious weeds and other information relative
to noxious weeds and the control and eradication thereof in localities where
such control authority has jurisdiction; to cooperate with control authorities
in carrying out other acts administered by him; to cooperate with agencies of
federal and state governments and persons in carrying out his duties under
this act, and, with the consent of the governor, in the conduct of
investigation outside this state in the interest of the protection of the
agricultural industry of this state from noxious weeds not generally
distributed therein; with the consent of the federal agency involved, to
control and eradicate noxious weeds on federal lands within this state, with
or without reimbursement, when deemed by him to be necessary to an
effective weed control and eradication program; to advise and confer as to
the extent of noxious weed infestations and the methods determined best
suited to the control and eradication thereof; to call and attend meetings and
conferences dealing with the subject of noxious weeds; to disseminate
information and conduct educational campaigns with respect to control and
eradication of noxious weeds; to procure materials and equipment and
employ personnel necessary to carry out his duties and responsibilities; and
to perform such other acts as may be necessary or appropriate to the
administration of this act.

(c) When determined by the commissioner that a control authority has
failed to carry out any of its duties and responsibilities as a control
authority, the commissioner may perform such duties and responsibilities in
the same manner and under the same conditions except that any moneys
collected as provided in this act and the control authority's share of costs
shall be for deposit to the applicable fund of the commissioner.

(d) When determined by the commissioner that a control authority has
failed to control or eradicate noxious weeds on land owned or controlled by
it or to comply with the provisions of this act as to any article owned or
controlled by it, the commissioner may have proper control and eradication
measures taken and may hold or prevent the movement of any such article,
and the cost of such control and eradication work shall be a charge against
the noxious weed control fund of such control authority and shall be
deposited to the applicable fund of the commissioner.
(e) The state noxious weed eradication control fund is hereby created in the state treasury. All moneys received by the commissioner under this act, except as provided in section 6 of this act, shall be remitted to the state treasurer for credit to such fund.

(2) (a) Each control authority shall carry out the duties and responsibilities vested in it under this act with respect to land under its jurisdiction, in accordance with rules and regulations prescribed by the commissioner. Such duties shall include the establishment, under the general direction of the county control authority, of a coordinated program for control and eradication of noxious weeds within such county.

(b) A control authority may cooperate with any person or with the federal government in carrying out its duties and responsibilities under this act, and may cooperate with the commissioner in carrying out other acts administered by him.

(3) (a) Each control authority shall employ one (1) or more weed control superintendents who shall be certified by the commissioner to be qualified to detect and treat noxious weeds. The same person may be a weed control superintendent for more than one (1) control authority. A member of a control authority may serve as a weed control superintendent at the discretion of the control authority. Such employment may be for such tenure, and at such rates of compensation and reimbursement for travel expenses, as the control authority may prescribe, and without regard to any provisions of law relating to age or dual compensation.

(b) Under the direction of the employing control authority, it shall be the duty of every weed control superintendent to examine all land under the jurisdiction of the control authority for the purpose of determining whether the provisions of this act and the regulations of the commissioner have been complied with; he shall compile such data on infested areas and areas eradicated and such other reports as the commissioner or control authority may require; consult and advise upon matters pertaining to the best and most practical methods of noxious weed control and eradication, and render assistance and direction for the most effective control and eradication; investigate or aid in the investigation and prosecution of any violation of this act; assist the county assessor as provided in this act; and perform such other duties as required by the control authority in the performance of its duties. Weed control superintendents shall cooperate and assist one another to the extent practicable. County weed control superintendents shall supervise the carrying out of the coordinated control and eradication program within the county.
SECTION 5. (1) Notices for control and eradication of noxious weeds shall consist of two (2) kinds: general notices and individual notices, of a form prescribed by the commissioner. Failure to publish general weed notices or serve individual notices herein provided does not relieve any person from the necessity of full compliance with this act and regulations thereunder. In all cases said published notice shall be deemed legal and sufficient notice.

General notice shall be published by each control authority, or any combination of control authorities within a county, in one (1) or more newspapers of general circulation throughout the area, or areas, over which the control authority, or control authorities, has jurisdiction, at least once a week for two (2) weeks, on or before April 1 of each year and at such other times as the commissioner may direct or the control authority may determine.

Whenever any control authority finds it necessary to secure more prompt or definite control or eradication of noxious weeds than is accomplished by the general published notice, it shall cause individual notices to be served upon the person owning and the person controlling such land, giving specific instructions and methods when and how certain named weeds are to be controlled or eradicated.

(2) Whenever the owner or person in control of the land on which noxious weeds are present has neglected or failed to control or eradicate them as required pursuant to this act and any notice given pursuant to this section, the control authority having jurisdiction shall have proper control and eradication methods used on such land, including necessary destruction of growing crops, and shall advise the owner and person in control of the cost incurred in connection with such operation. The cost of any such control or eradication shall be at the expense of the owner. If unpaid for sixty (60) days or longer the amount of such expense shall become a lien upon the property and shall be subject to collection by the control authority by sale of the property in the same manner as for delinquent taxes. Nothing contained in this section shall be construed to require satisfaction of the obligation imposed hereby in whole or in part from the sale of the property or to bar the application of any other or additional remedy otherwise available. Amounts collected under this section shall be deposited to the noxious weed control fund of the control authority.

(3) When it appears to a control authority that upon any tract of land under its jurisdiction there is an infestation of noxious weeds beyond the
ability of the owner and the person in control of such land to eradicate, the control authority, with the approval of the commissioner, may quarantine such land and put into immediate operation the necessary means for the eradication of such noxious weeds including necessary destruction of growing crops. The control authority shall, prior to the entry upon such land, serve individual notices on the owner and the person in control thereof of such quarantine and of the date of the proposed entry, and shall also advise the same persons of the completion of the eradication operation and the cost thereof. The expense of such quarantine and eradication shall be borne as follows: one-third (1/3) from any funds available to the commissioner for the administration of this act, one-third (1/3) from the noxious weed control fund of the control authority, one-third (1/3) from the person owning such land, which may be collected and deposited as provided in subsection (2) of this section. Such expenses may also be borne as provided for by section 9 of this act.

SECTION 6. The state of Idaho is hereby authorized to cooperate with the federal government or any established agency thereof, in any program of noxious weed control which shall be deemed advisable, for the welfare of the people of the state of Idaho. The commissioner is empowered to accept any advisable program and to make any necessary regulations which are not in contradiction to the purposes of this act. The commissioner is hereby authorized and directed to accept any funds or grants in aid from the federal government for noxious weed control purposes and to remit said funds to the state treasurer for deposit in a special trust fund hereby created, which shall be known as the “state noxious weed eradication trust fund”. Expenditures from such fund shall be made by the commissioner in manner provided by law and in conformance with the provisions of federal requirements. All such federal funds are hereby appropriated to the purpose for which they are received.

SECTION 7. (1) The cost of controlling and eradicating noxious weeds on all land, including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a state department, agency, commission or board shall be paid by the state department, agency, commission or board in control thereof out of funds appropriated to its use.

(2) The cost of controlling and eradicating noxious weeds on all land including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a control authority shall be paid by the control authority in control thereof out of the county noxious weed control fund or such other
funds as the control authority has available for that purpose.

(3) Funds available to any person may be used for the control and eradication of noxious weeds on land owned or controlled by him.

(4) Notwithstanding any other provisions of this act relating to payment of cost, when determined by a control authority to be justified in the interest of an effective weed control program, such control authority may cause the control and eradication of noxious weeds on land under its jurisdiction, without cost to the owner or person in control thereof, and a county control authority, with the consent of any other control authority in such county, may for like cause, cause the control and eradication of noxious weeds on land under the jurisdiction of such other control authority, without cost to the owner or person in control thereof. Such justification shall be in writing and shall be open to inspection by any person owning or controlling land under the jurisdiction of such control authority.

SECTION 8. To prevent the dissemination of noxious weeds through any article, including machinery, equipment, plants, materials and other things, the commissioner shall, from time to time, publish a list of noxious weeds which may be disseminated through articles and a list of articles capable of disseminating such weeds, and designate treatment of such articles as, in his opinion, would prevent such dissemination. Until such article is treated in accordance with the applicable regulations, it shall not be moved from such premises except under and in accordance with the written permission of the control authority having jurisdiction of the area in which such article is located, and the control authority may hold or prevent its movement from such premises. The movement of any such article which has not been so treated, except in accordance with such written permission, may be stopped by the control authority having jurisdiction over the place in which such movement is taking place and further movement and disposition shall only be in accordance with such control authority's direction.

SECTION 9. The cost of extermination and eradication of weeds incurred under and by virtue of the provisions of this act, may, at the option of the control authority, be paid in the following manner: one-half (½) thereof shall be paid from the proceeds of the levy made by the county commissioners of the county in which said weed eradication or quarantine area is located, and the remaining one-half (¼) by the owner, tenant or occupant of the land upon which such weed eradication is made; provided, however, that in case such owner, tenant or occupant of the land upon which such weed eradication is performed desires so to do, his share of such costs and expenditures for such weed eradication may be paid immediately.
in cash by said owner, tenant or occupant of the land, or in case the same are not paid immediately in cash, the sum shall become a fixed charge against said land and any water right appurtenant thereto at the time of rendition of such service, and levied as a tax against the property upon which said weed eradication is performed; provided, that where such weed eradication area includes a canal or ditch easement or right-of-way belonging to an irrigation district, ditch or canal company or person, the one-half (½) of such costs otherwise assessed to the owner, tenant or occupant, for weed eradication upon such canal or ditch easement or right-of-way shall be paid by such irrigation district, ditch or canal company or person, owning such easement or right-of-way, and the sum of such costs shall be determined by the board of county commissioners and certified to such owner of such easement or right-of-way; provided, that the board of county commissioners of each county in this state may levy annually upon all taxable property of said county a tax for eradication of noxious weeds to be collected and apportioned to the county noxious weed eradication fund, hereby established in every county, which levy shall not exceed ten cents (10¢) on each one hundred dollars ($100) of the assessed valuation of said property in said county. Provided further that in the event the water right is severed from the land after the rendition of the eradication service, and said land is not of sufficient value to pay the cost of said service, the county commissioners or control authorities are hereby authorized to proceed against the owner of such water right and for that purpose a lien is hereby imposed upon any such water right in favor of the county or control authority until such weed eradication services have been paid for, either by the owner of the land or the owner of the water right.

SECTION 10. It is the duty of the control authority, immediately after the work required by them by this act is complete for the season, to render to the county auditor of the county where the work was done an itemized statement showing in detail total cost to date of destroying noxious weeds on any pieces of land, railroad or right-of-way in the county on which noxious weeds have been destroyed by them or under their direction, and the county auditor shall, under a proper heading, enter the same on the current tax list as a charge against said land or right-of-way and against the owner thereof and the charge shall be collected at the same time and in the same manner as general taxes, and when collected shall be turned into the noxious weed eradication fund; and the lien of such charge shall be of equal priority with general taxes.
SECTION 11. Control authorities, independently or in combination, may purchase or provide for needed or necessary equipment and materials for the control and eradication of weeds, whether or not declared noxious, on land under their jurisdiction and may sell such materials to persons owning or controlling land under their jurisdiction and may make available the use of machinery and other equipment and operators at such cost as may be deemed sufficient to cover the actual cost of such materials and the cost of operations, including depreciation, of such machinery and equipment. All funds so received shall be deposited to the noxious weed control fund. Each control authority shall keep a record showing the procurement, sale and rentals of materials and equipment, which record shall be open to inspection by residents of this state. A control authority may use any equipment or material procured as provided for in this section upon lands whether or not owned or controlled by it, and whether or not within its control area, for the treatment and eradication of weeds which have not been declared noxious.

SECTION 12. It is recognized that the control and eradication of noxious weeds presents a problem for immediate as well as for future action. It is further recognized that immediate control is practicable on some areas and some farms, and that control and eradication on other areas and farms must necessarily be extended over a period of time. Therefore, it is the intention of this act that control authorities may use their discretion and by agreement with the owners of land may propose and accept plans for control and eradication which may be extended over a period of years. The control authorities, upon the recommendation and advice of the weed control superintendents or the commissioner, may make an agreement with the owner of any parcel of land, which agreement shall be a contract between the landowner and the respective control authority, and the control authority shall have the power and it shall be its duty to enforce the terms of any such agreement. It shall be within the discretion of the control authority to make any terms which will serve best the interests of the owner or owners of such parcel of land and the common welfare which will comply with law.

SECTION 13. If any person shall be dissatisfied with the amount of any charge made against it by a control authority for control or eradication work or for the purchase of materials or use of equipment, he may, within thirty (30) days after being advised of the amount of the charge, file a protest with the commissioner. Procedure for hearings thereon and appeals shall be as provided in chapter 52, title 67, Idaho Code.
SECTION 14. Repayments to the funds of county control authorities may be made from the proceeds of a tax levy authorized in section 9 of this act. Repayments to these funds also may be made from the sale of materials or services for weed control and eradication to other control authorities, or to individuals, firms or corporations. Such repayments may be expended by the board of county commissioners as provided in this act and the accruals to such fund from such repayments may be expended irrespective of any county budget limiting such fund.

If payments for materials or services by individuals, firms or corporations are not made in the form of cash, but are collected in the form of a tax, they shall be collected as provided in this act.

SECTION 15. Disbursements from the funds of county control authorities shall be made for the purpose of paying for materials, freight and drayage on materials, rental or purchase of equipment, personal services for weed control purposes, and any other incidental charges that may be necessary for the promotion of weed control work within the county.

SECTION 16. The county commissioners may, at their option, pay not to exceed one-half (1/2) of the cost of weed eradication from the proceeds of the levy which they may make.

SECTION 17. At any regular meeting, the board of county commissioners of any county may by order duly and regularly entered in its minutes authorize the creation of a special fund to be known as the county weed eradication revolving fund. After such order has been made by the board of county commissioners, warrants shall be drawn by the county auditor upon the county treasurer, payable to the county treasurer, against the county current expense fund, for the payment of such sum as the board of county commissioners shall authorize and direct, not exceeding three thousand dollars ($3000), the proceeds of which said warrants shall be credited to the weed eradication revolving fund in this section provided.

SECTION 18. The county weed eradication revolving fund, when created and set aside pursuant to the provisions of this act, may be used for the purpose of paying charges on materials purchased by the county for destruction of noxious weeds within the county, and the payment of such charges or expenses may be made out of such fund by the county treasurer. No expenditure shall be made out of said fund by the county treasurer except upon presentation to him of a bill or bills for the charges, approved in writing by such official or employee of the county as the board of county commissioners may designate, and the said county treasurer shall demand and receive from the person, firm or corporation receiving payments, a
receipt for such payment or payments.

SECTION 19. The county treasurer shall each month file with the board of county commissioners his itemized claim, duly verified, together with receipts for all expenditures made by him during the month and chargeable against the said weed eradication revolving fund. The board of county commissioners shall at its regular meeting audit said claim for allowance or rejection. For those items allowed, the board shall order a warrant drawn against the current expense fund, payable to the county treasurer of said county, and upon receipt of such warrant the said county treasurer shall apply the proceeds thereof to the reimbursement of the weed eradication revolving fund. Such reimbursements to the weed eradication revolving fund in any year may be again expended from such fund in such year for the purposes and in the manner provided by this act irrespective of any county budget limitations applicable to such fund.

SECTION 20. Not later than November 1 of each year, the county treasurer shall account for all moneys paid into or authorized by the board of county commissioners to be paid into the county weed eradication revolving fund, and any unexpended balance remaining in said fund on said date shall be paid and credited to the current expense fund of the county.

SECTION 21. The county treasurer shall handle all moneys paid into the said county weed eradication revolving fund in conformance with the provisions of the public depository law.

SECTION 22. For the loss of any of the moneys comprising the county weed eradication revolving fund, or any part of the moneys authorized by the board of county commissioners to be set aside in such fund, by wrongful use thereof or otherwise, the said county treasurer shall be personally liable and also liable upon his official bond.

SECTION 23. (1) Any person knowing of the existence of any noxious weeds on lands owned or controlled by him, who fails to control or eradicate such weeds in accordance with this act and rules and regulations prescribed thereunder, and any person who intrudes upon any land under quarantine or who moves or causes to be moved any article covered by this act except as provided or who prevents or threatens to prevent entry upon land as provided in this act, or who interferes with the carrying out of the provisions of this act, shall be guilty of a misdemeanor and shall be subject to a fine not to exceed three hundred dollars ($300) on account of each violation.

(2) Any control authority, and where such control authority is composed of more than one (1) person, each member of such control
authority, and any weed control superintendent, who shall fail and refuse to perform the duties required of him by this act and rules and regulations thereunder shall be subject to a civil fine not to exceed five hundred dollars ($500) on account of each violation. The commissioner or a control authority may bring an action to enforce this act, and the penalty provided for under this provision.

(3) Any person who violates any of the provisions of this act, or the regulations made under this act, shall be guilty of a misdemeanor.

SECTION 24. If any of the provisions of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SECTION 25. This act shall be in full force and effect on and after July 1, 1970.

Approved March 14, 1970.

AN ACT
AMENDING SECTION 67-435, IDAHO CODE, RELATING TO POWERS AND DUTIES, BY PROVIDING THAT THE COMMITTEE MAY EMPLOY A LEGISLATIVE AUDITOR AND OTHER EMPLOYEES; AMENDING SECTION 67-436, IDAHO CODE, RELATING TO VOUCHERS FOR EXPENSES, BY PROVIDING THAT THE CHAIRMAN OR VICE-CHAIRMAN OF THE COMMITTEE SHALL SIGN ALL VOUCHERS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-435, Idaho Code, be, and the same is hereby amended to read as follows:

67-435. POWERS AND DUTIES. ... The legislative budget and fiscal committee shall have the following powers and duties:

(1) To make a continuing study and review of the management, operations, programs and fiscal needs of the departments, agencies and institutions of the state government of Idaho and of any units of local government and other agencies and institutions receiving state funds.
(2) To review the executive budget and the budget requests of each state department, agency and institution, including requests for construction of capital improvements, as well as other requests for appropriations submitted to the legislature.

(3) To conduct such audit as it may deem necessary and proper of the accounts of the state government and all units of government and other agencies and institutions receiving state funds, including school districts; to conduct such audit, the committee may request the cooperation of the bureau of public accounts, or may appoint a certified public accountant, public accountant, or other person whom it deems qualified.

(4) To make and examine estimates of revenues available for appropriations from existing and proposed taxes and to make a continuing study and review of the state revenue structure.

(5) To make a continuing study and review of the state's financial condition, fiscal organization and procedures for budgeting, accounting, reporting, personnel management and purchasing and the procedures for accounting for, controlling and providing the safe custody of and verifying the existence and condition of property of the state of Idaho and of property charged to or held in the custody of any department, agency or institution of state government.

(6) To conduct such hearings as it may deem necessary and proper.

(7) To submit a report to each biennial session of the legislature covering its activities during the preceding biennium period and setting forth its findings and recommendations and to make such recommendations to the appropriate legislative committees as it may deem proper concerning the budget and other proposed legislation.

(8) To coordinate other agencies in the design, installation and continuing review of a uniform modern accounting system for all state agencies and all other agencies receiving state funds.

(9) To require copies of all audit reports issued by the bureau of public accounts, whether the audits are initiated by the committee or the bureau of public accounts, and to require access to all audit working papers and other records of the bureau of public accounts.

(10) To perform such other duties as the legislature or legislative council may by appropriate resolution direct.

(11) To appoint a legislative auditor and such other employees and engage the services of such persons and agencies as may be necessary or desirable in the performance of its duties.
SECTION 2. That Section 67-436, Idaho Code, be, and the same is hereby amended to read as follows:

67-436. VOUCHERS FOR EXPENSES. — All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon vouchers signed by the chairman or vice-chairman of the legislative council committee and drawn on funds appropriated generally for legislative expenses and allocated to the legislative budget and fiscal committee, or on funds appropriated to the legislative council committee.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970

CHAPTER 151
(S. B. No. 1565)

AN ACT
AMENDING SECTION 1 OF CHAPTER 393, LAWS OF 1969, RELATING TO APPROPRIATIONS FROM THE WATERWAYS IMPROVEMENT FUND TO THE DEPARTMENT OF PARKS, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY TWO HUNDRED THOUSAND DOLLARS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 393, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Department of Parks for Waterways Improvement.

FOR MAJOR AND MINOR PROGRAMS:

ADMINISTRATION $489,000 689,000

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

SALARIES AND WAGES $ 19,656

TRAVEL 2,000

OTHER CURRENT EXPENSES 19,470

CAPITAL OUTLAY 447,874 647,874

FROM:

WATERWAYS IMPROVEMENT FUND $489,000 689,000
SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970.

CHAPTER 152
(S. B. No. 1566, As Amended)

AN ACT
RELATING TO INSURANCE, CREATING THE IDAHO INSURANCE GUARANTY ACT; PROVIDING A MECHANISM FOR THE PAYMENT OF CERTAIN CLAIMS; PROVIDING THAT IT SHALL APPLY TO ALL KINDS OF DIRECT INSURANCE EXCEPT LIFE, TITLE, SURETY, DISABILITY, CREDIT MORTGAGE GUARANTY, AND OCEAN MARINE; PROVIDING THAT THE ACT SHALL BE LIBERALLY CONSTRUED; PROVIDING DEFINITIONS; CREATING THE ASSOCIATION AND PROVIDING MEMBERSHIP; PROVIDING FOR A BOARD OF DIRECTORS AND THEIR APPOINTMENT AND ELECTION; GIVING THE ASSOCIATION POWERS AND DUTIES WITH RESPECT TO CERTAIN CLAIMS AND INSOLVENT INSURERS; PROVIDING THAT THE ASSOCIATION SHALL SUBMIT TO THE COMMISSIONER OF INSURANCE A PLAN OF OPERATION FOR THE ADMINISTRATION OF THE ASSOCIATION; OUTLINING POWERS AND DUTIES OF THE COMMISSIONER WITH RESPECT TO THE ASSOCIATION; PRESCRIBING THE EFFECT OF CLAIMS PAID BY THE ASSOCIATION; PROVIDING THAT THERE SHALL BE NO DOUBLE RECOVERY; GIVING AUTHORITY TO DETECT AND PREVENT INSURER INSOLVENCIES; PROVIDING THAT THE COMMISSIONER MAY EXAMINE AND REGULATE THE ASSOCIATION AND REQUIRING AN ANNUAL FINANCIAL REPORT OF THE ASSOCIATION; EXEMPTING THE ASSOCIATION FROM TAXATION EXCEPT REAL AND PERSONAL PROPERTY TAXES; AUTHORIZING PREMIUMS SUFFICIENT TO RECOUP THE EXPENSE OF BEING A MEMBER OF THE ASSOCIATION;
PROVIDING IMMUNITY FROM LIABILITY FOR ANYTHING DONE IN PERFORMANCE UNDER THIS ACT; PROVIDING FOR STAY OF PROCEEDINGS AND REOPENING OF DEFAULT JUDGMENTS; DECLARING AS AN UNFAIR TRADE PRACTICE AN INSURER MAKING USE OF THE PROTECTION OF THIS ACT IN SELLING INSURANCE; AND PROVIDING FOR TERMINATION OF THE ASSOCIATION.

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

SECTION 1. This act shall be known and may be cited as the "Idaho insurance guaranty association act."

SECTION 2. The purpose of this act is to provide a mechanism for the payment of covered claims under certain insurance policies to avoid excessive delay in payment and to avoid financial loss to claimants or policyholders because of the insolvency of an insurer, to assist in the detection and prevention of insurer insolvencies, and to provide an association to assess the cost of such protection among insurers.

SECTION 3. This act shall apply to all kinds of direct insurance, except life, title, surety, disability, credit, mortgage guaranty, and ocean marine insurance.

SECTION 4. This act shall be liberally construed to effect the purpose under section 2 which shall constitute an aid and guide to interpretation.

SECTION 5. As used in this act,

(1) "Account" means any one of the three (3) accounts created by section 6.

(2) "Association" means the Idaho insurance guaranty association created under section 6.

(3) "Commissioner" means the commissioner of insurance of this state.

(4) "Covered claim" means an unpaid claim, excluding one for unearned premiums, which arises out of and is within the coverage of an insurance policy to which this act applies issued by an insurer, if such insurer becomes an insolvent insurer after the effective date of this act and (a) the claimant or insured is a resident of this state at the time of the insured event; or (b) the property from which the claim arises is permanently located in this state. "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise.

(5) "Insolvent Insurer" means (a) an insurer authorized to transact
insurance in this state either at the time the policy was issued or when the
insured event occurred and (b) determined to be insolvent by a court of
competent jurisdiction.

(6) "Member insurer" means any person who (a) writes any kind of
insurance to which this act applies under section 3, including the exchange
of reciprocal or inter-insurance contracts, and (b) is licensed to transact
insurance in this state, except assessable mutual companies.

(7) "Net direct written premiums" means direct gross premiums
written in this state on insurance policies to which this act applies, less
return premiums thereon and dividends paid or credited to policyholders on
such direct business. "Net direct written premiums" does not include
premiums on contracts between insurers or reinsurers.

(8) "Person" means any individual, corporation, partnership,
association or voluntary organization.

SECTION 6. There is created a non-profit unincorporated legal entity
to be known as the Idaho insurance guaranty association. All insurers
defined as member insurers shall be and remain members of the association
as a condition of their authority to transact insurance in this state. The
association shall perform its functions under a plan of operation established
and approved under section 9 and shall exercise its powers through a board
of directors established under section 7. For purposes of administration and
assessment, the association shall be divided into three (3) separate accounts:
(a) The workmen's compensation insurance account; (b) The automobile
insurance account; and (c) The account for all other insurance to which this
act applies.

SECTION 7. (1) The board of directors of the association shall consist
of not less than five (5) nor more than nine (9) persons serving terms as
established in the plan of operation. The members of the board shall be
selected by member insurers subject to the approval of the commissioner.
Vacancies on the board shall be filled for the remaining period of the term in
the same manner as initial appointments. If no members are selected within
sixty (60) days after the effective date of this act, the commissioner may
appoint the initial members of the board of directors.

(2) In approving selections to the board, the commissioner shall
consider among other things whether all member insurers are fairly
represented.

(3) Members of the board may be reimbursed from the assets of the
association for expenses incurred by them as members of the board of
directors.
SECTION 8. (1) The association shall:

(a) Be obligated to the extent of the covered claims existing prior to the determination of insolvency, or before the policy expiration date if less than thirty (30) days after the determination, or before the insured replaces the policy or causes its cancellation, if he does so within thirty (30) days of the determination, but such obligation shall include only that amount of each covered claim which is in excess of one hundred dollars ($100) and is less than fifty thousand dollars ($50,000), except that the association shall pay the full amount of any covered claim arising out of a workmen's compensation policy. In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises.

(b) Be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent.

(c) Allocate claims paid and expenses incurred among the three accounts separately, and assess member insurers separately for each account amounts necessary to pay the obligations of the association under paragraph (a) subsequent to an insolvency, the expenses of handling covered claims subsequent to an insolvency, the cost of examinations under section 13 and other expenses authorized by this act. The assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the preceding calendar year on the kinds of insurance in the account bears to the net direct written premiums of all member insurers for the preceding calendar year on the kinds of insurance in the account. Each member insurer shall be notified of the assessment not later than thirty (30) days before it is due. No member insurer may be assessed in any year on any account an amount greater than one per cent (1%) of that member insurer's net direct written premiums for the preceding calendar year on the kinds of insurance in the account. If the maximum assessment, together with the other assets of the association in any account, does not provide in any one (1) year in any account an amount sufficient to make all necessary payments from that account, the funds available shall be pro-rated and the
unpaid portion shall be paid as soon thereafter as funds become available. The association may exempt or defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Each member insurer may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer if they are chargeable to the account for which the assessment is made. 

(d) Investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims and may review settlements, releases and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which such settlements, releases and judgments may be properly contested. 

(e) Notify such persons as the commissioner directs under section 10(2)(a). 

(f) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the commissioner, but such designation may be declined by a member insurer. 

(g) Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this act. 

(2) The association may: 

(a) Employ or retain such persons as are necessary to handle claims and perform other duties of the association. 

(b) Borrow funds necessary to effect the purposes of this act in accord with the plan of operation. 

(c) Sue or be sued. 

(d) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this act. 

(e) Perform such other acts as are necessary or proper to effectuate the purpose of this act. 

(f) Refund to the member insurers in proportion to the
contribution of each member insurer to that account that amount by which the assets of the account exceed the liabilities, if, at the end of any calendar year, the board of directors finds that the assets of the association in any account exceed the liabilities of that account as estimated by the board of directors for the coming year.

SECTION 9. (1)
(a) The association shall submit to the commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendments thereto shall become effective upon approval in writing by the commissioner.
(b) If the association fails to submit a suitable plan of operation within ninety (90) days following the effective date of this act or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this act. Such rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.
(2) All member insurers shall comply with the plan of operation.
(3) The plan of operation shall:
(a) Establish the procedures whereby all the powers and duties of the association under section 8 will be performed.
(b) Establish procedures for handling assets of the association.
(c) Establish the amount and method of reimbursing members of the board of directors under section 7.
(d) Establish procedures by which claims may be filed with the association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent insurer shall be deemed notice to the association or its agent and a list of such claims shall be periodically submitted to the association or similar organization in another state by the receiver or liquidator.
(e) Establish regular places and times for meetings of the board of directors.
(f) Establish procedures for records to be kept of all financial
transactions of the association, its agents, and the board of
directors.

(g) Provide that any member insurer aggrieved by any final action
or decision of the association may appeal to the commissioner
within thirty (30) days after the action or decision.

(h) Establish the procedures whereby selections for the board of
directors will be submitted to the commissioner.

(i) Contain additional provisions necessary or proper for the
execution of the powers and duties of the association.

(4) The plan of operation may provide that any or all powers and
duties of the association, except those under sections 8(1)(c) and 8(2)(b),
are delegated to a corporation, association, or other organization which
performs or will perform functions similar to those of this association, or its
equivalent, in two or more states. Such a corporation, association or
organization shall be reimbursed as a servicing facility would be reimbursed
and shall be paid for its performance of any other functions of the
association. A delegation under this subsection shall take effect only with
the approval of both the board of directors and the commissioner, and may
be made only to a corporation, association, or organization which extends
protection not substantially less favorable and effective than that provided
by this act.

SECTION 10. (1) The commissioner shall:

(a) Notify the association of the existence of an insolvent insurer
not later than three (3) days after he receives notice of the
determination of the insolvency.

(b) Upon request of the board of directors, provide the
association with a statement of the net direct written premiums of
each member insurer.

(2) The commissioner may:

(a) Require that the association notify the insureds of the insolvent
insurer and any other interested parties of the
determination of insolvency and of their rights under this act.
Such notification shall be by mail at their last known address,
where available, but if sufficient information for notification by
mail is not available, notice by publication in a newspaper of
general circulation shall be sufficient.

(b) Suspend or revoke, after notice and hearing, the certificate of
authority to transact insurance in this state of any member insurer
which fails to pay an assessment when due or fails to comply with
the plan of operation. As an alternative, the commissioner may levy a fine on any member insurer which fails to pay an assessment when due. Such fine shall not exceed five per cent (5%) of the unpaid assessment per month, except that no fine shall be less than one hundred dollars ($100) per month.

(c) Revoke the designation of any servicing facility if he finds claims are being handled unsatisfactorily.

(3) Any final action or order of the commissioner under this act shall be subject to judicial review in a court of competent jurisdiction.

SECTION 11. (1) Any person recovering under this act shall be deemed to have assigned his rights under the policy to the association to the extent of his recovery from the association. Every insured or claimant seeking the protection of this act shall cooperate with the association to the same extent as such person would have been required to cooperate with the insolvent insurer. The association shall have no cause of action against the insured of the insolvent insurer for any sums it has paid out except such causes of action as the insolvent insurer would have had if such sums had been paid by the insolvent insurer. In the case of an insolvent insurer operating on a plan with assessment liability, payments of claims of the association shall not operate to reduce the liability of insured to the receiver, liquidator, or statutory successor for unpaid assessments.

(2) The receiver, liquidator, or statutory successor of an insolvent insurer shall be bound by settlements of covered claims by the association or a similar organization in another state. The court having jurisdiction shall grant such claims priority equal to that which the claimant would have been entitled in the absence of this act against the assets of the insolvent insurer. The expenses of the association or similar organization in handling claims shall be accorded the same priority as the liquidator's expenses.

(3) The association shall periodically file with the receiver or liquidator of the insolvent insurer statements of the covered claims paid by the association and estimates of anticipated claims on the association which shall preserve the rights of the association against the assets of the insolvent insurer.

SECTION 12. (1) Any person having a claim against an insurer under any provision in an insurance policy other than a policy of an insolvent insurer which is also a covered claim, shall be required to exhaust first his right under such policy. Any amount payable on a covered claim under this act shall be reduced by the amount of any recovery under such insurance policy.
(2) Any person having a claim which may be recovered under more than one (1) insurance guaranty association or its equivalent shall seek recovery first from the association of the place of residence of the insured except that if it is a first party claim for damage to property with a permanent location, he shall seek recovery first from the association of the location of the property, and if it is a workmen's compensation claim, he shall seek recovery first from the association of the residence of the claimant. Any recovery under this act shall be reduced by the amount of recovery from any other insurance guaranty association or its equivalent.

SECTION 13. To aid in the detection and prevention of insurer insolvencies:

(1) It shall be the duty of the board of directors, upon majority vote, to notify the commissioner of any information indicating any member insurer may be insolvent or in a financial condition hazardous to the policyholders or the public.

(2) The board of directors may, upon majority vote, request that the commissioner order an examination of any member insurer which the board in good faith believes may be in a financial condition hazardous to the policyholders or the public. Within thirty (30) days of the receipt of such request, the commissioner shall begin such examination. The examination may be conducted as a national association of insurance commissioners examination or may be conducted by such persons as the commissioner designates. The cost of such examination shall be paid by the association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the board of directors prior to its release to the public, but this shall not preclude the commissioner from complying with subsection (3) of this section. The commissioner shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the commissioner but it shall not be open to public inspection prior to the release of the examination report to the public.

(3) It shall be the duty of the commissioner to report to the board of directors when he has reasonable cause to believe that any member insurer examined or being examined at the request of the board of directors may be insolvent or in a financial condition hazardous to the policyholders or the public.

(4) The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer.
Such reports and recommendations shall not be considered public documents.

(5) The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer insolvencies.

(6) The board of directors shall, at the conclusion of any insurer insolvency in which the association was obligated to pay covered claims, prepare a report on the history and causes of such insolvency, based on the information available to the association, and submit such report to the commissioner.

SECTION 14. The association shall be subject to examination and regulation by the commissioner. The board of directors shall submit, not later than March 30 of each year, a financial report for the preceding calendar year in a form approved by the commissioner.

SECTION 15. The association shall be exempt from payment of all fees and all taxes levied by this state or any of its subdivisions except taxes levied on real or personal property.

SECTION 16. The rates and premiums charged for insurance policies to which this act applies shall include amounts sufficient to recoup a sum equal to the amounts paid to the association by the member insurer less any amounts returned to the member insurer by the association and such rates shall not be deemed excessive because they contain an amount reasonably calculated to recoup assessments paid by the member insurer.

SECTION 17. There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer, the association or its agents or employees, the board of directors, or the commissioner or his representatives for any action taken by them in the performance of their powers and duties under this act.

SECTION 18. All proceedings in which the insolvent insurer is a party or is obligated to defend a party in any court in this state shall be stayed for sixty (60) days from the date the insolvency is determined to permit proper defense by the association of all pending causes of action. As to any covered claims arising from a judgment under any decision, verdict or findings based on the default of the insolvent insurer or its failure to defend an insured, the association either on its own behalf or on behalf of such insured may apply to have such judgment, order, decision, verdict or finding set aside by the same court of administrator that made such judgment, order, decision, verdict or finding and shall be permitted to defend against such claim on the merits.

SECTION 19. It is an unfair trade practice for any insurer or agent to
in any manner make use of the protection given policyholders by this chapter as a reason for buying insurance from him.

SECTION 20. (1) The commissioner shall by order terminate the operation of the Idaho insurance guaranty association as to any kind of insurance covered by this act with respect to which he has found, after hearing, that there is in effect a statutory or voluntary plan which:

(a) Is a permanent plan which is adequately funded or for which adequate funding is provided.

(b) Extends, or will extend to the Idaho policyholders and residents protection and benefits with respect to insolvent insurers not substantially less favorable and effective to such policyholders and residents than the protection and benefits provided with respect to such kinds of insurance under this act.

(2) The commissioner shall by the same such order authorize discontinuance of future payments by insurers to the Idaho insurance guaranty association with respect to the same kinds of insurance; provided, the assessments and payments shall continue, as necessary, to liquidate covered claims of insurers adjudged insolvent prior to said order and the related expenses not covered by such other plan.

(3) In the event the operation of the Idaho insurance guaranty association shall be so terminated as to all kinds of insurance otherwise within its scope, the association as soon as possible thereafter shall distribute the balance of moneys and assets remaining (after discharge of the functions of the association with respect to prior insurer insolvencies not covered by such other plan, together with related expenses) to the insurers which are then writing in this state policies of the kinds of insurance covered by this act and which had made payments to the association, pro rata upon the basis of the aggregate of such payments made by the respective insurers during the period of five (5) years next preceding the date of such order. Upon completion of such distribution with respect to all of the kinds of insurance covered by this act, this act shall be deemed to have expired.

Approved March 14, 1970.
CHAPTER 153
(S. B. No. 1575)

AN ACT
AMENDING SECTION 59-1302, IDAHO CODE, RELATING TO DEFINITIONS AS USED IN THE PUBLIC EMPLOYEE RETIREMENT ACT, BY INCLUDING IN THE DEFINITION OF “FUNDING AGENT” IN SUBSECTION (19) PROVISIONS FOR SELECTION OF MORE THAN ONE FUNDING AGENT.

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

SECTION 1. That Section 59-1302, Idaho Code, be, and the same is hereby amended to read as follows:

59-1302. DEFINITIONS. — (1) As used in this act, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) "Active member" means any employee who has completed at least twelve (12) months of service and who is neither receiving benefits under any other retirement system operated wholly or in part by an agency of the state or political subdivision nor establishing the right to receive benefits from any such retirement system, but an employee shall be an active member if otherwise eligible:

(a) in any case where the public employee retirement system has in existence an agreement with another retirement system pursuant to which such an employee is allowed membership rights;
(b) although a contingent annuitant under the optional retirement allowances as provided in this act or by any similar provision of any other retirement act;
(c) where an employee's remuneration is paid by two (2) or more governmental units, provided that with respect of some portion of such remuneration the employee is not establishing the right to receive benefits from any other retirement system operated wholly or in part by an agency of the state or a political subdivision. The salaries from all such sources shall be combined and treated as though the salaries were paid from one (1) source in accordance with the rules of the board.

(3) "Accumulated contributions" means the sum of amounts contributed by a member of the system, together with regular interest credit thereon.

(4) "Actuarial equivalent" means a benefit equal in value to another benefit, when computed upon the basis of the actuarial tables in use by the
system.

(5) "Actuarial tables" means such tables as shall have been adopted by the board in accordance with recommendations of the actuary.

(6) "Beneficiary" means the person who is nominated by the written designation of a member, duly executed and filed with the board, to receive the death benefit. Should no beneficiary be designated, his beneficiary shall be his surviving spouse, if any, otherwise his next of kin pursuant to the provisions of section 14-103, Idaho Code.

(7) "Calendar year" means twelve (12) calendar months commencing on the first day of January.

(8) "Credited service" means the aggregate of membership service and prior service.

(9) "Date of establishment" means July 1, 1965 or a later date established by the board or statute.

(10) "Death benefit" means the amount, if any, payable upon the death of a member.

(11) "Disability retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for disability retirement.

(12) "Disabled" shall have the meaning given in this subsection. A member shall be considered to be disabled if the board shall find, on the basis of medical evidence:

(a) that he is prevented from engaging in any occupation or employment for remuneration or profit as a result of bodily injury or disease, either occupational or nonoccupational in cause, but excluding disabilities resulting from service in the armed forces of any country, or from an intentionally self-inflicted injury; and

(b) that he will remain so disabled permanently and continuously during the remainder of his life.

Refusal to submit to a medical examination ordered by the board before the commencement of a disability retirement allowance or at any reasonable time thereafter shall constitute proof that the member is not disabled. The board shall be empowered to select for such medical examination one (1) or more physicians or surgeons who are licensed to practice medicine and perform surgery. The fees and expenses of such examination shall be paid from the administration account of the fund. No member shall be required to undergo such examination more often than once each year after he has received a disability retirement allowance continuously for two (2) years.

(13) "Early retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while
eligible for early retirement.

(14) (A) "Employee" means:

(a) Any person who normally works in excess of twenty (20) hours per week for an employer and who received salary for services rendered for such employer, or
(b) Elected officials or appointed officials of an employer, or
(c) Civilian employees of the Idaho National Guard employed through direct appointment or designation by the governor or the adjutant general and whose salaries are paid by the United States, provided that the United States furnishes the employer contributions required to be paid by sections 59-1330 and 59-1332, Idaho Code. The date of establishment for said employees shall be set by the board but shall not be earlier than July 1, 1965 nor later than the date of commencement of contributions by the United States.

(B) "Employee" does not include:

(a) Persons rendering service to an employer in the capacity of an independent business, trade or profession; or
(b) Seasonal, emergency or casual workers whose periods of employment with any employer do not total five (5) months in any calendar year; or
(c) Persons provided sheltered employment or madework by a public employer in an employment or industries program maintained for the benefit of such persons; or
(d) Inmates of a state institution or persons enrolled full time in a state institution principally for purposes of training, whether or not receiving compensation for services performed for the institution; or
(e) Persons making contributions to the United States civil service commission under the United States Civil Service System Retirement Act except that those persons who receive separate remuneration for work currently performed for an employer and the United States Government may elect to be members of the retirement system in accordance with rules of the board.

(15) "Employer" means the state of Idaho, or any political subdivision or governmental entity, provided such subdivision or entity has elected to come into the system.

(16) "Fireman" means an employee whose primary occupation is that of preventing and extinguishing fires as determined by the rules of the board.
(17) "Fiscal year" means the period beginning on July 1 in any year and ending on June 30 of the next succeeding year.

(18) "Fund" means the public employee retirement fund established by this act.

(19) "Funding agent" means any bank or banks, trust company or trust companies, and any legal reserve life insurance company or legal reserve life insurance companies, or combinations thereof, selected by the board to hold and invest the employers' and members' contributions and pay certain benefits granted under this act.

(20) "Inactive member" means a former active member who is not an employee and is not receiving any form of retirement allowance, but for whom a separation benefit has not become payable.

(21) "Member" means an active member, inactive member or a retired member.

(22) "Membership service" means service with respect to which contributions are payable under sections 59-1303–59-1305, Idaho Code.

(23) "Military service" shall mean service in the armed forces of the United States prior to or after July 1, 1965. For the purposes of this act, military service shall not include any period ended by dishonorable discharge or during which option of termination of such service is granted but not accepted, nor shall it include any period which commences more than ninety (90) days after the person ceases to be an employee or ends more than ninety (90) days before the person again becomes an employee.

(24) "Police officer" means an employee engaged in hazardous law enforcement duties as determined by the board, or employees of the adjutant general and military department of the state.

(25) "Prior service" means any period prior to July 1, 1965 of military service or of employment for the state of Idaho or any political subdivision or other employer of each employee who is an active member or in military service or on leave of absence on the date of establishment. For the purpose of computing such service, no deduction shall be made for any continuous period of absence from service or military service of six (6) months or less.

(26) "Regular interest" means interest at the rate set from time to time by the board.

(27) "Retired member" means a former active member receiving a retirement allowance.

(28) "Retirement" means the acceptance of a retirement allowance under this act upon termination of employment.

(29) "Retirement board" or "board" means the board provided for in
sections 59-1326–59-1329, Idaho Code, to administer the retirement system.

(30) “Retirement system” or “system” means the public employee retirement system of Idaho.

(31) “Salary” means the total salary or wages payable by all employers to an active member for personal services currently performed, together with all remuneration for personal services from whatever source, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with the rules prescribed by the board.

(32) “Separation benefit” means the amount, if any, payable upon or subsequent to separation from service.

(33) “Service” means personal service rendered to an employer for a salary. Service of fifteen (15) days or more during any calendar month shall be credited as one (1) month of service. Service of fourteen (14) days or less during any calendar month shall not be credited. No more than one (1) month of service shall be credited for all service in any month.

(34) “Service retirement allowance” means the periodic payment becoming payable upon an active member’s ceasing to be an employee while eligible for service retirement.

(35) “State” means the state of Idaho.

(36) “Vested retirement allowance” means the periodic payment becoming payable upon an inactive member’s becoming eligible for vested retirement.

(37) The masculine pronoun, wherever used, shall include the feminine pronoun.

Approved March 14, 1970.

CHAPTER 154
(S. B. No. 1583)

AN ACT
AMENDING SECTION 1 OF CHAPTER 465, LAWS OF 1969, TO PROVIDE THAT THE COMMITTEE ON ACCOUNTING SYSTEMS AND DATA PROCESSING SHALL HAVE AS A RESPONSIBILITY AND DUTY THE TASK OF DEVELOPING A SYSTEM FOR USE IN
THE PREPARATION OF BUDGETS; AMENDING SECTION 2 OF CHAPTER 465, LAWS OF 1969, TO PROVIDE THAT THE COMMITTEE SHALL CONTINUE IN EXISTENCE UNTIL MARCH 31, 1971; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 465, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. In order to provide for the most efficient and economical method of providing vital statistical and financial data for the operation of government in the state of Idaho, there is hereby created the committee on accounting systems and data processing. The committee shall have as primary responsibilities and duties, the task of planning and designing of a uniform modern system of accounting for the state of Idaho, and the development of a system for use in the preparation of the 1971 and subsequent budgets in accordance with the design specifications of the uniform statewide financial management information and reporting system. The committee shall also propose general policies, priorities and methods to coordinate the use of data processing of governmental information systems.

SECTION 2. That Section 2 of Chapter 465, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 2. The committee shall be composed of ten (10) members, as follows:

(1) The state auditor;
(2) Four (4) members shall be appointed by, and be members of, the budget and fiscal committee of the legislative council;
(3) The director of administrative services;
(4) The director of the bureau of public accounts;
(5) Three (3) members from the general public, knowledgeable in modern accounting systems, business practices, and data processing, to be selected as follows:
   (a) One (1) member to be appointed by the state auditor;
   (b) One (1) member to be appointed by the governor;
   (c) One (1) member to be appointed by the budget and fiscal committee of the legislative council.

The committee shall continue in existence until March 31, 1971, unless sooner terminated by law. Any vacancy occurring on the committee shall be filled in the manner provided for establishing the original committee.

SECTION 3. An emergency existing therefor, which emergency is
hereby declared to exist. This act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970.

CHAPTER 155
(S. B. No. 1587)

AN ACT
AMENDING SECTION 67-2743E, IDAHO CODE, BY PROVIDING THAT OFFICERS OR EMPLOYEES OF THE COMMISSIONER OF FINANCE OR STATE TREASURER MAY NOT DISCLOSE ANY INFORMATION REGARDING THE SOLVENCY OF THE BANK OBTAINED FROM THE BANK; EXCEPTING OFFICIAL REPORTS OF THE STATE TREASURER'S OFFICE.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-2743E, Idaho Code, be, and the same is hereby amended to read as follows:

67-2743E. UNLAWFUL DISCLOSURE OR USE OF INFORMATION RELATING TO DEPOSITORIES – PENALTY. – No member of the board or employee in the office of the commissioner of finance or state treasurer may disclose any information regarding the solvency of the bank obtained from any bank to any person not connected with the board, the department of finance, or office of state treasurer, except to federal or state bank examiners having a lawful right to examine said bank or to proper officials legally empowered to investigate criminal charges relating to said bank or to any of its directors or employees, provided that the provisions of this section shall not apply to information included as part of the daily, monthly, biennial or other official reports of the state treasurer’s office. Any public official who violates any provision of this section shall forfeit his office or employment and shall also be guilty of a felony. Any person who is not lawfully entitled to such information and who attempts to obtain such information illegally or who misuses such information as he may have obtained shall be guilty of a felony.

Approved March 14, 1970.
AN ACT
APPROPRIATING ALL MONEYS FROM THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEY FROM THE GENERAL FUND TO THE STATE BOARD OF EDUCATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. Notwithstanding the provisions of Chapter 146, Laws of 1969, there is hereby appropriated from the public school income fund to the state board of education to be expended pursuant to law all moneys accruing to such fund.

SECTION 2. There is hereby appropriated from the general fund to the state board of education, to be allocated to institutions of higher education, the sum of $1,350,000 for the following purposes in priority:

1. providing faculty and support personnel in institutions where there has been an unanticipated increase in enrollments;
2. to purchase equipment to avoid loss of federal funds;
3. to provide programs principally at the graduate level in specialized fields during the summer months;
4. authorizing, in an amount not to exceed $90,000, the office of higher education to carry out research, planning and operational programs for the state board of education;
5. allocating funds to institutions for support personnel essential to providing services to students.
6. allocating funds to institutions to employ ancillary personnel essential to operation of the institution.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970.
CHAPTER 157
(S. B. No. 1600)

AN ACT
AMENDING SECTION 50-1514, IDAHO CODE, BY INCREASING RETIREMENT BENEFITS TO REFLECT COST OF LIVING INCREASES; AMENDING SECTION 50-1516, IDAHO CODE, BY AMENDING SUBSECTION H TO PROVIDE FOR RETIREMENT COMPENSATION, INCLUDING COST OF LIVING INCREASES.

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

SECTION 1. That Section 50-1514, Idaho Code, be, and the same is hereby amended to read as follows:

50-1514. RETIREMENT OF POLICEMEN — RETIREMENT BENEFITS — LEAVE OF ABSENCE. — (a) Whenever any person shall have been duly appointed, selected and sworn in as a member in any capacity or rank whatsoever of a regularly constituted police department of the city which may hereafter be subject to the provisions of sections 50-1501 through 50-1524, Idaho Code, and shall have reached the age of sixty (60) years, shall be retired upon his written application to the board of retirement fund commissioners, and every other member of such a police department who reaches the age of sixty-five (65), or any member who, after reaching the age of sixty (60) years, continues in a regular capacity with such police department and thereafter becomes physically or mentally incapacitated to a degree which prevents efficient service, shall by the order and direction of the said board be retired from further service with such city police department. When any person shall have served not less than twenty-five (25) years accumulatively with the same city police department, he may, should he so desire have the right to retire at that time, provided he has not reached the age of sixty-five (65) years and provided further that whenever such person eligible to retire upon completion of twenty-five (25) years of accumulated service so elects, he may, upon application to the board of police retirement fund commissioners, remain in active service as long as his physical condition permits, or until reaching the age of sixty-five (65) years. When the board issues an order of retirement, said order shall terminate and end the services of a person in such police department, except in cases of extreme emergency as determined by the board of police retirement fund commissioners in cooperation with the chief of police of said city, and such person to be retired shall thereafter during his lifetime be paid from such fund, a yearly retirement sum, equal to one half (½) of the average annual
salary received by such person during the five (5) highest salary years of his last ten (10) years of service next preceding the date of such retirement, which retirement sum shall be adjusted in proportion to any cost of living adjustments made to the salaries of active employees.

(b) The period of time during which any paid policeman who is entitled to retire under sections 50-1501 through 50-1524, Idaho Code, is out of the service with the constituted police department of said city, while on authorized leave of absence, other than leave of absence granted a policeman by reason of injury or illness, and during which period of time the said policeman is not carried on the payroll of the police department of such city, shall not be counted as applying to accumulative service under sections 50-1501 through 50-1524, Idaho Code, except that this shall not apply to leave of absence granted to any policeman of any city for the purpose of service in the armed forces of the United States. The period of time prior to granting a leave of absence, other than those granted due to injury or illness, or for the purpose of serving in the armed forces of the United States, when such policeman was actually on the payroll of the police department of the city, and period of time the said policeman is actually on the payroll of the said police department after his return from leave of absence, shall be computed to establish length of accumulated service. Also, providing that any paid policeman coming under the provisions of sections 50-1501 through 50-1524, Idaho Code, who shall leave the service of the said police department and has been repaid any part or all of the moneys paid by him through payroll deductions to the said fund, shall, if and when returning to service of said police department, repay the amount of money he was reimbursed, under the following provisions of sections 50-1501 through 50-1524, Idaho Code, to the said policeman's retirement fund before becoming eligible to receive retirement pay under the provisions of sections 50-1501 through 50-1524, Idaho Code.

SECTION 2. That Section 50-1516, Idaho Code, be, and the same is hereby amended to read as follows:

50-1516. RETIREMENT FOR DISABILITY — DEATH BENEFITS … FUNERAL BENEFITS. — No person shall be retired as provided in the above sections unless the said party shall comply with the qualifications set out and provided by sections 50-1501 through 50-1524, Idaho Code:

(a) Any paid policeman incapacitated by injury or by illness as a result of the performance of his official duties as a paid member of a police department shall be retired so long as such disability shall continue in a degree which prevents efficient service and during such disability shall be
paid from the said fund disability benefit as follows:

(1) For disability attributable wholly to service as a paid policeman, a monthly sum equal to one twenty-fourth (1/24) of the amount of the annual salary attached to the rank which he held in the said police department for a period of one (1) year next preceding the date of such retirement;

(2) For disability attributable only in part to service as a paid policeman, a monthly disability benefit in an amount to be fixed by the board of police retirement fund commissioners, but commensurate with the extent of proportion such service-connected disability relates to such person's preexisting injury or infirmity, the said board may increase or decrease such monthly benefits whenever the impairment in the person's earning capacity warrants an increase or decrease, but in no event shall a monthly benefit paid to such person exceed the benefit provided under subparagraph (1) above;

(3) Provided, however, that if any such paid policeman is entitled to receive compensation under the Workmen's Compensation Law of the state of Idaho as it now exists, or shall hereafter be amended, the amount payable under this act shall be reduced by the amount to which said paid policeman is entitled under the Workmen's Compensation Law;

(4) The board of police retirement fund commissioners shall require medical examinations of all applicants for retirement by reason of disability, and shall, at the discretion of said board, require periodic medical examinations of persons receiving a disability retirement allowance. The said board shall prescribe general rules for medical examination required hereunder, and may provide for the discontinuance of any disability retirement allowance and forfeiture of all rights under this act for any person who refuses to submit to such an examination;

(5) The decision of the said board as to eligibility allowances or benefits shall be final;

(6) When a disability beneficiary is determined by the said board to be not incapacitated in a degree which prevents efficient service, his disability retirement allowance shall be canceled forthwith;

(7) Such a person, who for any reason is not reinstated in the service of his department, shall receive separation benefits according to his entitlement, as provided under section 50-1515, Idaho Code.

(b) In event a paid policeman is killed or sustains injury, from which
death results, while in the performance of his duty or from causes disconnected with his official duties but during the period of his service, and leaves surviving him a widow or a minor child or minor children, his widow, during the time she remains his widow and does not remarry, or, in the event his wife has predeceased him, his minor child or minor children, shall be paid from the said fund a yearly retirement sum equal to one half (½) of the amount of the salary attached to the rank he held in the said police department of the city for a period of one (1) year next preceding the date of such time of injury or death. In event a widow of a policeman so killed, or whose death so results, shall thereafter die or remarry and there shall be at the time of such remarriage or death, a minor child or minor children of the deceased policeman under the age of eighteen (18) years, the payments aforesaid shall be paid to the widow, notwithstanding such remarriage, but for the sole benefit of such minor child or children under and until reaching the age of eighteen (18) years; provided, however, that any sums payable to any widow or minor child or children of any policeman under this act shall be reduced by any sum to which such widow or minor child or children may be entitled under the provisions of the Workmen's Compensation Law of the state of Idaho.

(c) In event a paid policeman, retired on retirement pay, shall die and leave surviving him a widow, who was his wife for over five (5) years immediately prior to his death, but no minor children, she shall receive an amount equal to three fourths (¾) of the retirement or benefit pay of her husband prior to his death, but only during her lifetime or until she remarry.

(d) In event a paid policeman, retired on retirement pay, shall die and leave surviving him a widow, who was his wife for over five (5) years immediately prior to his death or a minor child or minor children, the widow, or, in the event his wife has predeceased him, his minor child or children, shall be paid the retirement pay to which the deceased policeman was eligible, and if his surviving widow thereafter dies or remarry the full retirement pay shall be paid to the child or children until they reach the age of eighteen (18) years.

(e) In event any paid policeman shall die within three (3) months, from and as a result of injuries received in performance of duty or from causes disconnected with his official duties but during the period of his service and shall at the time of his death be unmarried but shall leave surviving him dependent natural father and mother, the retirement or benefit pay to which he would have been entitled thereunder shall be paid fifty per cent (50%) to
each of the surviving parents during the continuance of his or her natural life.

(f) In addition to the foregoing, at the death of any paid policeman from whatever cause, the said fund shall pay the sum of one hundred dollars ($100) as funeral expenses.

(g) Any policeman, father, mother, widow, child or children of a policeman entitled to compensation under the Workmen's Compensation Law shall draw benefits under sections 50-1501 through 50-1524, Idaho Code, only to the extent that the benefits under sections 50-1501 through 50-1524, Idaho Code, exceed those to which he shall be entitled under the Workmen's Compensation Law of the state of Idaho.

(h) When a policeman has been disabled and when the period of his disability combined with his prior service as a policeman makes him eligible for retirement under the provisions of sections 50-1501 through 50-1524, Idaho Code, he may upon application to the board be retired at one half ($\frac{1}{2}$) the rate of pay applicable for the job classification at the time of disability, or its equivalent, which he held at the time of disability which pay shall be adjusted in proportion to any cost of living adjustments made to the pay of active employees.

Approved March 14, 1970

CHAPTER 158
(S. B. No. 1607)

AN ACT
AMENDING SECTION 1 OF CHAPTER 344, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUND ENUMERATED TO THE DEPARTMENT OF LABOR, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $48,500.00: AND DECLARING AN EMERGENCY.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1 of Chapter 344, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the
Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Department of Labor.

FOR MAJOR AND MINOR PROGRAMS:

<table>
<thead>
<tr>
<th>Administration</th>
<th>$178,750</th>
<th>227,250</th>
</tr>
</thead>
</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Salaries and Wages</th>
<th>$128,280</th>
<th>161,205</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel</td>
<td>$12,978</td>
<td>18,343</td>
</tr>
<tr>
<td>Other Current Expenses</td>
<td>$31,574</td>
<td>40,380</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$5,948</td>
<td>7,322</td>
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FROM:

<table>
<thead>
<tr>
<th>General Fund</th>
<th>$178,750</th>
<th>227,250</th>
</tr>
</thead>
</table>

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970.

CHAPTER 159
(S. B. No. 1608)

AN ACT

AMENDING SECTION 1 OF CHAPTER 376, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUND ENUMERATED TO THE IDAHO HISTORICAL SOCIETY, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $7,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 376, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Idaho Historical Society.

FOR MAJOR AND MINOR PROGRAMS:

<table>
<thead>
<tr>
<th>Administration</th>
<th>$238,900</th>
<th>245,900</th>
</tr>
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</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Salaries and Wages</th>
<th>$194,400</th>
</tr>
</thead>
</table>
CHAPTER 160  
(S. B. No. 1610)  

AN ACT  
AMENDING SECTION 1 OF CHAPTER 400, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUND ENUMERATED TO THE BUREAU OF MINES AND GEOLOGY, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $20,000; AND DECLARING AN EMERGENCY.  

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

SECTION 1. That Section 1 of Chapter 400, Laws of 1969, be, and the same is hereby amended to read as follows:  

<table>
<thead>
<tr>
<th>FOR MAJOR AND MINOR PROGRAMS:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL OPERATIONS</td>
<td>$346,400</td>
<td>366,400</td>
</tr>
<tr>
<td>SPECIAL MINERAL SURVEY</td>
<td>15,000</td>
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</tr>
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</table>

<table>
<thead>
<tr>
<th>BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SALARIES AND WAGES</td>
<td>$275,000</td>
<td>295,000</td>
</tr>
<tr>
<td>TRAVEL</td>
<td>20,000</td>
<td></td>
</tr>
<tr>
<td>OTHER CURRENT EXPENSES</td>
<td>55,000</td>
<td></td>
</tr>
<tr>
<td>CAPITAL OUTLAY</td>
<td>11,400</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
<td>$361,400</td>
<td>381,400</td>
</tr>
</tbody>
</table>
SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970.

CHAPTER 161
(S. B. No. 1612)

AN ACT
AMENDING SECTION 1 OF CHAPTER 351, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUNDS ENUMERATED TO THE PUBLIC UTILITIES COMMISSION, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $46,633; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 351, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Public Utilities Commission.

FOR MAJOR AND MINOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Appropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>UTILITIES</td>
<td>278,669</td>
<td>274,542</td>
</tr>
<tr>
<td>MOTOR CARRIER</td>
<td>272,504</td>
<td>274,542</td>
</tr>
<tr>
<td>RAIL</td>
<td>58,129</td>
<td></td>
</tr>
<tr>
<td>AIRLINE</td>
<td>17,822</td>
<td></td>
</tr>
<tr>
<td>POWER RATE STUDY</td>
<td>26,770</td>
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BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Category</th>
<th>Appropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>SALARIES AND WAGES</td>
<td>413,778</td>
<td>429,127</td>
</tr>
<tr>
<td>TRAVEL</td>
<td>54,900</td>
<td>57,300</td>
</tr>
<tr>
<td>OTHER CURRENT EXPENSES</td>
<td>136,121</td>
<td>163,875</td>
</tr>
<tr>
<td>CAPITAL OUTLAY</td>
<td>4,500</td>
<td>5,630</td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Appropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
<td>124,860</td>
<td>166,860</td>
</tr>
<tr>
<td>RECEIPTS TO APPROPRIATION</td>
<td>487,439</td>
<td>489,072</td>
</tr>
<tr>
<td>TOTAL</td>
<td>609,299</td>
<td>655,932</td>
</tr>
</tbody>
</table>
SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970.

CHAPTER 162
(S. B. No. 1614)
AN ACT
APPROPRIATING MONEY FROM THE GENERAL FUND TO THE WATER RESOURCE BOARD FOR THE PURPOSES STATED; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the general fund the following sums of money to the water resource board for the following purposes:

1. $20,000 for the purpose of a feasibility study of the Council Unit program;
2. $150,000 solely for the purpose of making an independent economic feasibility study by the board of the proposed development of the Mountain Home division of the Southwest Idaho Water Development project. The study shall realistically examine in depth, not only the joint venture proposal as now offered by the board, but the feasibility of the joining of other participants or of the state of Idaho developing all of the features of the project. The study shall provide the determinants for a conclusion by the legislature as to all of the benefits of the proposed project and who the recipients will be.

This appropriation will supplement the appropriation provided for in Section 1, Chapter 451, Laws of 1969, in the following manner:

MAJOR PROGRAM:
WATER DEVELOPMENT $170,000

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:
SALARIES AND WAGES $16,000
TRAVEL 2,000
OTHER CURRENT EXPENSE 1,500
CAPITAL OUTLAY 500
PAYMENT AS AGENT 150,000
FROM:

GENERAL FUND $170,000

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970

CHAPTER 163
(S. B. No. 1615)

AN ACT

APPROPRIATING MONEY FROM THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC ASSISTANCE TO BE EXPENDED FOR MEDICARE INSURANCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the general fund to the department of public assistance the sum of $46,000 to be expended for medicare insurance.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970

CHAPTER 164
(S. B. No. 1616)

AN ACT

APPROPRIATING MONEY FROM THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC ASSISTANCE TO BE EXPENDED TO ALLOW AN INCREASE FOR NURSING HOME CARE EFFECTIVE AS OF APRIL 1, 1970; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the general fund to the department of public assistance the sum of $154,000 to be expended to allow an increase for nursing home care effective as of April 1, 1970.

SECTION 2. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970

CHAPTER 165
(S. B. No. 1621, As Amended in the House)

AN ACT

APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO BE EXPENDED AS INDICATED FOR THE PAYMENT OF OPERATING COSTS AND EXPENSES FOR THE PERIOD FROM THE APPROVAL OF THIS ACT TO JUNE 30, 1971, OF THE DEPARTMENT OF RECLAMATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the period from the approval of this act to June 30, 1971, of the Department of Reclamation.

FOR MAJOR AND MINOR PROGRAMS:

LEMHI RIVER WATER RIGHT ADJUDICATION STUDY $37,500

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

SALARIES AND WAGES $31,240
TRAVEL $ 4,000
OTHER CURRENT EXPENSES $ 2,260

FROM:

GENERAL FUND $37,500

Approved March 14, 1970

CHAPTER 166
(S. B. No. 1533)

AN ACT

AMENDING SECTION 63-105C, IDAHO CODE, BY PROVIDING THAT IF THE PROPERTY OF A FRATERNAL, BENEVOLENT, OR CHARITABLE CORPORATION OR SOCIETY IS LEASED IN PART OR USED IN PART BY SUCH CORPORATION OR SOCIETY FOR COMMERCIAL PURPOSES, THE ASSESSOR SHALL DETERMINE THE VALUE OF THE ENTIRE BUILDING, THE VALUE OF THE
PART USED OR LEASED FOR COMMERCIAL PURPOSES, AND IF THAT VALUE IS MORE THAN THREE PERCENT OF THE ENTIRETY, THAT PORTION OF THE BUILDING AS IS LEASED OR USED FOR COMMERCIAL PURPOSES SHALL BE ASSESSED AND TAXED; BY PROVIDING THAT THE USE BY SUCH CORPORATION OR SOCIETY OF ITS PROPERTY FOR ATHLETIC OR RECREATIONAL FACILITIES, RESIDENCE HALLS OR DORMITORIES, MEETING ROOMS OR HALLS, AUDITORIUMS, OR CLUB ROOMS SHALL NOT BE DEEMED A BUSINESS OR COMMERCIAL PURPOSE EVEN THOUGH REVENUE BE DERIVED THEREFROM; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-105C, Idaho Code, be, and the same is hereby amended to read as follows:

63-105C. PROPERTY EXEMPT FROM TAXATION — FRATERNAL, BENEVOLENT, OR CHARITABLE CORPORATIONS OR SOCIETIES. — The following property is exempt from taxation: Property belonging to any fraternal, benevolent, or charitable corporation or society, the World War veteran organization buildings and memorials of this state, used exclusively for the purposes for which such corporation or society is organized; provided, that if any building or property belonging to any such corporation or society is leased by such owner or if such corporation or society uses such property for business purposes from which a revenue is derived, then the same shall be assessed and taxed as any other property, and if any such property is leased in part or used in part by such corporation or society for commercial purposes the assessor shall determine the value of the entire building, and the value of the part used or leased for commercial purposes. If the value of the part used for commercial purposes is determined to be three percent (3%) or less than the value of the entirety, the whole of said property shall remain exempt. If the value of the part used for commercial purposes is determined to be more than three percent (3%) of the value of the entirety, the assessor shall and shall assess such proportionate part of such building including the value of the real estate as is so leased or used for commercial purposes, and shall assess all merchandise kept for sale, and the trade fixtures used in connection with the sale of such merchandise; provided, however, that the lease or use of any property by any such corporation or society for athletic or recreational facilities, residence halls or dormitories, meeting rooms or halls, auditoriums or club rooms within the purposes for which such corporation or society is organized, shall not be
deemed a business or commercial purpose, even though fees or charges be imposed and revenue derived therefrom.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactive to January 1, 1970.

Approved March 13, 1970

CHAPTER 167
(S. B. No. 1584)

AN ACT

AMENDING SECTION 33-901, IDAHO CODE, RELATING TO SCHOOL FACILITIES RESERVE FUND, BY PROVIDING THAT THE MONEYS IN THE FUND MAY BE USED TO REPAY LOANS FROM COMMERCIAL LENDING INSTITUTIONS EXTENDED TO PAY FOR THE CONSTRUCTION OF SCHOOL PLANT FACILITIES.

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

SECTION 1. That Section 33-901, Idaho Code, be, and the same is hereby amended to read as follows:

33-901. SCHOOL PLANT FACILITIES RESERVE FUND. — The board of trustees of any school district may create and establish a school plant facilities reserve fund by resolution adopted at any regular or special meeting of the board. All moneys for said fund accruing from taxes levied under section 33-804, Idaho Code, together with interest accruing from the investment of any moneys in the fund and any moneys allowed for depreciation of school plant facilities as are appropriated from the general fund of the district, shall be credited by the treasurer to the school plant facilities reserve fund.

Disbursements from said fund may be made from time to time as the board of trustees may determine, for purposes authorized in section 33-1102, Idaho Code, and to repay loans from commercial lending institutions extended to pay for the construction of school plant facilities, but no expenditure for remodeling existing buildings shall be authorized and made unless the estimated cost thereof shall exceed five thousand dollars ($5,000). Expenditures may also be made from this fund for participation by the school district in any local improvement district in which the school
district may be situate, but any such participation shall not create a lien upon any of the property owned by the school district.

Should any school district having a balance in its school plant facilities reserve fund be consolidated with one (1) or more school districts to form a new school district, the moneys in such fund shall be used to retire any bonds issued by it and outstanding at the time of the consolidation. If there are no bonds outstanding, any balance in its school plant facilities reserve fund shall accrue to the new district to be added to or to create and establish a school plant facilities reserve fund.

Should any school district having a balance in its school plant facilities reserve fund be divided so as to create two (2) or more new districts, the said fund may be used to retire any bonds issued by it and outstanding at the time of the division, or the said fund may be divided among the new school districts, as may be approved by the electors at the time of the division. If the fund is divided among the new districts, a school plant facilities reserve fund is thereby created and established for each district.

The board of trustees of any school district having a school plant facilities reserve fund created and established under any of the provisions of this section, may discontinue the same by resolution adopted at any regular meeting of the board. Upon such discontinuance, any balance in the fund shall be used to retire any outstanding bonds, if any; otherwise, the balance may be transferred to the general fund of the district.

Moneys in the school plant facilities reserve fund being held for future use may be invested in the manner of section 57-127, Idaho Code.

A detailed financial report of the operations in and the condition of the school plant facilities reserve fund shall be included in the annual report of each district. Forms for such reporting shall be provided by the state board of education. Such report shall be published as provided by law for the publication of annual reports of school districts.

Approved March 13, 1970

CHAPTER 168
(S. B. No. 1525)

AN ACT
AMENDING SECTION 67-1210, IDAHO CODE, RELATING TO THE INVESTMENT OF SURPLUS FUNDS, BY REDEFINING THE
TERMS "SURPLUS OR IDLE FUNDS"; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-1210, Idaho Code, be, and the same is hereby amended to read as follows:

67-1210. INVESTMENT OF SURPLUS FUNDS. — It shall be the duty of the state treasurer to invest surplus or idle funds in the state treasury (other than public endowment funds) in bonds, certificates of indebtedness or treasury bills of the United States of America or in bonds, notes, or other obligations of any agency or instrumentality of the United States of America when the payment of principal and interest thereof is fully guaranteed by the United States of America and due and payable within two (2) years from the date of purchase, in tax anticipation notes and registered warrants of the state of Idaho and in time deposits in state depositories pursuant to the provisions of chapter 27, title 67, Idaho Code. The term "surplus or idle funds" means those state moneys which the treasurer determines are not required to meet the anticipated expenditures for the next ensuing ninety-(90)-day period. The excess of available moneys in the state treasury, including the reasonably anticipated revenues, over and above the reasonably anticipated expenditures chargeable to those moneys, taking into account the dates at which such revenues and expenditure may be expected to occur, the charges of expenses to revenues being done in such a manner as to produce the maximum amount of excess. The interest received on all such investments, unless otherwise required by law, shall be paid into the general fund of the state of Idaho.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 13, 1970

CHAPTER 169
(S. B. No. 1562)

AN ACT
AMENDING SECTIONS 41-918 AND 41-920, IDAHO CODE, RELATING TO LIMITED LICENSES, BY PROVIDING AN INDIVIDUAL QUALIFIED TO HOLD A LIMITED LICENSE MAY HOLD MORE THAN ONE LIMITED LICENSE; AND DECLARING AN EMERGENCY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 41-918, Idaho Code, be, and the same is hereby amended to read as follows:

41-918. LIMITED AGENT'S QUALIFICATION LICENSES. — (1) The commissioner may issue to an applicant qualified therefor under this code a limited agent's qualification license for any one or more of the following as follows:

(a) Covering motor vehicle physical damage insurance only, if the licensee is not concurrently licensed as agent or solicitor as to any other kind of insurance or class of insurance business.

(b) To transportation ticket-selling agents of common carriers, covering personal accident insurance under ticket policies.

(c) To transportation ticket-selling agents of common carriers, covering baggage insurance.

(d) License covering only credit insurance, as such insurance is defined in section 41-506(1)(j), Idaho Code (“casualty insurance” defined), and no individual so licensed shall during the same period hold a license as an agent or solicitor as to any other or additional kind of insurance.

(e) Covering only credit life and/or credit disability insurance, and no individual so licensed shall during the same period hold a license as agent or solicitor as to any other or additional kind of insurance.

(2) Applicants for limited license as to accident insurance or baggage insurance under subdivisions (b) or (c) above are exempt from examination, as provided in section 41-913, and the fee for each such license, including issuance thereof and the appointment by the insurer, shall be in the amount specified in section 41-401(4)(e) (fee schedule).

(2) Licensees under this section shall not hold any other agent's qualification licenses as otherwise described and set forth in chapter 9 and chapter 10, title 41, Idaho Code.

SECTION 2. That Section 41-920, Idaho Code, be, and the same is hereby amended to read as follows:

41-920. CONTINUATION OF LICENSE — EXPIRATION OF LICENSE. — (1) All solicitor, nonresident broker, limited, adjuster, and surplus line broker licenses issued under this code shall continue in force until expired, suspended, revoked or otherwise terminated, but subject to payment to the commissioner at his office in Boise annually on or before March 31 of the applicable continuation fee as stated in section 41-401, Idaho Code (fee schedule), accompanied by written request for such continuation. Request for continuation shall be made as follows:

(a) As to nonresident broker, adjuster, and surplus line broker licenses,
request for continuation shall be made and signed by the licensee.

(b) As to solicitor licenses, request for continuation shall be made and signed by the appointing general lines agent.

(c) As to limited licenses issued under section 41-918, request for continuation shall be made and signed by the appointing insurer.

(2) Any license referred to in subsection (1) above as to which request for continuation and fee is not so received by the commissioner, shall be deemed to have expired at midnight on such March 31. Request for continuation of any such license or payment of the continuation fee therefor which is received by the commissioner after such March 31 and prior to the next following June 30 may be accepted and effectuated by the commissioner, in his discretion, if accompanied by an annual continuation fee one and one-half (1½) times the amount otherwise required.

(3) The license of an agent, other than under a limited license pursuant to section 41-918, shall continue in force as long as there is in effect as to such agent, as shown by the commissioner's records, an appointment or appointments as agent of authorized insurers covering collectively all of the kinds of insurance or classifications thereof included in the agent's license. Upon termination of all of such licensee's agency appointments as to a particular kind of insurance or classification thereof and failure to replace such appointment within ninety (90) days thereafter, the licensee's license as agent shall automatically thereupon expire and terminate as to such kind of insurance or classification and the licensee shall promptly deliver his license to the commissioner for reissuance, without fee or charge, as to the kinds of insurance or classifications thereof, if any, covered by the licensee's remaining agency appointments. Upon termination of all of the licensee's agency appointments the license shall forthwith terminate.

(4) As a condition to or in connection with the continuation of any agent or solicitor license the commissioner may require the licensee to file with him information relative to use made of the license during the next preceding calendar year, and especially showing whether the license has been used principally for the writing of controlled business, as defined in sections 41-908 or 41-1005, Idaho Code.

(5) This section does not apply to temporary licenses issued under sections 41-924 or 41-1013, Idaho Code.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 13, 1970
CHAPTER 170
(S. B. No. 1567)

AN ACT
AMENDING SECTION 72-912, IDAHO CODE, RELATING TO THE INVESTMENT OF SURPLUS OR RESERVE MONEYS OF THE STATE INSURANCE FUND BY PROVIDING THAT THE DEPARTMENT OF FINANCE SHALL, AT THE DIRECTION OF THE MANAGER, INVEST SURPLUS AND RESERVE FUNDS IN CERTAIN DESIGNATED, AUTHORIZED INVESTMENTS; AMENDING CHAPTER 9, TITLE 72, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 72-912A, IDAHO CODE, AND PROVIDING FOR THE APPOINTMENT OF TRUSTEES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 72-912, Idaho Code, be, and the same is hereby amended to read as follows:

72-912. INVESTMENT OF SURPLUS OR RESERVE. — The department of finance shall at the direction of the manager invest any of the surplus or reserve funds belonging to the state insurance fund in real estate and the same securities and investments authorized for investments by savings banks, insurance companies in Idaho as shall be approved by the manager. All such securities or evidences of indebtedness shall be kept in the hands of the department of finance, which shall be the custodian thereof. It shall collect the principal and interest thereof, when due, and pay the same into the state insurance fund. The state treasurer shall pay all warrants or vouchers drawn on the state insurance manager and by the state auditor. The department of finance at the request of the manager may sell any of such securities, the proceeds thereof to be paid over to the state treasurer for said insurance fund. Where such funds of the state insurance fund have been or are hereafter invested, with real property as security, and the said real property has been or is hereafter acquired by the state of Idaho by reason of foreclosure proceedings, voluntary deed, or otherwise, such property shall be held in trust by the state of Idaho for the benefit of the state insurance fund and may be sold by the department of finance at the request of the manager of said fund, and said sale may be had at private sale or public auction, upon such terms and under such conditions as the department of finance deems for the best interest of the state, but no sale of real estate at private sale may be had for a less price than the amount, with accrued interest, costs and
expenses, which has been invested by the state insurance fund in said real estate. Where such sale is to be made at public auction, it must take place in the county where the real estate is situated, and notice of time and place of sale must be posted in three (3) of the most public places in such county, and published in a newspaper, if there be one (1) printed in the said county, for at least once a week for not less than two (2) consecutive weeks, within thirty (30) days prior to the sale. Where such sale is to be made at private sale, it must take place in the county where the real estate is situated, and notice of time and place of sale must be posted in three (3) of the most public places in such county, and published in a newspaper, if there be one (1) printed in said county, for at least once a week for not less than two (2) consecutive weeks, within thirty (30) days prior to the sale. The notice must state a day on or after which the sale will be made, and a place where offers or bids will be received. The day last referred to must be at least fifteen (15) days from the first publication of notice, and the sale must not be made before that day, but must be made within six (6) months thereafter. The bids or offers must be in writing, sealed, and delivered to the commissioner of finance. The real estate and tenements, or the part thereof or interest therein to be sold, must be described with common certainty in the notice. The deed or deeds to such real estate shall be executed in the name of the state of Idaho as required by section 16, article 4 of the Constitution of the state of Idaho, and the proceeds from any such sale be paid over to the state treasurer for said insurance funds.

SECTION 2. That Chapter 9, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 72-912A, Idaho Code, and to read as follows:

72-912A. APPOINTMENT OF TRUSTEES.—The manager may direct the department of finance to select and contract with a minimum of one (1) investment trustee to manage the investment of the state insurance funds. The designated trustee or trustees shall, subject to the direction of the department of finance, exert control over the funds as though the investment trustee were the owner thereof. The department of finance shall be responsible for ensuring that the investment trustee complies with this act.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 13, 1970
CHAPTER 171
(S. B. No. 1548)

AN ACT
AMENDING SECTION 1 OF CHAPTER 445, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE GENERAL FUND TO THE LEGISLATURE, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY THREE HUNDRED THOUSAND DOLLARS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 445, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the general fund to the legislature, for the period from the approval of this act to June 30, 1971, the sum of $250,000, or so much as may be necessary, to be used for the complete payment of any bills and claims still outstanding as of January 1, 1969, resulting from forest fires. Such appropriation shall not be used for any other purpose, and the entire fire negotiation committee must certify to the state auditor any claim prior to payment. Any unused portions of this appropriation shall be returned to the general fund.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 13, 1970

CHAPTER 172
(S. B. No. 1500, As Amended)

AN ACT
AMENDING SECTION 49-322, IDAHO CODE, RELATING TO THE EXPIRATION OF OPERATOR'S LICENSES, BY PROVIDING THAT ANY OPERATOR'S LICENSE ISSUED PRIOR TO ACTIVE DUTY IN THE ARMED FORCES SHALL BE IN FULL FORCE AND EFFECT FOR ONE THREE-YEAR RENEWAL PERIOD DURING ACTIVE DUTY AND FOR SIXTY DAYS AFTER HONORABLE DISCHARGE.

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

SECTION 1. That Section 49-322, Idaho Code, be, and the same is hereby amended to read as follows:
49-322. EXPIRATION OF LICENSES. (a) The expiration date for each operator’s license issued after the passage and approval of this act shall be the birthday of the operator in the third year following the date of issuance of such license. The birthday of the operator as used herein shall be the birthday as indicated on his application for an operator’s license. Every such license and all licenses heretofore issued which are valid on the effective date of this act shall be renewable on or before its expiration upon application and payment of the fee of six dollars ($6.00) and shall be renewed on application by the person to whom such license was issued upon such form as the department may require. The department may in its discretion require an examination of the applicant as upon an original application. To the extent as its facilities permit, the department shall, before issuing or renewing any license, check the record of the applicant for traffic violations and traffic accidents, and may withhold or refuse the issuance of a license to any applicant unless satisfied upon reasonable proof that such person can, and will operate a motor vehicle safely.

(b) Every chauffeur’s license issued prior to the passage and approval of this act shall expire upon the next birthday of each licensee thereafter. The expiration date for each chauffeur’s license issued after the passage and approval of this act shall be the birthday of the chauffeur in the third year following the date of issuance of such license. The birthday of the chauffeur as used herein shall be the birthday as indicated on his application for a chauffeur’s license. Every such chauffeur’s license heretofore issued which is valid on the effective date of this act shall be renewable on or before its expiration date upon the application and payment of the fee of eight dollars ($8.00). The department may in its discretion limit an examination of an applicant for renewal of a chauffeur’s license to an examination of physical condition only.

(c) An Idaho operator’s license issued to any person prior to serving on active duty in the armed forces of the United States, if valid and in full force and effect upon entering active duty, shall remain in full force and effect and shall be automatically renewed for a period of three (3) years so long as active duty continues, if the license is not suspended, cancelled or revoked during such active duty as provided by law, and the license shall remain in full force and effect sixty (60) days following the date the holder is honorably discharged from active duty.

Approved March 13, 1970
AN ACT

AUTHORIZING A NEEDS STUDY OF HIGHWAYS, ROADS AND STREETS; PROVIDING FOR THE CREATION OF A SPECIAL LEGISLATIVE COMMITTEE, ITS APPOINTMENT, PAYMENT OF ALLOWANCES AND EXPENSES, AND MEETING; PROVIDING THE COMMITTEE MAY MEET WITH THE DEPARTMENT OF HIGHWAYS PLANNING STUDY DIVISION, PROVIDING FOR PROGRESS REPORTS, AND PROVIDING FOR A REPORT TO THE FORTY-FIRST LEGISLATURE; APPROPRIATING MONEYS OUT OF THE HIGHWAY FUND FOR THE PURPOSES OF THE COMMITTEE; AND DECLARING AN EMERGENCY.

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

SECTION 1. The legislature hereby adopts the recommendation of the Idaho board of highway directors and recognizes the necessity of, and hereby orders made, a thorough, impartial and factual needs study of state, county, district and city streets, roads and highways to be conducted by the state department of highways under the general supervision and direction of the board of highway directors and the special legislative committee created by this act.

SECTION 2. There is hereby created a special legislative committee, to be known as the legislative interim highway roads and streets needs study committee, to be composed of two (2) members of the senate and two (2) members of the house of representatives, of which in each body one (1) shall be a member of the republican party and one (1) a member of the democratic party. The senate members shall be appointed by the president pro tempore of the senate, and the house of representatives members shall be appointed by the speaker of the house. The president of the senate and the speaker of the house of representatives may and they are hereby authorized to pay, from the funds appropriated herein, to individual members of the committee the cost of travel, food, lodging and twenty-five dollars ($25.00) a day expenses incurred in furtherance of committee business. The committee shall first meet during the month of April, 1970, at the call of the speaker of the house, and shall select its own chairman and vice-chairman.

SECTION 3. The committee may meet with the planning study division of the department of highways when and as often as the committee chairman shall deem advisable. Progress reports on the study shall be submitted from time to time by the department to both the committee and
to the board of highway directors meeting in joint session as the committee
and/or the board deem advisable. The committee and the board shall jointly
report findings and recommendations to the regular session of the forty-first
legislature.

SECTION 4. There is hereby appropriated out of the highway fund the
sum of two thousand dollars ($2,000.00), or so much thereof as may be
necessary, to the Idaho legislature, for the purposes of paying the allowances
and expenses of the committee established by this act.

SECTION 5. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect on and after
its passage and approval.

Approved March 13, 1970

CHAPTER 174
(H. B. No. 552, As Amended)

AN ACT
AMENDING SECTION 14-414, IDAHO CODE, RELATING TO TAXES
RECEIVED UNDER THE PROVISIONS OF THE TRANSFER AND
INHERITANCE TAX ACT, BY INCREASING FROM FIFTY PER
CENT TO NINETY PER CENT THE AMOUNT CHARGED TO THE
COUNTY TREASURER BY THE STATE TAX COMMISSION;
AMENDING SECTION 14-425, IDAHO CODE, RELATING TO
DISPOSITION OF MONEYS COLLECTED BY THE COUNTY
TREASURER UNDER THE PROVISIONS OF THE TRANSFER AND
INHERITANCE TAX ACT, BY DECREASING FROM FIFTY PER
CENT TO TEN PER CENT OF THE AMOUNT COLLECTED TO BE
CREDITED TO THE CURRENT EXPENSE FUND OF THE COUNTY
AND INCREASING FROM FIFTY PER CENT TO NINETY PER
CENT OF THE AMOUNT COLLECTED TO BE PAID TO THE STATE
TREASURER, AND DIRECTING PAYMENT OF SUCH MONEYS
INTO A FUND; AMENDING SECTION 14-427, IDAHO CODE,
RELATING TO FEES, COMPENSATION AND EXPENSES, BY
DECREASING FROM FIFTY PER CENT TO TEN PER CENT OF
THE AMOUNT COLLECTED BY THE COUNTY TREASURER
UNDER THE PROVISIONS OF THE TRANSFER AND
INHERITANCE TAX ACT TO BE CREDITED TO THE CURRENT
EXPENSE FUND OF THE COUNTY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 14-414, Idaho Code, be, and the same is hereby amended to read as follows:

14-414. RECEIPT FOR PAYMENT OF TAX — DISTRIBUTION PROHIBITED UNTIL TAX IS PAID. — Upon the payment to any county treasurer of any tax due under this act, such treasurer shall issue a receipt therefor, in triplicate, one (1) copy of which he shall deliver to the person paying said tax, and the original and one (1) copy thereof he shall immediately send to the commissioner of finance state tax commission, whose duty it shall be to charge the treasurer so receiving the tax with fifty ninety per cent (50%90%) of the amount thereof, and said commissioner of finance state tax commission shall retain one (1) of the receipts and the other he it shall countersign and seal with the seal of his its office, and immediately transmit to the court fixing such tax. And an executor, administrator, or trustee shall not be entitled to credits in his accounts, nor be discharged from liability for such tax, nor shall said estate be distributed, unless a receipt so sealed and countersigned by the commissioner of finance state tax commission, or a copy thereof, certified by him it, shall have been filed with the court. Any person shall, upon payment to the county treasurer of the sum of fifty cents (50¢), be entitled to a duplicate, or copy, of any receipt that may have been given by said treasurer for the payment of any tax under this act.

SECTION 2. That Section 14-425, Idaho Code, be, and the same is hereby amended to read as follows:

14-425. COUNTY TREASURER TO COLLECT TAXES. — The treasurer of each county shall collect all taxes and moneys that may be due and payable under this act. Fifty Ten per cent (50%10%) thereof shall be credited to the current expense fund of the county, and fifty ninety (50%90%) thereof (excepting such moneys as the county treasurer may pay out from time to time pursuant to the provisions of this act) shall be paid to the state treasurer, who shall issue a receipt therefor. The county treasurer shall make a report under oath of the collection and payment of all taxes collected under the provisions of this act to the commissioner of finance state tax commission between the first and fifteenth days of June and December of each year, stating for what estate or estates paid, and in such form and containing such particulars as the commissioner of finance may prescribe; and for all such taxes collected by him and not paid to the state treasurer by the first day of July and January of each year, he shall pay
interest at the rate of ten per cent (10%) per annum. All moneys so paid by
the county treasurer to the state treasurer shall be paid into the state
treasury to the credit of the water pollution control general fund of the
state. In the event any tax or taxes arising under the provisions of this act
become delinquent and are unpaid, the commissioner of finance state tax
commission shall have the right and he it is hereby empowered to institute
on behalf of the state an appropriate action for the collection of the same, in
any court or courts having jurisdiction.

SECTION 3. That Section 14-427, Idaho Code, be, and the same is
hereby amended to read as follows:

14-427. FEES — COMPENSATION AND EXPENSES. — Neither the
probate court, county treasurer nor prosecuting attorney shall be entitled to
or collect any fees for any services rendered under the provisions of this act,
but fifty ten per cent (50%10%) of the amount of all taxes collected by the
county treasurer to be credited to the current expense fund of the county is
as herein provided for, shall be in lieu of fees or other charges.

The compensation to be paid the appraisers appointed pursuant to the
provision of chapter 4 of title 15, Idaho Code, shall be paid out of the assets
of the estate of the decedent; the compensation and expenses to be allowed
and paid the inheritance tax appraiser, except as herein otherwise provided,
shall be paid on order of the court by the county treasurer out of any
moneys in his possession belonging to the state collected under the
provisions of this act.

SECTION 4. This act shall be in full force and effect on and after July
1, 1970.

Approved March 13, 1970

CHAPTER 175
(H. B. No. 511, As Amended)

AN ACT
AMENDING SECTION 22-901, IDAHO CODE, RELATING TO THE
POTATO GRADING LAW, BY STRIKING THE REQUIREMENT
THAT POTATOES SHALL BE PACKED IN CONTAINERS OR BAGS,
THUS PERMITTING BULK SHIPMENTS; PROVIDING FOR
PERMITS FOR BULK SHIPMENT OF POTATOES OUTSIDE THE
STATE OF IDAHO, AND THAT SUCH PERMITS SHALL BE ISSUED
SUBJECT TO THE POTATOES MEETING GRADE REQUIREMENTS
AND PROVIDING FOR THE REGULATIONS AND FORMS TO
CARRY OUT THIS PROVISION; AMENDING SECTIONS 22-902,
22-903, AND 22-904, IDAHO CODE, RELATING TO THE VARIOUS
GRADES FOR POTATOES, BY STRIKING THE WORDS "HOLLOW
HEART", AND SUBSTITUTING THE WORDS "INTERNAL
DISORDERS"; AND REPEALING SECTION 22-911, IDAHO CODE.

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

SECTION 1. That Section 22-901, Idaho Code, be, and the same is
hereby amended to read as follows:

22-901. APPLICATION OF ACT. — When potatoes are marketed or
offered for shipment, within the state of Idaho, for packing, repacking or
processing purposes, or when potatoes are offered for sale by the grower
direct to the consumer in lots of less than one (1) carload within the state or
when "Idaho Certified" seed stock, as defined by the Idaho state seed
certification officials are offered for sale, the provisions of this act
prescribing grades and requiring grading shall not apply; but in all other cases
when potatoes are packed for sale, offered for sale, sold, or offered for
shipment within or outside the state of Idaho, such potatoes shall be graded
either as "Idaho Deluxe," "Idaho Standard," or "Idaho Utility"; provided,
however, that all potatoes marketed within the state of Idaho or outside the
state of Idaho may conform to grades promulgated by an act of congress or
promulgated by authority of the secretary of agriculture of the United
States, if the shipper or grower so desires. It is further provided that all
potatoes not meeting the requirements of grade hereinabove provided for
and hereinafter set out are hereby declared to be detrimental to the potato
industry of the state of Idaho and shall not be marketed, except as provided
in this section. All potatoes conforming to the grades hereinabove and
hereinafter set out shall be packed in containers or bags in conformity with
the following prescribed rules. When potatoes are to be shipped out of state
in bulk, permission shall first be obtained from the Idaho department of
agriculture. All permits issued hereunder shall be issued subject to the
requirement that the potatoes to be shipped must be graded and must either
meet the Idaho grades or the United States department of agriculture grades
for potatoes; except that potatoes shipped outside the state for processing
into some changed form or product do not need to be graded. The Idaho
department of agriculture may promulgate the necessary rules and forms to
carry out this paragraph.

SECTION 2. That Section 22-902, Idaho Code, be, and the same is
hereby amended to read as follows:
22-902. IDAHO DELUXE. — Idaho Deluxe potatoes shall consist of potatoes of one (1) variety or similar varietal characteristics, the minimum size of which shall be either two (2) inches in diameter or four (4) ounces in weight, except as hereinafter provided for, and not less than forty per cent (40%) of the potatoes in the lot shall be six (6) ounces or larger, and which are fairly well shaped, free from freezing injury, blackheart, and soft rot or wet breakdown and from damage caused by dirt or other foreign matter, sunburn, second growth, growth cracks, air cracks, hollow heart internal disorders, cuts, shriveling, sprouting, scab, blight, dry rot, rhizoctonia, other disease, insects or mechanical or other means, except that this grade may contain not more than fifteen per cent (15%) by weight of potatoes meeting the requirements of Idaho Standard Grade as hereinafter provided for, providing that none of this fifteen per cent (15%) of potatoes by weight shall be smaller in size by weight than ten (10) ounces.

In order to allow for variations other than size, incident to proper grading and handling, not more than six per cent (6%) of the potatoes in any container may be below the requirements of the grade, but not to exceed one sixth (1/6) of this amount or one per cent (1%) may be allowed for potatoes affected by soft rot or wet breakdown. In addition, not more than five per cent (5%) by weight may be damaged by hollow heart internal disorders, and in addition, not more than three per cent (3%) may be below the prescribed size, provided, however, that when potatoes of this grade are packed to meet a minimum size requirement of six (6) ounces or more by weight, the tolerance for undersize shall be five per cent (5%), but not more than two per cent (2%) may be smaller than two (2) inches in diameter or four (4) ounces in weight.

SECTION 3. That Section 22-903, Idaho Code, be, and the same is hereby amended as follows:

22-903. IDAHO STANDARD. — Idaho Standard potatoes shall consist of potatoes of one (1) variety or similar varietal characteristics, the minimum size of which shall be two (2) inches in diameter, or four (4) ounces in weight, except as hereinafter provided for, and not less than forty per cent (40%) of the potatoes in the lot shall be six (6) ounces or larger, and which are free from freezing, injury, blackheart, soft rot or wet breakdown and from serious damage caused by dirt or other foreign matter, sunburn, second growth, growth cracks, air cracks, hollow heart internal disorders, cuts (potatoes with clipped ends permissible only in tolerance hereinafter provided for), shriveling, scab, blight, dry rot, other disease, insects or mechanical or other means.

In order to allow for variations other than size, incident to proper
grading and handling, not more than six per cent (6%) of the potatoes in any
container may be below the requirements of the grade, but not to exceed
one sixth (1/6) of this amount or one per cent (1%) shall be allowed for
potatoes affected by soft rot or wet breakdown. In addition, not more than
five per cent (5%) may be seriously damaged by hollow heart internal
disorders, and not more than three percent (3%) may be below the
prescribed size, provided, however, that when potatoes of this grade are
packed to meet a minimum size requirement of six (6) ounces or more by
weight, the tolerance for undersize shall be five per cent (5%), but not more
than two per cent (2%) may be smaller than two (2) inches in diameter, or
four (4) ounces in weight.

SECTION 4. That Section 22-904, Idaho Code, be, and the same is
hereby amended to read as follows:

22-904. IDAHO UTILITY. — Idaho Utility potatoes shall consist of
potatoes of one (1) variety or similar varietal characteristics and shall be not
less than one and one-half (1½) inches in diameter and which are free from
freezing injury, blackheart, and soft rot or wet breakdown, and from serious
damage caused by dirt or other foreign matter, sunburn, second growth,
growth cracks, air cracks, hollow heart internal disorders, cuts, shriveling,
scab, blight, dry rot, other disease, insects or mechanical or other means.

In order to allow for variations other than size incident to proper
grading and handling, not more than six per cent (6%) of the potatoes in any
container may be below the requirements of the grade, but not to exceed one
sixth (1/6) of this amount, or one per cent (1%), shall be allowed for
potatoes affected by soft rot or wet breakdown. In addition, not more than
three per cent (3%) may be below the prescribed minimum size and not
more than five per cent (5%) in addition may be seriously damaged by
hollow heart internal disorders.

SECTION 5. That Section 22-911, Idaho Code, be, and the same is
hereby repealed.

Approved March 13, 1970

CHAPTER 176
(H. B. No. 585)

AN ACT
RELATING TO THE MAXIMUM INTEREST ON BONDS, AMENDING
SECTIONS 31-1901, 42-2811, 69-308, 70-1717 AND 70-1718, IDAHO
CODE, BY REMOVING THE MAXIMUM INTEREST RATE
THEREFROM.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 31-1901, Idaho Code, be, and the same is hereby amended to read as follows:

31-1901. COMMISSIONERS MAY ISSUE FUNDING AND REFUNDING BONDS. — The board of county commissioners of any county in this state may issue negotiable coupon bonds of their county for the purpose of paying, redeeming, funding or refunding the outstanding indebtedness of the county, whether the indebtedness exists as a warrant indebtedness or bonded indebtedness. All such bonds shall be in the form and shall be issued, sold or exchanged and redeemed in accordance with the provisions of chapter 2 of title 57, known as the "Municipal Bond Law" of the state of Idaho, except where different provision is made herein. Provided, that the authority to fund warrant indebtedness shall extend only to the funding of warrant indebtedness existing as of the second Monday in January, 1933, and providing further that all taxes and other revenues which but for the funding of warrants would have been lawfully applicable to the redemption of the warrants so funded shall, as and when collected, be apportioned to and placed in the sinking fund for the payment of the interest and retirement of the principal of such bonds. Bonds issued for the purpose of funding warrants shall bear interest payable semiannually as the board of county commissioners may determine, not exceeding six per cent (6%) per annum.

SECTION 2. That Section 42-2811, Idaho Code, be, and the same is hereby amended to read as follows:

42-2811. BONDS TO BE ISSUED AFTER LIEN STATEMENT FILED — DIRECT OBLIGATION OF COUNTY — FORM, TERMS, AND CONDITIONS — PROVISIONS FOR PAYMENT. — The board of county commissioners of each and every county wherein any irrigation or drainage projects are proposed to be wholly or partially located and established, or wherein lands are located which are assessed for benefits by reason of the construction thereof, is hereby authorized after the filing of the decree of the district court confirming the election and other proceedings authorizing a bond issue of said county, to issue the bonds of their respective counties, and to be designed as "_______ county improvement bonds" in such amounts as may be necessary to fully meet and discharge the expenses authorized by this chapter. All such bonds shall be the direct and primary obligations of the county for the full principal and interest thereof. The faith, credit, and all taxable property within the limits of the county, as constituted at the time of such issue, are, and must continue, pledged to the
payment of said bonds. All such bonds shall be in the form provided in section 3524 of the Idaho Compiled Statutes and shall be sold and negotiated as provided in section 3525 of the Idaho Compiled Statutes, and the board of county commissioners shall provide for the payment of such bonds and interest thereon in like manner as in the case of other county bonds and as set out and provided in section 3522 of the Idaho Compiled Statutes, but shall reimburse the county by enforcing all liens and collecting all assessments from the lands against which benefits have been assessed or apportioned under the provisions of this chapter. The word “expenses” shall be construed to mean and cover every item of cost of said irrigation or drainage project from the filing of the petition to the completion of work and all fees and expenses to be incurred in pursuance thereof. Such bonds shall be payable at such time or times not to exceed twenty (20) years from their date and shall bear such rate of interest not to exceed six per cent per annum, payable annually or semiannually as the board of county commissioners shall by resolution determine. Each bond shall contain a recital that it is issued by authority of and in conformity with the provisions of this chapter and such bond may otherwise be in such form as the board of county commissioners may determine, but not in conflict with the requirements of section 3524 of the Idaho Compiled Statutes. Said board of county commissioners shall have power to sell and negotiate said bonds as hereinbefore provided. The proceeds from the sale of all such bonds shall be placed in a general reclamation fund which is hereby created in the county treasury. The county auditor shall keep a separate account with each irrigation or drainage project so established in such county, which account shall be credited with all moneys arising from the sale of bonds, all moneys received as interest or penalties upon liens, charges, assessments, and all other sources on account of such irrigation or drainage system, and which account shall be debited with every item of expenditure made on account of such irrigation or drainage project. Such board of county commissioners shall provide moneys for the payment of principal and interest of said bonds as they severally mature, which money shall be placed in the general reclamation fund into which fund it may transfer any surplus moneys remaining in the general revenue fund, or other funds of the county, which can be properly used for the purpose of this chapter, into which fund shall be paid all moneys received from the payment of any liens created under the provisions of this chapter, and such board is hereby authorized to pay such bonds issued under the provisions of this chapter, or the interest thereon, out of any available funds in the county treasury when the moneys on hand in the general reclamation fund of the treasury are insufficient to meet the
payment of the bonds issued in irrigation or drainage proceedings under this chapter when the same mature. But the fund from which such moneys have been taken or used for the payment of bonds after they mature, shall be replenished with interest at the rate of six per cent per annum from the collections of unpaid assessments for irrigation or drainage works constructed under any proceedings had hereunder, as authorized in this chapter.

SECTION 3. That Section 69-308, Idaho Code, be, and the same is hereby amended to read as follows:

69-308. BOND ELECTION — ORDER — NOTICE. — When the location of such elevator or warehouse shall have been determined an order shall be made by the board upon its minutes to that effect, and the board shall at once proceed to determine the cost of erecting and equipping such elevator or warehouse, having due regard for the needs of agriculture within such district, and shall make its order which shall be spread upon the minutes providing for an election within said district for the purpose of voting bonds for the construction, furnishing and equipping of said facilities, and such order shall designate the amount of bonds to be voted upon, the amount of interest which the same shall bear which shall not be more than seven per cent per annum, the term of said bonds shall in no event be more than twenty (20) years from date of issue thereof, a period of optional retirement, if such course be deemed wise; which order shall designate that only those qualified to vote at a general state election and who are taxpayers in said district, shall be qualified electors at said election and such order shall contain such other information as the board may deem necessary to fully and accurately apprise the voters of said district of the purposes of said issue under the provisions thereof. Such order shall also state the manner in which said bonds shall be retired and shall provide a sinking fund for such purpose and for the payment of interest. Said election shall be held not less than sixty (60) days nor more than six (6) months after the making and entry of said order.

Notice of said election shall be given by publication in a newspaper published in or of general circulation in each county of the district for a period of thirty (30) days prior to said election, and such notice shall contain in substance what is required herein to be included in the order of said board calling such election, and such other information as the board may deem proper.

SECTION 4. That Section 70-1717, Idaho Code, be, and the same is hereby amended to read as follows:

70-1717. GENERAL OBLIGATION BONDS — PROPOSITION TO
VOTERS. — The proposition submitted to the voters for the authorization of general obligation bonds shall state generally the purposes for which said bonds are to be issued, the maximum effective interest rate to be borne by such bonds, which rate shall not exceed six percent (6%) per annum, and the maximum number of years within which such bonds shall mature.

SECTION 5. That Section 70-1718, Idaho Code, be, and the same is hereby amended to read as follows:

70-1718. GENERAL OBLIGATION BONDS — FORM AND TERMS. — Such general obligation bonds shall be in such form, bear such date or dates, mature at such time or times, be in such denominations, bear interest at such rate or rates not exceeding six percent (6%) per annum, be payable at such time or times, be payable at such place or places, be in such form, either coupon or registered or both, carry such registration privileges and be subject to such terms of redemption as the port commission shall by resolution determine. Such bonds shall be executed in the name of the port district by the manual or facsimile signature of the president of the port commission and shall have the seal of the port district impressed, imprinted or reproduced thereon, and attested by the manual or facsimile signature of the secretary of the port commission. One (1) of such signatures must be manual. The coupons appertaining to such bonds shall bear the facsimile signatures of such officials.

Approved March 13, 1970

CHAPTER 177
(H. B. No. 607)

AN ACT
RELATING TO THE LICENSING AND REGULATION OF NURSING HOMES WITHIN THE STATE OF IDAHO; PROVIDING DEFINITIONS; REQUIRING ADMINISTRATORS BE LICENSED; PROVIDING FOR A BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS, PROVIDING FOR THEIR NOMINATION AND APPOINTMENT, PROVIDING FOR PAYMENT OF EXPENSES, PROVIDING FOR ORGANIZATION, AND PROVIDING FOR AN EXECUTIVE SECRETARY; PROVIDING FUNCTIONS AND DUTIES OF THE BOARD; PROVIDING QUALIFICATIONS FOR ADMISSION TO EXAMINATIONS; PROVIDING FOR EXAMINATIONS; PROVIDING FOR LICENSES;
PROVIDING FOR REGISTRATION AND REQUIRING ANNUAL RECERTIFICATION; PROVIDING FOR RECIPROCITY WITH OTHER STATES; PROVIDING FOR A TEMPORARY PERMIT; PROVIDING FOR PENALTIES; PROVIDING FOR DISCIPLINARY PROCEDURES; PROVIDING FOR RESTORATION OF LICENSES OR REGISTRATION AFTER ANY DISCIPLINARY PROCEEDING, PROVIDING FOR APPEALS; PROVIDING FOR AN ANNUAL LICENSE FEE; PROVIDING A NURSING HOME ADMINISTRATOR'S FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. (1) As used in this act, unless otherwise stated, the following terms shall have the respective meanings hereinafter set forth or indicated:

(2) "Board" means the board of examiners of nursing home administrators of the state of Idaho.

(3) "Examiner" means a member of the board of examiners of nursing home administrators of the state of Idaho.

(4) "Executive secretary" means the secretary of the board of examiners of nursing home administrators of the state of Idaho.

(5) "Nursing home administrator" means any individual responsible for planning, organizing, directing, and controlling the operation of a nursing home, or who in fact performs such functions, whether or not such functions are shared by one or more other persons.

(6) "Provisional license" means a temporary license issued to a provisional nursing home administrator under and pursuant to the provisions of this act.

(7) "Provisional nursing home administrator" means an individual who has been licensed as such under and pursuant to the provisions of this act.

(8) "Nursing home administrator-in-training" means an individual registered as such under and pursuant to the provisions of this act.

(9) "Practice of nursing home administration" means that planning, organizing, directing, and control of the operation of a nursing home.

(10) "Nursing home" means any institution or facility defined as such for licensing purposes under state law or pursuant to the rules for nursing homes, whether proprietary or nonprofit, and shall include, but not be limited to, nursing homes owned or administered by the state government or any agency or political subdivisions thereof.

SECTION 2. Effective July 1, 1970, no nursing home in the state shall be operated unless it is under the supervision of an administrator who holds a currently valid nursing home administrator's license and registration, or
provisional license, issued pursuant to this act. No person shall practice or offer to practice nursing home administration in this state or use any title, sign, card, or device to indicate that he is a nursing home administrator unless such person shall have been duly licensed and registered as a nursing home administrator or licensed as a provisional nursing home administrator as required by this act.

SECTION 3. (1) There is hereby created a board of examiners of nursing home administrators, which board shall consist of five (5) members, and composed of three (3) public or private nursing home administrators, duly licensed and registered under this act, and two (2) other members as hereinafter described, except that such members of the initial board shall be required only to possess the qualifications and be eligible for licensure as required under this act, one (1) member shall be selected from any other profession, agencies, or institution concerned with the care of chronically ill and infirm patients; and one (1) member representative of the public at large; but no more than two (2) of the members of the board shall be officials or full-time employees of state or local governments, except that they may be administrators of publicly owned nursing homes. All members of the board shall be citizens of the United States or shall have declared their intent to become citizens of the United States and shall be residents of this state.

(2) One member of the initial board shall be appointed for a one (1) year term of office, two (2) members of the initial board shall be appointed for a two (2) year term of office, and two (2) members of the initial board shall be appointed for a three (3) year term of office. Thereafter, the term of office for each member of the board shall be three (3) years.

(3) (a) Appointments to the board shall be made by the governor after consultation with the executive board of the Idaho association of licensed nursing homes. Each member of the board shall hold office until his successor is duly appointed and qualified. Dismissals shall be by the governor, for reasonable cause.

(b) The three (3) nursing home administrators who are members must be appointed from a list of at least ten (10) submitted by the Idaho association of licensed nursing homes.

(c) Members of the board shall be reimbursed for their actual and necessary traveling and subsistence expenses when absent from their place of residence in attendance at meetings or in other performance of their duties under this act. In addition they shall be paid twenty-five dollars ($25.00) per day while on actual business of the board.

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

(5) The board shall exercise its powers and perform its duties and
functions specified by this act.

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

SECTION 4. (1) It shall be the functions and duties of such board to:
(a) Develop, impose, and enforce standards consistent with this act
which shall be met by individuals in order to receive and retain a license
as a nursing home administrator which standard shall be designed to
insure that nursing home administrators will be individuals who are of
good character and are otherwise suitable, and who, by training or
experience in the field of institutional administration, are qualified to
serve as nursing home administrators;
(b) Develop and apply appropriate techniques, including examinations
and investigations, for determining whether an individual meets such
standards;
(c) Issue licenses and registrations to individuals determined, after
application of such techniques, to meet such standards, and revoke or
suspend licenses and registrations previously issued by the board in any
case where the individual holding any such license or registration is
determined substantially to have failed to conform to the requirements
of such standards;
(d) Establish and carry out procedures designated to insure that
individuals licensed as nursing home administrators will, during any
period that they serve as such, comply with the requirements of such
standards;
(e) Receive, investigate, and take appropriate action with respect to
any charge or complaint filed with the board charging that any
individual licensed as a nursing home administrator has failed to comply
with the requirements of such standards;
(f) Conduct a continuing study and investigation of administrators of
nursing homes within the state with a view to the improvement of the
standards imposed for the licensing of such administrators and of
procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such;

(g) The fee to be paid by applicants for licenses, provisional licenses, recertification of registration and applicants seeking a reciprocal endorsement of a license issued by the proper authorities in another state, shall be twenty-five dollars ($25.00).

(2) The board or any committee or member thereof or any hearing officer designated by such board, acting in an official capacity, shall have powers and duties as provided by law.

Such board shall not be bound by the strict rules of evidence in the conduct of its proceedings but any determinations made shall be founded upon sufficient legal evidence to sustain them.

(3) The board shall also have the authority to make rules not inconsistent with law as may be necessary for the proper performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in section 1908 of the "social security act", the federal rules promulgated thereunder, and other pertinent federal requirements.

SECTION 5. (1) The board shall admit to examination for licensure as a nursing home administrator any candidate who pays a fee as determined by the board, and submits evidence of good moral character and suitability prescribed by the board, is at least twenty-one (21) years old, a citizen of the United States of America or has duly declared his intention of becoming a citizen of the United States, except:

(a) That on and after July 1, 1970, no applicant for license as a nursing home administrator shall be admitted to such licensing examination nor shall such applicant be entitled to or be granted a license as a nursing home administrator unless such applicant shall submit written evidence, on forms provided for such purpose by the board, that he has successfully completed a course of study and been graduated from a high school approved and recognized by the education authorities of the state in which such school is located, or a political division thereof or has submitted a certificate indicating that he has obtained high school or secondary school equivalency, such certificate being duly certified by a state educational authority or a political division thereof, and except that he shall have complied with the provisions of subsection (2) of this section.

(b) That on or after January 1, 1975, no applicant for license as a nursing home administrator shall be admitted to such licensing
examination, nor shall such applicant be entitled to or be granted a license as a nursing home administrator, unless such applicant shall submit written evidence, on forms provided for such purpose by the board, that he has successfully completed two (2) years of college level study after high school study in an accredited institution of higher learning and except that he shall have complied with the provisions of subsection (2) of this section.

(c) That on or after January 1, 1980, no applicant for license as a nursing home administrator shall be admitted to such licensing examination nor shall such applicant be entitled to or be granted a license as a nursing home administrator unless such applicant shall submit written evidence, on forms provided for such purpose by the board, that he has successfully completed a course of study for a baccalaureate degree and has been awarded such degree from an accredited institution of higher learning, and except that he shall have complied with the provisions of subsection (2) of this section.

(2) On and after July 1, 1970, each applicant who has not completed a regular course of study or program in an accredited institution of higher learning, which course of study or program shall have been approved by the board as being adequate academic preparation for nursing home administration, shall in addition to meeting the requirements of subsection (1)(a) of this section submit evidence satisfactory to the board that he has successfully completed specialized courses or a program of study in the area of nursing home administration as required and approved by the rules of the board.

(3) A candidate who applies for examination under and pursuant to subsection (1) (b) or (c) of this section, in lieu of the educational requirements provided for therein, may submit evidence satisfactory to the board that such applicant has obtained two years of satisfactory practical experience in nursing home administration or in a related health administration area for each year of required post-high school education.

SECTION 6. (1) The board shall determine the subjects of examination for applicants for licensure as nursing home administrators and the scope, content, and format of such examinations which in any examination shall be the same for all candidates; except that such examination shall include examination of the applicant to demonstrate his proficiency in the practice of, and knowledge of, applicable rules of health and safety within the state.

(2) Examinations shall be held at least semi-annually at such times and places as the board shall designate.
SECTION 7. (1) An applicant for a license as a nursing home administrator who has successfully complied with the requirements of section 5 and the standards provided for therein, has passed the examination provided for in section 6, and, where applicable, has complied with the requirements of section 10, shall be issued a license, on a form provided for that purpose by the board, certifying that such applicant has met the requirements of the laws and rules entitling him to serve, act, practice, and otherwise hold himself out as a duly licensed nursing home administrator; provided, however, nothing in this act or the rules and regulations thereunder shall be construed to require an applicant for a license as a nursing home administrator or a provisional license, who is certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings, to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions.

(2) (a) The board shall issue a provisional license to any individual applying therefor who has served as a nursing home administrator for all of the calendar year immediately preceding July 1, 1970, meets the standards of the board and of this article relating to good character, suitability, age, and citizenship, and has paid the fee as set by the board. No license shall be issued under this section prior to April 1, 1970.

(b) Such provisional license shall terminate two (2) years from date of issuance or at midnight, June 30, 1972, whichever is earlier, but shall be subject to the payment of the annual fee, and shall be cancelled and be of no legal force or effect thereafter; except that if, prior to the expiration of such provisional license, such provisional nursing home administrator shall have passed a qualifying examination and otherwise complied with the provisions of section 5, as required by the board, a nursing home administrator license shall be issued to him.

(c) A provisional license may not be issued to any person after June 30, 1972.

(3) Any license issued by the board under or pursuant to the provisions of this section shall be under the hand and seal of the chairman and executive secretary of the board.

(4) If the board finds that programs of training and instruction conducted within the state are not sufficient in number or content to enable
applicants for nursing home administrators' licenses and nursing home administrators to meet requirements established pursuant to this act, it shall institute and conduct or arrange with others to conduct one (1) or more such programs, and shall make provision for their accessibility to appropriate residents of this state. The board may approve programs conducted within and without this state as sufficient to meet education and training requirements established pursuant to this act. For purposes of this subsection, the board shall have the authority to receive and disburse federal funds received pursuant to requirements of the "social security act".

SECTION 8. (1) Every individual who holds a valid license as a nursing home administrator issued by the board under section 7 (1) shall immediately upon issuance thereof be deemed registered with the board and be issued a certificate of registration. Thereafter, such individual shall annually be required to apply to the board for a recertification of registration and report any facts requested by the board on forms provided for such purpose.

(2) Upon making an application for a recertification of registration, such individual shall pay an annual registration fee, and at the same time shall submit evidence satisfactory to the board that during the twelve-month period immediately preceding such application for recertification of registration he has successfully attended a continuing education program or course of study as may be provided in the rules of the board.

(3) Upon receipt of such application for recertification of registration, the registration fee, and the evidence required with respect to continuing education, the board shall issue a recertification of registration to such nursing home administrator.

(4) The license of a nursing home administrator who fails to comply with the provisions of this section, and who continues to act as a nursing home administrator, shall be suspended or revoked by the board, in accordance with the provisions of this act.

(5) A nursing home administrator who has been duly licensed and registered in this state and whose license shall not have been revoked or suspended, and whose registration has expired for a period of not longer than eighteen (18) months, may reregister within the state upon complying with the provisions of this section for recertification of registration and also filing with the board an affidavit in accordance with the rules of the board.

(6) The board shall maintain a register of all applications for licensing and registration of nursing home administrators, which register shall show: The place of residence, name and address of each applicant, the name and address of employer or business connection of each applicant, the date of
application, complete information of educational and experience qualifications, the action taken by the board, the serial number of the license and of registration certificates issued to the applicant, the date on which the board reviewed and acted upon the application, and such other pertinent information as the board may deem necessary.

SECTION 9. (1) The board, in its discretion, and otherwise subject to the provisions of this act, and the rules of the board promulgated thereunder prescribing the qualifications for a nursing home administrator license, may endorse a nursing home administrator license issued by the proper authorities of any other state upon payment of a fee and upon submission of evidence satisfactory to the board:

(a) That such other state maintained a system and standard of qualifications and examinations for a nursing home administrator license which were substantially equivalent to those required in this state at the time such other license was issued by such other state; and
(b) That such other state gives similar recognition and endorsement to nursing home administrator licenses of this state.

SECTION 10. (1) After July 1, 1972, every applicant for a nursing home administrator license who shall have otherwise qualified under provisions of section 6 shall be granted a temporary permit upon application to the board and shall serve for a one-year period under the supervision of a duly licensed and registered nursing home administrator in accordance with the rules of the board. At the expiration of the one-year-in-training period said applicant shall be eligible to take the examination.

(2) The nursing home administrator-in-training shall submit quarterly reports on forms provided therefor by the board.

(3) This section shall not apply to any individual who has been licensed as a provisional nursing home administrator under the provisions of section 7 (2), or to any individual who has successfully completed a course of study for a masters degree in health administrator or in a related health care field and who has been awarded such degree from an accredited institution of higher learning, or to any other individual who has served as a nursing home administrator during all of the calendar year immediately preceding July 1, 1970.

(4) Every nursing home administrator-in-training shall register the fact of such training with the board in accordance with the rules and on forms provided therefor by the board.

(5) Pending issuance of a license, the board may issue a temporary permit for a period not exceeding one (1) year, without examination, to an applicant who files a written application for a temporary permit and who is
otherwise qualified but does not meet the experience requirements or who is applying to fill a vacancy on an emergency basis.

SECTION 11. (1) It shall be a misdemeanor for any person to:
(a) Sell or fraudulently obtain or furnish any license or aid or abet therein; or
(b) Practice as a nursing home administrator under cover of any license or registration illegally or fraudulently obtained or unlawfully issued; or
(c) Practice as a nursing home administrator or use in connection with his or her name any designation tending to imply that he or she is a nursing home administrator unless duly licensed and registered to so practice under the provisions of this act; or
(d) Practice as a nursing home administrator during the time his or her license or registration issued under the provisions of this article shall be suspended or revoked; or
(e) Otherwise violate any of the provisions of this act.

(2) Such misdemeanor shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment.

SECTION 12. (1) The license or registration of any person practicing or offering to practice nursing home administration, or the license of a provisional nursing home administrator, may be revoked or suspended, or such licensee may be reprimanded, censured, or otherwise disciplined in accordance with the provisions of this section upon decision and after due hearing in any of the following cases:
(a) Upon proof that such licensee is reasonably unfit to operate a nursing home.
(b) Upon proof that such licensee has willfully or repeatedly violated any of the provisions of this act or the rules enacted in accordance with, or willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the home in which he is the administrator;
(c) Upon proof that such licensee is guilty of fraud or deceit in the practice of nursing home administration or related activities, or in his or her admission to such practice.

(2) The board, or a hearing officer designated by it, shall have jurisdiction to hear all charges brought under the provisions of this section against persons licensed and registered as nursing home administrators, or licensed as provisional nursing home administrators, and upon such hearings shall determine such charges upon their merits. If the board determines that such person is guilty of the charges, the board may revoke his or her license
and registration, suspend him or her from practice, or reprimand, censure, or otherwise discipline such licensee.

(3) Proceedings under this section shall be initiated by filing with the board, charges in writing and under oath. The board on its own motion may conduct an investigation and initiate charges. The procedures for notification and the hearing on such charges, unless dismissed by the board as unfounded or trivial, shall be conducted pursuant to the provisions of Idaho law.

SECTION 13. (1) The board may, in its discretion, reissue a license or registration to any person whose license or registration has been revoked.

(2) Application for the reissuance of a license or registration shall be made in such manner as the board may direct in accordance with its rules.

SECTION 14. Anyone dissatisfied with a ruling of the board may appeal to the district court of the county in which said applicant resides, with said matter being heard as a de novo proceeding.

SECTION 15. Each nursing home administrator, licensed hereunder, shall on each January 1, hereafter, beginning January 1, 1971, or within thirty (30) days thereafter, pay an annual license fee of twenty-five dollars ($25.00), to act as a licensed nursing home administrator in the state of Idaho for the ensuing year. Failure to pay said fee as herein set out shall disqualify said licensee from acting as a nursing home administrator.

SECTION 16. There is hereby created in the office of the state treasurer, the board of examiners of nursing home administrators fund, to which shall be credited all moneys received by the board pursuant to the provisions of this act.

SECTION 17. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 13, 1970

CHAPTER 178
(H. B. No. 453)

AN ACT
AMENDING SECTION 56-602, IDAHO CODE, BY TRANSFERRING JURISDICTION AND SUPERVISION OVER THE IDAHO YOUTH CONSERVATION PROJECT FROM THE IDAHO STATE FORESTER TO THE IDAHO PARK BOARD; AMENDING SECTION 56-603, IDAHO CODE, BY TRANSFERRING THE AUTHORITY TO
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PRESCRIBE RULES AND REGULATIONS, AND SET THE DURATION OF THE SUMMER CAMP, FROM THE STATE FORESTER TO THE PARK BOARD; AMENDING SECTION 56-604, IDAHO CODE, BY TRANSFERRING THE DUTIES OF THE STATE FORESTER TO THE PARK BOARD; AMENDING SECTION 56-606, IDAHO CODE, BY TRANSFERRING THE AUTHORITY OF THE STATE FORESTER THEREUNDER TO THE PARK BOARD; AMENDING SECTION 56-607, IDAHO CODE, BY TRANSFERRING THE AUTHORITY TO ESTABLISH PROCEDURES FOR ALLOTMENT OF COMPENSATION AND FOR THE ENTITLEMENT OF SERVICES FROM THE STATE FORESTER TO THE PARK BOARD; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 56-602, Idaho Code, be, and the same is hereby amended to read as follows:

56-602. IDAHO YOUTH CONSERVATION PROJECT CREATED. — There is hereby created the Idaho youth conservation project, which shall be placed under the jurisdiction and supervision of the Idaho state forester park board.

SECTION 2. That Section 56-603, Idaho Code, be, and the same is hereby amended to read as follows:

56-603. REQUIREMENTS FOR PARTICIPANTS - SUMMER CAMP. — (a) Participants in the Idaho youth conservation project shall be male individuals, citizens of the United States and the state of Idaho, of good character and health who are not less than 14 years nor more than 17 years of age.

(b) In order to participate in the project an individual must agree to comply with the rules and regulations as set up by the state forester park board for the government of those taking part in the project.

(c) Participation shall be for the duration of one (1) summer camp as set by the state forester park board.

SECTION 3. That Section 56-604, Idaho Code, be, and the same is hereby amended to read as follows:

56-604. DUTIES OF STATE FORESTER PARK BOARD. — It shall be the duty of the state forester park board to expend such funds as he deems necessary to provide staff, select workers, equip, supply and maintain all phases of said project as funds are available.

SECTION 4. That Section 56-606, Idaho Code, be, and the same is hereby amended to read as follows:

56-606. AUTHORITY OF THE STATE FORESTER PARK BOARD.
In order to carry out the purposes of this act the state forester park board shall have the authority to:

1. Formulate rules and regulations for operation of the project.

2. Appoint, in accordance with the policy and regulations of his department, such qualified personnel as he deems necessary for the efficient and economic discharge of the functions of the project. Compensation and benefits of all such appointees to be fixed as may be provided by law and the policies and regulations of his department.

3. Establish adequate standards of safety, health, and morals for participants.

4. To enter into such agreements with and otherwise cooperate with such other governmental agencies, departments and instrumentalities as may be necessary in carrying out the purposes of this act.

5. To formulate such other rules and regulations, establish such other procedures, and enter into such contracts and agreements and generally perform such functions as he may deem necessary or desirable to carry out the provisions of this act.

6. To provide a regular schedule of work, on-the-job training and recreation as falls naturally within the philosophy and program scope of the youth conservation project.

SECTION 5. That Section 56-607, Idaho Code, be, and the same is hereby amended to read as follows:

56-607. COMPENSATION OF PARTICIPANTS. — A. (1) The base compensation of participants shall be at a rate of $30.00 per month.

(2) The state forester park board shall establish procedures whereby each participant may make an allotment to his parent, dependent, legal guardian, or any fund established for his benefit, of part of the periodic compensation to which he is entitled by this act, and such allotment shall be paid directly to the person or fund in which favor it is made.

B. In addition to compensation authorized in subsection A, participants shall be furnished with such quarters, subsistence, transportation, equipment, clothing, medical services, and hospital services as the state forester park board may deem necessary or appropriate for their needs.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 13, 1970
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 31-3104, Idaho Code, be, and the same is hereby amended to read as follows:

31-3104. SALARIES OF THE COUNTY COMMISSIONERS — SCHEDULE. — The salaries of the county commissioners in the various counties shall be as set forth in this section. All county commissioners shall be reimbursed for their actual and necessary expenses during their term of office.

1. An annual salary of $11,000.00 (eleven thousand dollars) shall be paid to each county commissioner of Ada County.

2. An annual salary of eight thousand dollars ($8,000.00) shall be paid to each county commissioner of Canyon County, Bannock County, Kootenai County and Bonner County.

3. An annual salary of seven thousand nine hundred twenty dollars ($7,920.00) shall be paid to each county commissioner of Shoshone County.

4. An annual salary of seven thousand eight hundred sixty dollars ($7,860.00) shall be paid to each county commissioner of Twin Falls County.

5. An annual salary of seven thousand five hundred dollars ($7,500.00) shall be paid to each county commissioner of Bonneville County and Nez Perce County.

6. An annual salary of three thousand six hundred dollars ($3,600.00) shall be paid to each county commissioner of Elmore County.

7. An annual salary of three thousand dollars ($3,000.00) shall be paid to each county commissioner of Franklin County and Idaho County.
11. An annual salary of **two thousand eight hundred dollars** ($2,800.00) shall be paid to each county commissioner of Jefferson County.

12. An annual salary of **two thousand six hundred dollars** ($2,600.00) shall be paid to each county commissioner of Madison County, Fremont County and Gem County.

13. An annual salary of **two thousand four hundred dollars** ($2,400.00) shall be paid to each county commissioner of Washington County, Caribou County and Payette County.

14. An annual salary of **two thousand two hundred forty dollars** ($2,240.00) shall be paid to each county commissioner of Jerome County.

15. An annual salary of **two thousand two hundred dollars** ($2,200.00) shall be paid to each county commissioner of Bear Lake County and Minidoka County.

16. An annual salary of **two thousand one hundred dollars** ($2,100.00) shall be paid to each county commissioner of Owyhee County.

17. An annual salary of **two thousand dollars** ($2,000.00) shall be paid to each county commissioner of Benewah County and, Lemhi County, Gooding County and Power County.

18. An annual salary of **one thousand eight hundred dollars** ($1,800.00) shall be paid to each county commissioner of Cassia County and Oneida County.

19. An annual salary of **one thousand six hundred fifty dollars** ($1,650.00) shall be paid to each county commissioner of Adams County and Valley County.

20. An annual salary of **one thousand five hundred dollars** ($1,500.00) shall be paid to each county commissioner of Blaine County, Power County, Custer County, Lewis County, and Lincoln County and Boise County.

21. An annual salary of **one thousand two hundred dollars** ($1,200.00) shall be paid to each county commissioner of Butte County, Clark County and Teton County.

22. An annual salary of **one thousand one hundred dollars** ($1,100.00) shall be paid to each county commissioner of Boise County.

23. An annual salary of **nine hundred sixty dollars** ($960.00) shall be paid to each county commissioner of Camas County.

SECTION 2. This act shall be in full force and effect on and after July 1, 1970.

Approved March 13, 1970
CHAPTER 180
(H. B. No. 610)

AN ACT
AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY ADDING A NEW SECTION THERETO, TO BE KNOWN AND DESIGNATED AS SECTION 33-1008A, TO PROVIDE FOR CURRENT APPORTIONMENTS OF STATE AND COUNTY FUNDS UNDER THE FOUNDATION EDUCATION PROGRAM TO SCHOOL DISTRICTS WITH MORE THAN A FIVE PER CENT INCREASE, BUT NOT LESS THAN TWENTY-FIVE STUDENTS, IN THE THEN CURRENT SCHOOL YEAR OVER THE PRECEDING YEAR, AND TO PROVIDE THE PROCEDURES FOR DETERMINING THE INCREASE AND THE AMOUNT OF CURRENT FUNDING.

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

SECTION 1. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 33-1008A, Idaho Code, and to read as follows:

33-1008A. APPORTIONMENTS FOR INCREASED AVERAGE DAILY ATTENDANCE. — Before the second Monday of September in each year, the board of trustees of any school district may certify to the state board of education the average daily attendance in the separate attendance unit or units as of such date. If the total average daily attendance of the school district in the then current school year shows a five per cent (5%) increase, but not less than twenty-five (25) students, over the total average daily attendance on the last annual report, the state board of education shall then weigh the increased average daily attendance for each respective separate attendance unit by the appropriate factors and multiply the total weighted average daily attendance by the state average costs as determined pursuant to paragraph 5 of section 33-1002, Idaho Code.

The product so determined will be added to the total foundation educational program allowance. If the state and county allowance for the foundation educational program after the yield from twenty-two (22) mills on the adjusted assessed valuation has been subtracted is less than the guaranteed amount pursuant to subsection (7)a of section 33-1002, Idaho Code, then the average daily attendance increase will be multiplied by the guaranteed amount per pupil in average daily attendance.

Approved March 13, 1970
CHAPTER 181
(H. B. No. 567)

AN ACT
RELATING TO THE ADMINISTRATION OF COUNTY SECONDARY ROAD SYSTEMS, REQUIRING ELECTIONS UNDER CERTAIN CIRCUMSTANCES TO DETERMINE THE TYPE OF ADMINISTRATION THEREUNDER; PROVIDING FOR LOCAL HIGHWAY STUDY COMMISSIONS; REQUIRING THE COMMISSION TO SELECT THE PROPOSAL TO BE VOTED ON AT THE ELECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. Any county which does not administer its entire secondary road system under one (1) of the three (3) options contained in section 40-2703, Idaho Code, shall, at the general election in 1970, and at the general election each ten (10) years thereafter when the county is required to conduct an election by the terms of this section, submit to the entire electorate of the county the question of whether a new type of administration of the secondary road system shall be adopted by the county. Provided, however, that any county which has a total of four (4) or fewer highway and good roads districts shall not be required to conduct such election.

SECTION 2. In each county which will be required to conduct an election under section 1 of this act, there is hereby created a local highway study commission. The local highway study commission in each county shall consist of the following members:

(1) The board of highway district commissioners of each highway and good roads district within the county shall each appoint one (1) member;

(2) The city council of each city within the county shall appoint one (1) member;

(3) The board of county commissioners shall appoint one (1) member;

and

(4) The state highway district engineer of the state highway district within which the county lies shall be a member and shall serve as chairman of the commission.

SECTION 3. The commission shall meet at the county courthouse, at the call of the chairman, no later than one hundred twenty (120) days prior to the election called for by this act. At such meeting, or at such other meetings as may be necessary to make the decision, the commission shall analyze the options for administration for the county's secondary roads prescribed in section 40-2703, Idaho Code, and select one (1) of those
options for submission to the electorate at the election. The question to be submitted to the electorate shall be substantially as follows:

For the purposes of administering the secondary road system of ____ County, shall the county ____________________________?

Yes _____ No ______

If a majority of the voters casting votes on the question in the election approve the question submitted, the board of county commissioners shall implement the option selected as provided in chapter 27, title 40, Idaho Code. If a county-wide highway district is selected, the governor of the state of Idaho shall appoint the original board of highway district commissioners.

If the proposal is defeated, the county shall retain its present system for the administration of its roads.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 13, 1970

CHAPTER 182
(H. B. No. 589)

AN ACT

AMENDING SECTION 1 OF CHAPTER 342, LAWS OF 1969, RELATING TO AN APPROPRIATION TO THE DEPARTMENT OF AERONAUTICS, BY CHANGING THE AMOUNTS APPROPRIATED IN OTHER CURRENT EXPENSES AND CAPITAL OUTLAY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 342, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operation costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Department of Aeronautics.

FOR MAJOR AND MINOR PROGRAMS:

<table>
<thead>
<tr>
<th>Administration</th>
<th>$97,836</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Travel Promotion &amp; Regulation</td>
<td>$92,540</td>
</tr>
</tbody>
</table>
AIRPORT DEVELOPMENT & MAINTENANCE 384,624

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

SALARIES AND WAGES $155,465
TRAVEL 22,000
OTHER CURRENT EXPENSES 234,657 285,535
CAPITAL OUTLAY -62,878 12,000

FROM:
AERONAUTICS FUND $475,000

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 13, 1970

CHAPTER 183
(H. B. No. 515)

AN ACT
AMENDING SECTION 63-3638, IDAHO CODE, RELATING TO THE SALES TAX FUND AND THE SALES TAX REFUND FUND, BY PROVIDING THAT THE BOARDS OF COUNTY COMMISSIONERS, IN COMPUTING EACH TAXING DISTRICT'S SHARE OF SALES TAX MONEYS, SHALL INCLUDE ANY ADDITIONAL TAXES WHICH ARE THEREAFTER ADDED AND WHICH WOULD HAVE BEEN COLLECTED HAD THEY BEEN IMPOSED DURING THE YEARS 1965, 1966 AND 1967; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX FUND—CREATION—SALES TAX REFUND FUND—APPROPRIATIONS. — (a) There is hereby created in the office of the state treasurer and subject to his control and custody a fund to be known and designated as the “Sales Tax Fund.”

(b) All moneys collected under this act shall be paid by the tax collector into the sales tax fund.

(c) One million dollars ($1,000,000) per biennium is hereby continuously appropriated and set aside and shall be paid from the sales tax fund to the permanent building fund, provided by section 57-1108, Idaho Code.
(d) An amount equal to the sum required to be certified by the state auditor to the state tax commission pursuant to section 59-1115, Idaho Code, in each biennium is hereby continuously appropriated and set aside and shall be paid from the sales tax fund to the social security trust fund established by section 59-1106, Idaho Code.

(e) The payments required by this section shall be made periodically but no less frequently than quarterly.

(f) (1) Five per cent (5%) of the total amount collected and deposited in the sales tax fund during the year commencing on July 1, 1968, is hereby appropriated and shall be paid from the sales tax fund during the year commencing on July 1, 1968, to the county treasurer of each county periodically but no less frequently than quarterly in amounts to be determined under the provisions of subsection (g) of this section.

(2) Ten per cent (10%) of the total amount collected and deposited in the sales tax fund during the year commencing on July 1, 1969, is hereby appropriated and shall be paid from the sales tax fund during the year commencing on July 1, 1969, to the county treasurer of each county periodically but no less frequently than quarterly in amounts to be determined under the provisions of subsection (g) of this section.

(3) Fifteen per cent (15%) of the total amount collected and deposited in the sales tax fund during the year commencing on July 1, 1970, is hereby appropriated and shall be paid from the sales tax fund during the year commencing on July 1, 1970, to the county treasurer of each county periodically but no less frequently than quarterly in amounts to be determined under the provisions of subsection (g) of this section.

(4) Twenty per cent (20%) of the total amount collected and deposited in the sales tax fund during the year commencing on July 1, 1971, is hereby appropriated and shall be paid from the sales tax fund during the year commencing on July 1, 1971, and during each and every year thereafter to the county treasurer of each county periodically but no less frequently than quarterly in amounts to be determined in accordance with the provisions of subsection (g) of this section.

(g) The state tax commission shall compute the percentage that the average amount of taxes collected from assessments for the years 1965, 1966 and 1967 on the personal property described as business inventory in section 63-105Y, Idaho Code, for each county bears to the average total amount of taxes collected from assessments for said years on the personal property described as business inventory in section 63-105Y, Idaho Code, for all counties in the state. Such percentage so determined for each county shall be applied to the amount of sales tax fund appropriated under subsection (f)
herein and the resulting sum shall be paid to the county treasurer of each county for distribution to each taxing district in the county as follows:

(1) The county commissioners in each county shall compute the percentage that the average amount of taxes collected from assessments for the years 1965, 1966 and 1967 on the personal property described as business inventory in section 63-105Y, Idaho Code, for each taxing district in the county bears to the average total amount of taxes collected from assessments for said years on the personal property described as business inventory in section 63-105Y, Idaho Code, for all taxing districts in said county. Such percentage thus determined for each taxing district in the county shall be adjusted to reflect increases and decreases in levies which vary from the average levy by each such district in the period above described and, as adjusted, applied to the county's proportionate share of said sales tax fund and the resulting amount shall be distributed to each taxing district in the county periodically but not less frequently than quarterly by the county auditor and applied by such taxing districts in the same manner and in the same proportions as revenues from ad valorem taxation.

(2) The moneys set aside and appropriated to the county treasurer out of the sales tax fund above may be considered by the counties and other taxing districts and budgeted against at the same time, in the same manner and in the same year as revenues from taxation on all classes of personal property which these moneys replace.

(h) An amount equal to five per centum (5%) of the amount deposited in the sales tax fund, but not in excess of two hundred and fifty thousand dollars ($250,000), shall be retained in this fund as a "Sales Tax Refund Fund" for the purpose of repaying overpayments made under this act and for the purpose of paying any other erroneous receipt illegally assessed or collected, penalties collected without authority and taxes and other amounts unjustly assessed, collected, or which are excessive in amount, and there is hereby appropriated from this fund so much thereof as may be necessary for the payment of the refunds herein provided for.

(i) Any moneys remaining in the sales tax fund over and above those necessary to meet and reserve for payments under subsections (c), (d), and (h) of this section shall be paid periodically, but no less frequently than quarterly, to the general fund.

(j) The appropriations herein provided shall not be subject to the provisions of the "Standard Appropriations Act of 1945."

SECTION 2. An emergency existing therefor, which emergency is
CHAPTER 184  
(H. B. No. 541)  

AN ACT  
AMENDING SECTION 50-1301, IDAHO CODE, RELATING TO PLATS AND VACATIONS, BY PROVIDING THAT COUNTIES AS WELL AS CITIES MAY ADOPT THEIR OWN DEFINITION OF SUBDIVISION; AND PROVIDING FOR AN EMERGENCY.  

Be It Enacted by the Legislature of the State of Idaho:  
SECTION 1. That Section 50-1301, Idaho Code, be, and the same is hereby amended to read as follows:  
50-1301. DEFINITIONS. - The following definitions shall apply to terms used in sections 50-1301 through 50-1325.  
1. Owner: The proprietor of the land, (having legal title);  
2. Plat: The drawing, map or plan of a subdivision, cemetery, townsite or other tract of land, or a replatting of such, including certifications, descriptions and approvals;  
3. Subdivision: A tract of land divided into five (5) or more lots, parcels, or sites for the purpose of sale or building development, whether immediate or future; provided that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes. A bona fide division or partition of agricultural land for agricultural purposes shall mean the division of land into lots, all of which are five (5) acres or larger, and maintained as agricultural lands. Cities or counties may adopt their own definition of subdivision in lieu of the above definition.  
4. Street: A public street, road, thoroughfare, alley or highway; a right of way for public use;  
5. Easement: A right of use, falling short of ownership, and usually for a certain stated purpose.  

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.  
Approved March 13, 1970
CHAPTER 185
(H. B. No. 661)

AN ACT
AMENDING SECTION 38-1207, IDAHO CODE, BY STRIKING THE
TERM "BY-LAWS" AND INSERTING IN LIEU THEREOF THE
TERM "RULES AND REGULATIONS"; AMENDING SECTION
38-1208, IDAHO CODE, BY STRIKING REFERENCE TO THE
TERM "BY-LAWS" AND ALLOWING THE STATE SCALING
BOARD TO ADOPT RULES AND REGULATIONS AS PROVIDED
IN CHAPTER 52, TITLE 67, IDAHO CODE, AND TO ADOPT RULES
AND REGULATIONS NOT INCONSISTENT WITH THE
CONSTITUTION AND LAWS OF THE STATE AND GIVING THE
BOARD THE POWER AND DUTY TO ADMINISTER PROVISIONS
OF CHAPTER 12, TITLE 38, IDAHO CODE, AND REDEFINING
THE POWERS OF THE BOARD TO ISSUE SUBPOENAS;
AMENDING SECTION 38-1209, IDAHO CODE, BY ALLOWING THE
BOARD TO ASSESS A LEVY ON TIMBER PRODUCTS
HARVESTED IN IDAHO AND PROVIDING THAT THE BOARD
SHALL SET TIMES AND PLACES FOR MEETINGS AND
REQUIRING ONE MEETING TO BE HELD EACH CALENDAR
YEAR AND REQUIRING THE BOARD TO DESIGNATE A
MEETING DATE ON WHICH A BUDGET SHALL BE ADOPTED
AND CAUSE NOTICE THEREOF TO BE PUBLISHED AND
REQUIRING THE BOARD TO LEVY THE ASSESSMENT BASED
UPON SUCH BUDGET AND PROVIDING THAT A HEARING
SHALL BE HELD ON SUCH BUDGET AND ASSESSMENT UPON
WRITTEN REQUEST THEREFOR AND REQUIRING THE BOARD
TO CONFIRM OR MODIFY SAID BUDGET AND ASSESSMENT
AFTER SUCH HEARING AND PROVIDING THAT THE
ASSESSMENT SHALL NOT BE LEVIED UPON THE UNITED
STATES OF AMERICA NOR ANY UNIT THEREOF AND
CONTINUALLY APPROPRIATING FUNDS DERIVED FROM SUCH
ASSESSMENT TO THE BOARD TO FINANCE OPERATIONS OF
THE BOARD; AMENDING SECTION 38-1215, IDAHO CODE, BY
PROVIDING THAT THE BOARD MAY PAY THE PREMIUM ON
BONDS REQUIRED FOR CHECKSCALERS FROM THE STATE
SCALING FUND AS A PROPER AND NECESSARY EXPENSE OF
THE BOARD; AMENDING SECTION 38-1218, IDAHO CODE, BY
PROVIDING THAT PROVISIONS CONTAINED IN CHAPTER 52,
TITLE 67, IDAHO CODE, SHALL ALSO APPLY; AMENDING SECTION 38-1222, IDAHO CODE, BY PROVIDING THAT ANY SCALER, SELLER, USER, PRODUCER, BUYER OR HAULER OF FOREST PRODUCTS AGGRIEVED BY A CHECKSCALING REPORT CAN APPEAL THE REPORT TO THE BOARD AND PROVIDING THAT THE BOARD SHALL HEAR AND DETERMINE SUCH APPEAL AS PROVIDED IN CHAPTER 52, TITLE 67, IDAHO CODE, AND PROVIDING THAT ANY PERSON AGGRIEVED BY BOARD ACTION MAY APPEAL AS PROVIDED IN SECTIONS 67-5215 AND 67-5216, IDAHO CODE.

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

SECTION 1. That Section 38-1207, Idaho Code, be, and the same is hereby amended to read as follows:

38-1207. MEETINGS — OFFICERS — QUORUM. — The board shall hold a meeting within thirty (30) days after its members are first appointed and thereafter shall hold at least one (1) regular meeting each year. The by-laws rules and regulations may provide for such additional regular meetings and for special meetings. Notice of all meetings shall be given as may be provided in the by-laws rules and regulations. The state land commissioner shall be chairman of the state board of scaling practices and the board shall annually elect a vice-chairman and a secretary, who shall be members of the board. Four (4) members shall constitute a quorum.

SECTION 2. That Section 38-1208, Idaho Code, be, and the same is hereby amended to read as follows:

38-1208. ADOPTION OF RULES AND SEAL — MAINTENANCE OF OFFICE — HEARINGS — PENALTIES FOR CONTEMPT. — The board shall have the power to adopt and amend all by-laws and rules of procedure, rules and regulations as provided in chapter 52, title 67, Idaho Code, and such rules and regulations, not inconsistent with the constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the administration of the act. It shall adopt and have an official seal. It shall have power to hire employees, provide and equip an office, equipment and facilities and such books and records as may be reasonably necessary for the proper performance of its duties.

In carrying into effect the provisions of this act, the board shall have the power and duty to administer provisions of this act and may, under the hand of its chairman and the seal of the board, may subpoena witnesses and compel their attendance, and also may require the production of books, papers, and other documents, etc., in any case or proceeding involving the
revocation, or suspension, of a license issued under authority of this act or the practicing practice or offering offer to practice scaling without a license in the state of Idaho. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers, or documents, the board may present its petition to the district judge of the district in which the witness may be found, setting forth the proceedings thereafter taken by the board to subpoena the witness and the failure of the witness to attend and briefly stating the subject matter upon which the testimony of the witness is required by the board; thereupon, such district judge may cause an order to be issued, requiring such witness to appear before the board to testify and to produce such books, papers and other documents as may be deemed necessary and pertinent by the board. Any person failing or refusing to obey such order shall be punished as for contempt of court, and any person failing to obey the subpoena of the board shall be guilty of a misdemeanor and shall be punished accordingly.

SECTION 3. That Section 38-1209, Idaho Code, be, and the same is hereby amended to read as follows:

38-1209. LEVY OF ASSESSMENT — BUDGET — HEARING — FUNDS — BOND OF SECRETARY — SALARY — CLERICAL ASSISTANCE. — (a) The board is hereby authorized and directed to levy an assessment on the original scale of all forest products scaled by scalers licensed under this act harvested within the state of Idaho in an amount not to exceed three cents (3¢) per thousand (1,000) board feet, provided, that no such assessment shall be levied more than once on any forest product. The board shall meet in October of each year set times and places for its meetings and shall hold not less than one (1) meeting in each calendar year. The board shall designate a meeting date on which a budget shall be adopted and assessment shall be levied. Notice of such meeting shall be given thirty (30) days prior thereto in a newspaper of general circulation throughout the state and adopt a budget for the next succeeding year, said budget shall not become final until the 30th day of November, during which time any interested party may present objections to said budget or recommendations for changes in the budget. The board shall designate and levy an assessment as herein provided to raise moneys necessary to fund operations of the board and the state scaling program established by this chapter based upon the budget adopted and notice of such levy shall be given in the notice of the budget. The budget and assessment shall become effective upon adoption by the board. In the event a written request is made therefor by any interested
person within thirty (30) days after notice of the budget and assessment has been published, a hearing shall be held by the board during the month of December, during which time persons may appear before the board and present their recommendations with reference there to. The board shall set a time and place for a hearing at which any person may submit recommendations for changes in the budget and the assessment. Thereafter the board shall either confirm or modify the budget and assessment and cause notice of such action to be published in a newspaper of general circulation throughout the state within ten (10) days after such action. If the budget or the assessment is modified, the modification shall become effective upon publication. Such hearing shall be held not later than thirty (30) days after receipt of a written request therefor. The board shall, following said hearing, either confirm said budget or make modifications therein, and based upon said budget as finally adopted, shall levy an assessment as herein set forth to raise moneys necessary to fund the operations of the board and the state scaling program established by this act. The term "original scale" is hereby defined as the scale first performed by a licensed scaler pursuant to the provisions of this act.

(b) The assessment herein provided shall be levied against and paid by the purchaser. The term "purchaser" as used herein shall also include the owner of the timber where the owner processes or utilizes the forest products in its operations or where the owner sells forest products outside the state of Idaho and the forest products are first scaled within the state of Idaho, provided that the assessment provided in this chapter shall not be levied against the United States of America, nor any unit nor agency thereof. The assessment shall be transmitted to the board on or before the twentieth (20th) day of each month for all timber harvested during the previous month.

(c) The secretary of the board shall receive and account for all moneys derived under the provisions of this act, and shall pay the same monthly to the state treasurer, who shall keep such moneys in a separate fund to be known as the "state scaling fund," which is hereby created in the state treasury. Such fund shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only on approval of the board. All moneys in the "state scaling fund" are hereby specifically appropriated for the use of the board. The board may establish, maintain and use a rotary fund as provided by state law. The secretary of the board shall give a surety bond to the state in such sum as the board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the board, and shall be paid out of the "state scaling fund."
secretary of the board shall receive such salary as the board shall determine in addition to the compensation and expenses provided in section 38-1205, *Idaho Code*. The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this act. All warrants on said "state scaling fund" shall be drawn by the state auditor on vouchers by the board and the state board of examiners.

SECTION 4. That Section 38-1215, *Idaho Code*, be, and the same is hereby amended to read as follows:

38-1215. CHECKSCALERS — APPOINTMENT — CHECKSCALING CRITERIA — REPORT — BOND. — The state land commissioner shall, with approval of the board, appoint such qualified licensed scalers as checkscalers as may be needed to perform checkscaling within the state. Criteria for conducting such checkscaling and a minimum number of logs and/or volume to be considered adequate for a valid checkscale shall be determined by the board, and shall guide the appointed scaler in performance of his checkscaling duties. The cost of all checkscalers other than in the regular course of the checkscaler’s duties shall be paid by the person requesting the same or by the party in error where the checkscaler finds and determines scaling error outside the allowable limits set by the board. All checkscaling costs shall be determined by using the costs of checkscaling at the time of request as determined by the board. The checkscaler shall make a report of his findings to the board within a reasonable time after each checkscale and said report shall be accepted as prima facie evidence of the facts stated in such report. Any person directly affected by said report shall be entitled to receive a copy of said report as soon as the checkscale has been completed.

All checkscalers appointed by the board shall obtain and execute a bond to the board for the benefit of those businesses and/or persons using the services of the checkscaler covering the performance of his checkscaling duties, which bond shall be in the sum of one thousand dollars ($1,000), executed by a qualified surety, duly authorized to do business in this state, upon the condition that said applicant, if said bond be issued to him, shall conduct his checkscaling duties without fraud or fraudulent misrepresentation and will faithfully perform his duties as a checkscaler for those persons using his services; said bond to be reissued annually on or before the 1st day of July each year, and said bond shall be filed with the board.
The premium on said checkscalers' bonds shall be regarded as a proper and necessary expense of the board, and shall be paid out of the "state scaling fund."

SECTION 5. That Section 38-1218, Idaho Code, be, and the same is hereby amended to read as follows:

38-1218. REVOCATION OR SUSPENSION OF CERTIFICATE. — The board shall have power to (1) revoke the certificate of registration or, (2) to suspend the certificate of registration for a period of time not exceeding two (2) years, of any registrant who is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration;

(b) Gross negligence, incompetency, habitual intemperance, insanity, conviction of a felony, moral turpitude, or misconduct in the practice of professional scaling as a registered professional scaler.

Any person may prefer charges, based on any of the above grounds, against any registrant. Such charges shall be in writing, and shall be sworn to by the person making them and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board as soon as possible but not to exceed three (3) months after the date on which they shall have been preferred.

The time and place for said hearing shall be fixed by the board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on, or mailed to the last known address of, such registrant, at least thirty (30) days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses in his own defense.

If, after such hearing, three (3) or more members of the board vote in favor of finding the accused guilty, the board shall revoke or suspend, as herein provided, the certificate of registration of such registered professional scaler.

In addition to the foregoing, provisions contained in chapter 52, title 67, Idaho Code, shall also apply.

SECTION 6. That Section 38-1222, Idaho Code, be, and the same is hereby amended to read as follows:

38-1222. APPEAL FROM CHECKSCALE TO BOARD — APPEAL FROM BOARD TO COURT. — Any scaler, seller, user, producer, buyer, or hauler of forest products aggrieved by any checkscaling report may appeal the report to the board. The board shall hear and determine such appeal as a contested case as provided in chapter 52, title 67, Idaho Code.
Any person who shall feel aggrieved by any action of the board in denying, suspending, or revoking of his license, any scaler, seller, user, producer, buyer or hauler of forest products, where good cause appears therefor who has been adversely affected by a checking report, may appeal therefrom to the district court as provided in sections 67-5215 and 67-5216, Idaho Code, of the county in which he resides. Such appeal shall be perfected by filing with the clerk of the district court, within thirty (30) days after the action of the board of which complaint is made, a petition setting forth briefly the action complained of and wherein the petitioner has been deprived of any legal right. The petition shall constitute the complaint, and summons may be issued thereon directed to the board and served upon the president or secretary thereof. The pleadings thereafter shall conform to the practice in other civil proceedings. The court in its decree may sustain or reverse the action of the board and direct the board to take such further or other action as to the court may seem just and proper in the premises.

Approved March 13, 1970

CHAPTER 186
(H. B. No. 621)

AN ACT
RELATING TO DRUGS, PROVIDING THAT IN ANY COMPLAINT, INFORMATION, OR INDICTMENT, AND IN ANY ACTION OR PROCEEDING BROUGHT FOR THE ENFORCEMENT OF ANY OF THE PROVISIONS OF CHAPTERS 22, 25, 27, 28, 29, 30, 31, 32 OR 33, TITLE 37, IDAHO CODE, IT SHALL NOT BE NECESSARY TO NEGATE ANY EXCEPTION, EXCUSE, PROVISO, OR EXEMPTION, CONTAINED IN THOSE CHAPTERS, AND THE BURDEN OF PROOF OF ANY SUCH EXCEPTION, EXCUSE, PROVISO, OR EXEMPTION SHALL BE UPON THE DEFENDANT; AND DECLARING AN EMERGENCY.

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

SECTION 1. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any of the provisions of Chapters 22, 25, 27, 28, 29, 30, 31, 32, or 33, Title 37, Idaho Code, it shall not be necessary to negate any exception, excuse, proviso, or exemption, contained in those chapters, and the burden of proof of any such exception, excuse, proviso, or exemption shall be upon the defendant.
SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 13, 1970

CHAPTER 187
(H. B. No. 551, As Amended)

AN ACT
AMENDING SECTION 42-227, IDAHO CODE, RELATING TO USE OF WELLS FOR DOMESTIC PURPOSES, BY PROVIDING THAT THE DRILLING OF WELLS FOR DOMESTIC PURPOSES MUST BE DONE BY A LICENSED WELL DRILLER; AMENDING SECTION 42-228, IDAHO CODE, RELATING TO USE OF WELLS FOR DRAINAGE PURPOSES, BY PROVIDING THAT THE DRILLING OF WELLS FOR DRAINAGE PURPOSES MUST BE DONE BY A LICENSED WELL DRILLER; AMENDING SECTION 42-230, IDAHO CODE, RELATING TO DEFINITIONS, BY FURTHER DEFINING A WELL, AND BY FURTHER DEFINING DOMESTIC PURPOSES; AMENDING SECTION 42-238, IDAHO CODE, RELATING TO WELL DRILLERS, BY PROVIDING THAT A WELL DRiller MUST BE LICENSED TO DRILL A WELL FOR DOMESTIC PURPOSES OR FOR DRAINAGE PURPOSES, AND BY DEFINING A PERSON AS ANY INDIVIDUAL WHO DRILLS A WATER WELL FOR HIMSELF OR ANOTHER IN THIS STATE, AND PROVIDING FOR WELL DRILLER'S REPORTS ON WELLS EXCEPTED UNDER SECTIONS 42-227 AND 42-228, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-227, Idaho Code, be, and the same is hereby amended to read as follows:

42-227. DRILLING AND USE OF WELLS FOR DOMESTIC PURPOSES EXCEPTED. — The excavation and opening of wells and the withdrawal of water therefrom for domestic purposes shall not be in any way affected by this act; providing such wells and withdrawal devices are subject to inspection by the department of reclamation and the department of public health, and providing further that the drilling of such wells shall be subject to the licensing provisions of section 42-238. Rights to ground water
for such domestic purposes may be acquired by withdrawal and use.

SECTION 2. That Section 42-228, Idaho Code, be, and the same is hereby amended to read as follows:

42-228. DRILLING AND USE OF WELLS FOR DRAINAGE PURPOSES EXCEPTED. — The excavation and opening of wells and the withdrawal of water therefrom for the sole purpose of improving or preserving the utility of lands by draining them shall not be forbidden or governed by this act, and, likewise, there shall be excepted from the provisions of this act the excavation and opening of wells and withdrawal of water therefrom by canal companies, irrigation districts, and other owners of irrigation works for the sole purpose of recovering ground water resulting from irrigation under such irrigation works for further use on or drainage of lands to which the established water rights of the parties constructing the wells are appurtenant; providing that the drilling of such wells shall be subject to the licensing provisions of section 42-238, Idaho Code.

SECTION 3. That Section 42-230, Idaho Code, be, and the same is hereby amended to read as follows:

42-230. DEFINITIONS. — (a) “Ground water” is all water under the surface of the ground whatever may be the geological structure in which it is standing or moving.

(b) “Well” is an artificial excavation or opening in the ground more than eighteen (18) feet in vertical depth below land surface by which ground water is sought or obtained.

(c) “Well driller” is any person or group of persons who excavate or open a well or wells for compensation or otherwise upon the land of the well driller or upon other land.

(d) “Domestic purposes” is water for a single family household use and a sufficient amount for the use of domestic animals kept with and for the use of the household livestock, and water used for all other purposes not in excess of 13,000 gallons per day not to exceed one-half (½) acre of irrigated land.

(e) “Water right” is the legal right, however acquired, to the use of water for beneficial purposes.

SECTION 4. That Section 42-238, Idaho Code, be, and the same is hereby amended to read as follows:

42-238. WELL DRILLERS. — (1) Powers and Duties of the State Reclamation Engineer. The state reclamation engineer is hereby vested with the powers and duties relating to the qualifications and licensing of well drillers as provided for in this act so as to protect the ground water resources against waste and contamination. The state reclamation engineer is also
authorized to adopt and enforce a code of standards of well construction necessary to protect the ground water resources as set forth in this act. The state reclamation engineer is also charged with the responsibility of collecting and filing for public use the well drillers' reports that are required in this act.

(2) Licensing of Well Drillers. It shall be unlawful for any person after July 1, 1967 to drill a well in Idaho, including wells excepted under sections 42-227 and 42-228, Idaho Code, without first obtaining a driller's license as provided herein. For the purpose of this act, a "person" shall be defined as any individual who drills or contracts to drill a water well for hire or otherwise a water well for himself or another in this state; it shall also be defined as any firm, copartnership, corporation or association which drills or contracts to drill a water well for hire or otherwise in this state except that employees of said firm, copartnership, corporation or association authorized to operate drilling equipment as the contractor's agent, shall not be required to obtain an individual well drilling license provided that the names and addresses of such employees are recorded with the state reclamation engineer. The license shall be obtained by filing with the state reclamation engineer an application in writing on a form provided by the state reclamation engineer accompanied by a $25.00 licensing fee. To determine the applicant's qualifications, the state reclamation engineer may require detailed information on the driller's past experience, and/or references, and/or an oral examination, and/or a written examination. The state reclamation engineer shall adopt rules and regulations for the licensing of well drillers in compliance with chapter 52, title 67, Idaho Code, and shall consider such factors as the applicant's (1) knowledge of Idaho water laws and the rules and regulations of the department of reclamation in connection with the drilling of wells, (2) knowledge of proper well construction procedures and the water well construction standards adopted by the state reclamation engineer as provided in this act, (3) knowledge of the various types of drilling tools and their use, (4) general knowledge of underground geology and ground water hydrology and their relation to well construction, (5) ownership or access to equipment capable of adequately constructing a well, (6) knowledge of types of well casing and their use, (7) knowledge of special well drilling problems and their solution, and (8) previous drilling experience. A copy of the proposed rules and regulations for licensing of well drillers shall be furnished to each well driller holding a current license at the time such proposed rules and regulations are promulgated.

If it is determined that the applicant is not qualified, the state reclamation engineer shall deny the application and refund the licensing fee.
If it is determined that the applicant is qualified, a license shall be issued upon the filing with the state reclamation engineer of a surety bond or cash bond in the penal sum of $1,000, conditioned upon the proper compliance with the provisions of this act and the rules and regulations promulgated pursuant thereto. Such bond shall be made payable to the state reclamation engineer. A license issued under this section shall expire on June 30 of each year or upon revocation of the license by the state reclamation engineer as provided for in this act. The license can be renewed effective July 1 of each year upon written application on forms provided by the state reclamation engineer and the filing of a $10.00 renewal fee. The renewal request must be accompanied by a new bond or evidence that the previous bond is still in effect. The renewal may then be granted by the state reclamation engineer if he determines that the driller has complied with the rules and regulations promulgated pursuant to this act. The fees collected for the licensing of well drillers shall be deposited in a special fund with the state treasurer with other fees collected by the department of reclamation.

The licensed driller shall have a card on hand, provided by the state reclamation engineer, to indicate his present license at all times when he is operating the drilling equipment. The state reclamation engineer may also require other identification to be posted on the drilling equipment as he deems helpful in the administration of this act.

(3) Well Driller's Report. In order to enable a comprehensive survey of the extent and occurrence of the state's ground water resource, every well driller is hereby required to keep a well log and pertinent data concerning each well, and its construction, that is drilled by him in Idaho, including wells excepted under sections 42-227 and 42-228 of this title, and complete a report on forms furnished by the state reclamation engineer. These reports shall be properly prepared and signed by the driller and deposited with the state reclamation engineer within thirty days following the completion of the well. Said report shall become a permanent record in the office of the department of reclamation for hydrologic and geologic analysis and research, and shall be available for public use. The report shall include such data as the state reclamation engineer deems necessary to provide the information that will be valuable for future reference and study.

(4) Well Construction Standards. The state reclamation engineer shall adopt minimum standards for water well construction in this state under the provisions of chapter 52, title 67, Idaho Code. Such standards shall require each well to be so constructed as to protect the ground water of the state from waste and contamination. Every licensed well driller will be furnished a copy of the adopted standards by the state reclamation engineer, and will be
required to construct each well drilled after July 1, 1967 in compliance with the determined standards.

(5) Penalties for Violation. Failure of the driller to comply with the provisions of section 42-238(3) will allow the state reclamation engineer to proceed to collect the necessary data on the well or wells in any manner available to him, and the cost of this data collection may be charged against the driller's bond in the amount of the expenses incurred up to the total amount of the bond.

Failure of the driller to comply with the provisions of section 42-238(3) is also cause for the state reclamation engineer to revoke an active license, or refuse to renew a license, until such time as the well driller's report or reports are properly completed and on file in the office of the state reclamation engineer.

Failure of the driller to comply with the provisions of section 42-238(4) will allow the reclamation engineer to proceed to repair or reconstruct or plug a well so that it complies with the adopted minimum standards of well construction, and the costs of this work may be charged against the driller's bond in the amount of the expenses incurred up to the total amount of the bond.

Failure of the driller to comply with the provisions of section 42-238(4) is also cause for the state reclamation engineer to revoke an active license or refuse to renew a license until such time as the well driller has repaired or reconstructed the well or wells so that they meet the adopted minimum standards. The reclamation engineer may also require that the well driller present evidence to show that he and his equipment are now capable of constructing a well in a proper manner, before the license is renewed.

Revocation or refusal to renew a well driller's license shall be determined by the state reclamation engineer only after fifteen (15) days' notice, setting forth reasons therefor, has been sent by certified mail to the well driller at his address of record with the department of reclamation. Any person violating any provision of this act shall be guilty of a misdemeanor as provided under section 42-237g.

(6) Appeals. Any person dissatisfied with any decision, determination, order or action of the state reclamation engineer made pursuant to this act, may take an appeal therefrom under the provisions of section 42-237e.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 13, 1970
CHAPTER 188
(H. B. No. 654)
AN ACT
AMENDING SECTION 1 OF CHAPTER 284, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUND ENUMERATED TO THE PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $10,392; AND DECLARING AN EMERGENCY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1 of Chapter 284, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Public Works Contractors State License Board.

FOR MAJOR AND MINOR PROGRAMS:

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FROM:

PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD FUND $128,245 138,637

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 13, 1970

CHAPTER 189
(H. B. No. 651)
AN ACT
AMENDING SECTION 1 OF CHAPTER 313, LAWS OF 1969, RELATING TO THE APPROPRIATION FROM THE FUND ENUMERATED TO
THE POTATO AND ONION COMMISSION, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $5,480; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 313, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period of July 1, 1969, to June 30, 1971, of the potato and onion commission.

FOR MAJOR AND MINOR PROGRAMS:

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FROM POTATO AND ONION FUND $3,000,000 3,005,480

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 13, 1970

CHAPTER 190
(H. B. No. 432, As Amended)

AN ACT

PROVIDING A DECLARATION OF POLICY; CREATING THE STATE FIRE PREVENTION BOARD, AND PROVIDING FOR ITS APPOINTMENT BY THE GOVERNOR, ITS MEMBERSHIP, AND THE QUALIFICATIONS, TERMS OF OFFICE AND PER DIEM EXPENSES WITHOUT SALARY OF MEMBERS; PROVIDING FOR THE ORGANIZATION, PROCEDURES, MEETINGS, DUTIES AND POWERS OF THE BOARD; PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE "FIRE PREVENTION CODE", 1965
EDITION, AS AMENDED, RECOMMENDED BY THE AMERICAN INSURANCE ASSOCIATION, WHICH PRESCRIBES MINIMUM STANDARDS; CREATING THE OFFICE OF STATE FIRE MARSHAL, TO BE APPOINTED BY THE BOARD, PRESCRIBING HIS POWERS AND DUTIES; PROVIDING FOR THE APPOINTMENT OF DEPUTY STATE FIRE MARSHALS; PROVIDING THAT ALL CITY FIRE CHIEFS OR FIRE MARSHALS, OR THE COUNTY SHERIFF OR DEPUTY IN SUBDIVISIONS WHERE NO ORGANIZED FIRE DEPARTMENT EXISTS, SHALL BE ASSISTANTS TO THE STATE FIRE MARSHAL, BUT THAT THE STATE FIRE MARSHAL SHALL NOT INTERFERE WITH OPERATION OF FIRE DEPARTMENTS OR SHERIFFS' OFFICES IN ANY MATTER EXCEPT FIRE PREVENTION OR ARSON INVESTIGATION; PROVIDING THAT THE FIRE MARSHAL OR HIS DEPUTIES MAY INVESTIGATE THE ORIGIN OR CIRCUMSTANCES OF ANY FIRE; REQUIRING INSURANCE COMPANIES TO SUBMIT REPORTS OF FIRE LOSSES ON PERSONAL INJURY, DEATH, OR PROPERTY INSURED BY THEM; PROVIDING POWER AND AUTHORITY TO STATE FIRE MARSHAL AND HIS ASSISTANTS TO INSPECT BUILDINGS EXCEPT PRIVATE RESIDENCES AND GARAGES AND BUILDINGS ON FARMS OF CERTAIN SIZE, AND FOR ORDERS TO BE ISSUED FOR REMEDY OR REMOVAL OF DANGEROUS CONDITIONS; PROVIDING FOR SERVICE OF AND APPEAL FROM SUCH ORDERS AND FOR REVIEW, REVOCATION, MODIFICATION OR AFFIRMATION OF SUCH ORDERS BY THE STATE FIRE MARSHAL; PROVIDING FOR APPEAL THEREAFTER TO THE DISTRICT COURT; PROVIDING FOR IMPOSITION OF PENALTY FOR NEGLECT OR NONCOMPLIANCE WITH SUCH ORDER, AND FOR RECOVERY OF SUCH PENALTY BY SUIT IF NECESSARY; PROVIDING AUTHORITY TO THE STATE FIRE MARSHAL OR HIS ASSISTANTS TO ABATE ANY HAZARD WHICH IS NOT REMOVED OR REMEDIED AS ORDERED, AND THAT THE COST THEREOF IF NOT PAID SHALL BE CERTIFIED AND BECOME A SPECIAL TAX ASSESSMENT AGAINST THE REAL ESTATE; PROVIDING AUTHORITY TO THE STATE FIRE MARSHAL AND HIS DEPUTIES TO INVESTIGATE THE ORIGIN OR CIRCUMSTANCES OF ANY FIRE OCCURRING IN THE STATE AND TO SUMMON WITNESSES AND REQUIRE PRODUCTION OF CERTAIN EVIDENCE, PRESCRIBING THE
PROCEDURES THEREOF; AND PROVIDING THAT DATA MAY BE PRESENTED TO THE PROSECUTING ATTORNEY FOR CRIMINAL PROCEEDINGS; PROVIDING THAT IF WITNESSES REFUSE TO OBEY SUMMONS OR ANSWER QUESTIONS RELATIVE TO SUCH INVESTIGATIONS, APPLICATION MAY BE MADE TO THE DISTRICT COURT FOR AN ORDER REQUIREING THEM TO SUBMIT; PROVIDING PAYMENT FOR WITNESSES AND OFFICERS SERVING SUBPOENA; PROVIDING THAT A CERTIFIED COPY OF THE FIRE PREVENTION CODE SHALL BE ADMISSIBLE IN ANY COURT AS EVIDENCE OF THE CODE; AUTHORIZING THE STATE FIRE MARSHAL TO MAKE ADJUSTMENTS IN CASE OF PRACTICAL DIFFICULTIES OR HARDSHIPS IF PUBLIC HEALTH, SAFETY AND WELFARE ARE SECURED; CREATING "THE STATE FIRE PREVENTION FUND" IN THE STATE TREASURY, DEDICATING ALL MONEYS OF THE FUND, LIMITING THE BALANCE OF THE FUND AND PROVIDING THAT ALL EXCESSES SHALL REVERT TO THE GENERAL FUND OF THE STATE; PROVIDING THAT THE PROVISIONS OF THIS ACT SHALL BE CONSTRUED LIBERALLY; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The purpose of this act is to protect human life from fire, and to prevent fires. This act is intended to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises, and there is hereby adopted the "Fire Prevention Code", 1965 edition, as amended, as recommended by the American Insurance Association (formerly the National Board of Fire Underwriters), as the minimum standard for the protection of life and property from fire and explosions in the state of Idaho.

SECTION 2. There is hereby established the state fire prevention board, which shall be composed of seven (7) members appointed by the governor. The board shall have its principal office in the city of Boise, in space provided by the state. The membership of the board shall consist of at least three (3) officers or members of legally organized fire departments, either paid or volunteer, of which no two (2) members shall be appointed to serve at the same time from one such legally organized fire department; and
four (4) members appointed at large from fields or agencies interested in fire prevention. In making the appointments from the fire departments, the governor shall take into consideration recommendations made to him by the state fire school association. Four (4) members shall be appointed to terms which expire on January 1, 1973, and three (3) members to terms which shall expire on January 1, 1975; thereafter all appointments shall be for terms of four (4) years. No member shall serve more than two (2) terms consecutively. The governor shall fill any vacancy for the balance of the unexpired term. The appointed members shall not receive any compensation for their services, but when actually engaged in the performance of duties shall be paid a per diem of twenty-five dollars ($25.00) for each day of such actual service and shall be reimbursed at the same rate as other state officials for travel and other necessary expenses.

SECTION 3. The business of the board shall be conducted as follows:

1. The first meeting of the board shall be held in Boise within sixty (60) days following its appointment, and thereafter the board shall hold no less than two (2) regular meetings annually, on dates and at places set by the board. Special meetings of the board may be held by call of the chairman, four (4) members of the board, or the governor. A majority of board members present at any meeting after being duly notified shall constitute a quorum for the transaction of business.

2. All meetings at which official action is to be taken by the board shall be open to the public.

3. At its first meeting the board shall elect a chairman and a vice-chairman from its membership. Such officers shall hold their respective offices for a period of two (2) years and until their successors are elected. Should a vacancy occur in either office, the board shall elect a member to fill such vacancy for the remainder of the term.

4. The board shall select a secretary, who may be a member of the board. The secretary shall be responsible for recording full and accurate minutes of all the meetings of the board, its proceedings, and every ruling, order and decision made by it. He shall also perform such other duties as may be required of him.

5. Each member of the board before entering upon the discharge of his official duties shall file with the secretary of state the statutory oath of office.

SECTION 4. The board shall have the following powers and duties:

1. To enforce the "fire prevention code", 1965 edition, as amended.

2. To establish qualifications for and appoint a state fire marshal, and fix his salary. If the appointee should be a member of the board, he must
resign therefrom to accept the new office. The state fire marshal shall serve as the executive officer and administrative head of the board, and shall devote his full time to the duties of his office. He shall serve subject to the pleasure of the board.

3. To prescribe regulations in addition to the "fire prevention code" as adopted, which may be deemed necessary for the prevention of fires and protection of life and property, and such regulations are to be enforced by the state fire marshal.

4. To make interpretations and rules of the intent of the various provisions of the "fire prevention code" as adopted.

5. To adopt, rescind, modify or amend rules and regulations for the exercise of its functional powers and duties.

6. To transmit to the governor and legislature, on or before the 15th day of February of every year, a full report of its proceedings under this act and such statistics as it may wish to include therein unless some other time for reporting is fixed by law, and such report shall be available to the public.

7. The fire prevention board shall make recommendations for amendments to the "fire prevention code" to be submitted to the legislature for its consideration.

SECTION 5. In addition to the duties prescribed by the state fire prevention board, the state fire marshal shall:

1. Administer and enforce this act.

2. Appoint, employ and discharge such deputies and other employees as in his judgment may be necessary, control their powers, prescribe their duties, and fix their compensation, subject to the approval of the state board of examiners or its successor within the limits of any funds available therefor.

3. Keep books, records and accounts, which shall be open to inspection and audit by the state of Idaho at all times.

4. Purchase necessary equipment and supplies, and incur any other reasonable and necessary expense in connection with or required for the purpose of carrying out the provisions of this act.

5. Maintain in his office a record of all fires occurring in the state, and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby and whether such losses were covered by insurance, and if so, in what amount. All such records shall be public, except any testimony taken in an investigation under the provisions of this act which the state fire marshal in his discretion may withhold from the public.

6. Prepare each year a proposed budget for the next succeeding fiscal year.
SECTION 6. The chief of the fire department, or his deputy, of every city, or fire protection district organized under state law in which a fire department is established, and in areas where no organized fire department exists the county sheriff, or his deputy, shall be assistants to the state fire marshal in carrying out the provisions of the "fire prevention code" and such other regulations as set forth by the state fire prevention board.

SECTION 7. The state fire marshal shall be the chief arson investigation officer in the state, and shall have the same responsibility and power in arson investigation as a county sheriff. He shall not, however, interfere at any time in the operation or administration of any fire department or sheriff's office except in matters of fire prevention and arson investigation.

SECTION 8. Every fire insurance company authorized to transact business in this state is hereby required to report to the office of the state fire marshal, within seven (7) days after settlement of all fire losses of two hundred fifty dollars ($250.00) or more, on property within the state of Idaho and all fire losses resulting in death or personal injury, including those personal injury losses covered by workmen's compensation insurance. The report shall state the date of fire, the amount of probable property loss or personal injury, the character of property destroyed or damaged, and supposed cause of the fire. The report shall be in addition to and not in lieu of any report or reports such companies may be required by any law of this state to make to the commissioner of insurance or other state officer.

SECTION 9. The state fire marshal, his deputies or assistants, upon the written and signed complaint of any person or whenever he or they shall deem it necessary, may at reasonable hours inspect buildings and premises within their jurisdiction, upon the presentation of proper credentials, except the interior of private dwellings, private garages appertaining to such residences, or buildings on farms of more than five (5) acres.

Whenever any of said officers shall find that any building or other structure which, for want of repairs, or lack of or insufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire, and is so situated as to endanger life, other buildings or structures or said building or structure, he or they shall order the same to be remedied or removed, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, unless said owner or occupant avail himself of the appeals procedure set forth in this act.

The service of any such order shall be made upon the owner or occupant either by delivering to and leaving with the said person a true copy
of the said order, or, by mailing such copy to the owner or occupant's last known address. All mailings shall be registered or certified, with return receipt.

SECTION 10. If such order is made by the deputies or assistants of the state fire marshal, such owner or occupant may, within twenty (20) days after receipt of service of such order, appeal to the state fire marshal, who shall within ten (10) days, review such order and if affirmed, file his decision thereon, and unless by his authority the order is revoked or modified it shall remain in full force and be complied with within the time fixed in said order or decision of the state fire marshal.

Provided, however, that any such owner or occupant who feels himself aggrieved by any such order, or affirming of such order, may within thirty (30) days after making or affirming of any such order by the state fire marshal, appeal such order to the district court having jurisdiction of the property.

SECTION 11. Any owner or occupant failing to comply with such order within thirty (30) days after said appeal has been determined, or, if no appeal is taken, then within the time fixed in said order, shall be liable to a penalty of ten dollars ($10.00) for each day's neglect thereafter, payable to the state fire marshal, for deposit in the state general fund.

The penalty herein provided, if not then paid, may be recovered in an action brought in any court of competent jurisdiction of the county where such property is located, in the name of the state, under the direction of the state fire marshal, and/or any of the assistants herein designated, where such property is located, or by an attorney specially designated therefor by the attorney general.

SECTION 12. If any person fails to comply with the order of any officer under the preceding sections or with the order as modified on appeal as herein provided, and within the time fixed, then such officer is hereby empowered and authorized to cause such building or premises to be repaired, torn down or demolished, with the materials removed and all dangerous conditions remedied, at the expense of the person who fails to comply with such order.

SECTION 13. If, within thirty (30) days thereafter, such person shall fail, neglect or refuse to repay the office of the state fire marshal the expenses for demolishing or repair of said building incurred under the provisions of this act, the enforcing officer shall certify such expenses to the clerk of the city, fire district or county in which the property is situated, and the city, fire protection district or county shall certify to the county treasurer the amount of the assessment, which assessment shall be, by said
county treasurer, placed upon the tax roll and collected as other taxes, and when collected shall be refunded to the state fire prevention board for deposit in the state general fund.

SECTION 14. The state fire marshal or his deputies shall have the power to subpoena witnesses and compel them to attend before them, or either of them, and to testify in relation to any matter which by the provisions of this act is subject to inquiry and investigation, and may require the production of any book, paper or document deemed pertinent or necessary to the inquiry, and shall have the power to administer oaths and affirmations to any person appearing as a witness before them. Any such hearing shall be held in the county where the property is located.

Such examination may be public or private, as the officers conducting the investigation may determine, and persons other than those required to be present may be excluded from the place where such examination is held.

If, after such examination of witnesses or any investigation, the state fire marshal or any of his deputies or assistants is of the opinion that the facts in relation to such fire indicate that a crime has been committed, the state fire marshal or any of his deputies or assistants shall present the testimony taken on such examination, together with any other data in his possession, to the prosecuting attorney of the proper county, with the request that the prosecuting attorney institute such criminal proceedings as such testimony or data may warrant.

SECTION 15. If a witness refuses to obey a subpoena of the state fire marshal, his deputies or assistants, or to answer questions, the state fire marshal may apply to the district court having jurisdiction of the property for an order requiring him to submit.

SECTION 16. Each person summoned and testifying before the state fire marshal, his deputies or assistants, shall on the certification of the fire marshal and upon audit of the proper officer of the state, receive such sum or sums for witness fees and mileage as are provided for witnesses testifying in the district courts of this state; and officers serving subpoena and rendering other services to the state fire marshal shall be paid in like manner and amounts as they would be entitled for like service in such courts.

SECTION 17. A copy of the "fire prevention code", 1965 edition, as amended, and adopted by the state of Idaho, shall be received in any court in this state as conclusive evidence of the contents of said code.

SECTION 18. When the state fire marshal finds that practical difficulties, unnecessary hardship or consequences inconsistent with the general purposes of this act relating to fire protection and fire prevention may result from the application of such statutes and regulations, he may
upon receipt of a verified application from the owner or occupant of the property affected stating fully the grounds of the application and facts relied upon, and upon his own further investigation, grant adjustments or variances with such conditions and safeguards as he may determine in harmony with the general purpose, intent and spirit of such statutes and regulations, so that the public health, safety and welfare shall be secured and substantial justice done.

SECTION 19. “The state fire prevention fund” is hereby created and established in the state treasury, to which shall be deposited revenues derived from whatever source. All moneys now or hereafter in the state fire prevention fund are hereby dedicated for the purpose of defraying the expenses of the state fire prevention board in carrying out the provisions of this act. Any unencumbered balance in excess of the sum of seventy thousand dollars ($70,000) remaining in the state fire prevention fund at the close of each fiscal year shall be transferred to the general fund by the state auditor.

All claims against the said fund shall be examined, audited and allowed in the manner now or hereafter provided by law for claims against the state of Idaho.

SECTION 20. It is hereby declared that this act is necessary for the public safety, health, peace and welfare, is remedial and preventive in nature, and shall be construed liberally.

SECTION 21. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 22. This act shall be in full force and effect on and after July 1, 1971.

Approved March 13, 1970

CHAPTER 191
(H. B. No. 510)

AN ACT
REQUIRING THAT THE LEASES OF STATE COTTAGE SITES BY THE STATE OF IDAHO REQUIRE LESSEES TO PROVIDE SEWAGE DISPOSAL FACILITIES WHEN SITE IMPROVEMENTS ARE MADE; AND PROVIDING AN EFFECTIVE DATE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. "Cottage site" is defined as a state owned lot containing one (1) acre or less which is or may be leased by the state of Idaho primarily for recreational or homesite use by a lessee.

SECTION 2. After the effective date of this act all cottage site leases authorized by the state of Idaho shall require that each lessee must construct, at his cost and expense, sewage disposal facilities, certified by the state department of health as adequate, as follows:

(a) For all new cottage or house construction on any cottage site the health department certificate shall be issued prior to occupancy.
(b) For cottage sites having constructed living quarters such certificate shall be issued within two (2) years of the effective date of the lease.
(c) Isolated dwellings on sites situated on mining, grazing or other similar types of state land board leases shall not be affected unless within two hundred (200) yards of any flowing stream or a lake.

SECTION 3. Failure to provide certified sewage disposal as provided in this act shall result in the following:

(a) Forfeiture of lease to the state of Idaho after notice and hearing.
(b) Loss of sewage treatment facility credit on any transfer of lease or new lease of such site after notice and hearing before the department issuing such lease.

The department issuing any cottage site lease is authorized to invoke either or both remedies at its discretion or may take such other action allowed by law to enforce the provisions of the lease.

SECTION 4. The state board of health shall adopt reasonable rules, regulations and standards for the installation and operation of cottage site sewage treatment facilities, and shall provide adequate inspection services so as not to delay unreasonably the construction of any lessee. Duplicate originals of all certificates issued by the department of health shall be filed with the head of the department issuing a cottage site lease.

SECTION 5. In the event of dispute, unreasonable delay on the part of lessee or the department of health, the department issuing a cottage site lease may, upon notice and hearing, make a final determination consistent with control of water pollution and public health.

SECTION 6. This act shall be in full force and effect on and after July 1, 1970.

Approved March 14, 1970
AN ACT
AMENDING SECTION 31-808, IDAHO CODE, RELATING TO SALE OF
COUNTRY PROPERTY, BY PROVIDING THAT WHEN COUNTY
PROPERTY WHICH HAS BEEN ACQUIRED BY TAX DEED IS
SOLD THAT ANY SPECIAL ASSESSMENT SHALL BE PAID IN
FULL BEFORE THE PROCEEDS OF THE SALE ARE PRORATED.

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

SECTION 1. That Section 31-808, Idaho Code, be, and the same is
hereby amended to read as follows:

31-808. SALE OF COUNTY PROPERTY – PROCEDURE –
PROPERTY ACQUIRED THROUGH TAX DEED – SALES TO UNITED
STATES – SALES TO SCHOOL DISTRICTS OR JUNIOR COLLEGE
DISTRICTS.— To sell or offer for sale at public auction at the courthouse
door, after thirty (30) days' previous notice given by publication in a
newspaper of the county any property, real or personal, belonging to the
county, not necessary for its use, except that such personal property not
exceeding $50.00 in value may be sold at private sale without advertisement
and such sale of real property may be made by the board of county
commissioners, either for cash or upon such terms as the board of county
commissioners may determine, and the same must be sold to the highest
bidder. The notice required to be published in a newspaper by the foregoing
sentence shall, in the case of a sale of realty contain an accurate description
of the realty by legal description and, if the realty be located within a city or
village, description by street address, and if the realty be located outside the
limits of a city or village then such notice shall state the distance and
direction of the location of such realty from the nearest city or village. The
proceeds from such sales shall be paid into the county treasury for the use of
the county, unless such property has been acquired by tax deed, in which
event the proceeds from such sale, after deducting the advertising and selling
costs which shall be reimbursed to the county, shall be prorated to the
taxing districts in which the property is situated in proportion of each tax
for the year of delinquency upon which the tax deed was issued to the county,
except that any special assessment listed on the tax roll on that
property shall be paid in full for the year of the tax deed and the subsequent
two (2) years before the monies are prorated. If such property is sold on
terms the board of county commissioners may contract for the sale of the
same for a period of years not exceeding ten (10) years, with an annual rate
of interest on all deferred payments not to exceed eight per cent (8%) per
annum. The title to all property sold on contract shall be retained in the name of the county until full payment has been made by the purchaser. Any property sold by the board of county commissioners under the provisions of this section, either for cash or on contract, shall be assessed by the county assessor in the same manner and upon the same basis of valuation as though the purchaser held the record title to the property so sold. The board of county commissioners shall have authority to cancel any contract of sale if the purchaser shall fail to comply with any of the terms of such contract, and retain all payments paid thereon. The board of county commissioners may by agreement with the purchaser modify or extend any of the terms of any contracts of sale, but the total period of years shall not exceed ten (10) years. Any such sale made by the board of county commissioners of property acquired through tax deed shall, subject to the provisions of this section, vest in the purchaser all of the right, title and interest of the county in the property so sold, including all delinquent taxes which have become a lien on the property since the date of the tax sale certificate upon which any tax deed has been issued, and such board shall have discretionary authority to reject or accept any bid which may be made for a less amount than the total amount of all delinquent taxes, penalties, and interest which may have accrued against any property so offered for sale, including the amount specified in the tax deed to the county. It shall be the duty of the board of county commissioners in advertising any property for sale, under this act, which has been acquired by tax deed to insert either before or after each description of real estate offered for sale the name of the taxpayer as it appears in the delinquent tax certificate upon which the tax deed held by the county was issued. Whenever a sale or transfer of any real estate acquired by tax deed has been under the provisions of this section, the bidder for any such real estate, whether bidding for himself or for another, must include or add to such bid the additional sum of one dollar ($1.00), which sum shall be a fee for recording the deed conveying such real estate to the purchaser. No deed for any such real estate sold under the provisions of this section shall be delivered to a purchaser or his representative until such deed has been recorded in the county making the sale.

Provided, that any title to real property heretofore and/or hereafter acquired by any county under a tax deed, which in the judgment of the board of county commissioners is suitable for the production of trees and/or as a watershed, may be granted and conveyed by deed, to the United States of America by the county tax collector upon the order of the board of county commissioners. The said board of county commissioners shall appraise and determine the value of such real property immediately prior to
the execution of the deed conveying the same to the United States of America. And the board of county commissioners shall accept from the United States of America for and on behalf of the county, as full compensation for each tract and parcel of such real property conveyed, title to stumpage having an approximate value equal to the appraised value of the real property described in the deed or conveyance. All stumpage acquired by the county under the provisions of this paragraph shall be sold by the board of county commissioners for a price which shall not be less than its approximate value at the time it was received by the county from the United States of America, and the proceeds of such sale of such stumpage shall be deposited in the county treasury for the use of the county. The execution by the county tax collector of the deed of conveyance to the United States of America conveying any tract or parcel of such real property shall operate to discharge and cancel all levies and/or liens for taxes and special assessments made or created for the benefit of the state, county, school district or any taxing unit or district, and to cancel all titles or claims of title, including claims for redemption, to such real property, asserted or existing at the time of such execution. No public notice of the intention to convey title to any of the real property defined by this paragraph shall be necessary.

Provided further, that the board of county commissioners may, in their discretion, whenever they shall determine it is desirable and for the general welfare and benefit of the people of the county, grant and convey by deed to the United States of America or any agency thereof title in fee simple, or any other interest in and to any real estate owned by the county, whether acquired by tax deed or otherwise, which may be required by the United States or such agency for electric transmission or distribution lines or facilities connected therewith. Before making any such conveyance, the board of county commissioners shall enter a resolution declaring the intention of such board to make a conveyance of real property under authority of this act, and shall cause notice thereof to be published for at least two (2) weekly issues of the official newspaper of said county before final action shall be taken, specifying the time and place where objections to such action may be filed and the time when such objections will be considered, provided, that if no newspaper is published in said county, such notice may be given by posting such notice in three (3) public places in the county, one (1) of which shall be at the county courthouse, in the place provided for posting similar notices, for a period of at least ten (10) days immediately preceding the time fixed for hearing of objections. If no objections are filed or objections are overruled, the board may then convey the real property proposed in said resolution to be conveyed, as herein
authorized: such conveyance may be for such consideration as may be determined by said board.

Provided further that when any city or village desires to acquire lands, for the purpose of constructing and maintaining an aviation field, airport, hangars and other air navigation facilities thereon, as provided in chapter 4, title 21, and the title to all or any portion of the lands so desired for such purpose not exceeding in area 1280 acres, is vested in any county under tax deed, said land so owned by the county, may be sold and conveyed to any such city or village for such purposes by the county owning the same at a price to be fixed by resolution of the board of county commissioners. No public notice of the intention of the county to sell and convey title to any city or village for such purposes shall be necessary.

Provided further, that the board of county commissioners may, in their discretion, without previous notice by advertisement or otherwise, grant to the state of Idaho, with or without compensation, for state highway purposes; or may convey, with or without consideration, to any junior college district, organized within the county under the provisions of sections 33-2101–33-2118, any real property owned by the county, not necessary for the use of the county, whether acquired by tax deed or otherwise.

Provided further, that the board of county commissioners may, in their discretion and without previous notice by advertisement or otherwise, grant, with or without compensation, to any school district located partially or wholly within the county and created, existing or established pursuant to chapter 3 of title 33, Idaho Code, any real property, or interest in real property, owned by the county but not necessary for the use of the county, whether acquired by tax deed or otherwise.

The execution and delivery by the county of the deed conveying such property, right of way, or other interest in such property to the United States of America or any agency thereof, the state, city, village, school district, or junior college district for such purposes, which shall be specified in the deed, shall operate to discharge and cancel all levies, liens, taxes and special assessments made or created for the benefit of the state, county, school district and all other taxing units and to cancel all titles or claims of title including claims of redemption to such real property asserted or existing at the time of such conveyance.

Approved March 14, 1970
CHAPTER 193
(H. B. No. 588, As Amended, As Amended in the Senate)

AN ACT
AMENDING SECTION 31-3113, IDAHO CODE, RELATING TO
SALARIES OF PROSECUTING ATTORNEYS, BY PROVIDING FOR
CERTAIN INCREASES FOR CERTAIN NAMED COUNTIES; AND
PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:
  SECTION 1. That Section 31-3113, Idaho Code, be, and the same is
hereby amended to read as follows:
  31-3113. SALARIES OF PROSECUTING ATTORNEYS —
SCHEDULE. — The annual salaries of the prosecuting attorneys in the
various counties shall be as set forth in the following paragraphs:
  1. Ada County, $13,500 14,000.
  2. Kootenai County, $11,000.
  3. Canyon County, $10,500.
  4. Bingham County, $10,000.
  5. Bonneville County and Bannock County, $9,500.
  6. Twin Falls County, $9,250.
  7. Bannock County and Elmore County and Cassia County, $9,000.
  8. Bonner County, $7,500 8,250.
  9. Shoshone County, $8,400.
  9-10. Nez Perce County, $7,800.
  11. Clearwater County and Minidoka County, $7,000.
  12. Cassia County, $6,500.
  13. Idaho County and, Washington County, Custer County; and
  Boundary County, $6,000.
  14. Benewah County, $5,850.
  15. Latah County, $5,600.
  16. Boundary County, $5,300.
  17. Payette County, Lewis County and, Lincoln County and
  Owyhee County, $4,800.
  16. Gooding County, $4,750.
  21. Franklin County, Fremont County, Bear Lake County and
  Caribou County, $4,200.
  22. Butte County, Jefferson Valley County, Lemhi County and
  Camas County, $4,000.
SECTION 23. Owyhee County and Valley County, $3,800.
2422. Oneida County and Clark County, $3,600.
2523. Adams County, $3,200.
2624. Blaine County and Custer Boise County, $3,000.
2725. Teton County, $2,850.
2826. Power County, $2,700.
29. Boise County, $2,640.
30. Clark County, $2,400.

SECTION 2. This act shall be in full force and effect on and after July 1, 1970.

Approved March 14, 1970

CHAPTER 194
(H. B. No. 592, As Amended)

AN ACT
AMENDING SECTION 59-502, IDAHO CODE, RELATING TO JUDICIAL SALARIES, BY INCREASING SALARIES OF JUSTICES OF THE SUPREME COURT TO $25,000, BY INCREASING SALARIES OF DISTRICT JUDGES TO $22,000, BY STRIKING THE PROVISION FOR 3% INCREMENT PAYMENTS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-502, Idaho Code, be, and the same is hereby amended to read as follows:

59-502. SALARIES OF JUDGES. — The base salary of the justices of the Supreme Court shall be $20,000 per annum, and the base salary of the judges of the district courts shall be $16,500 per annum. In addition thereto, there shall be paid to each Justice of the Supreme Court, judge of a district court, a sum equal to three per cent (3%) of said annual base salary of his office for each full year of service as a Supreme Court judge and/or district judge occurring subsequent to the effective date of this act, to a maximum of ten (10) years. And such addition to base salary shall be referred to as salary increment. Based on tenure, such salary increment to be computed annually as of the 1st day of July, commencing with the 1st day of July, 1968. On or before the 1st day of May of each year, commencing with May 1, 1968, the chief justice of the Supreme Court shall certify to the State Auditor the salary increment effective for each Supreme Court justice.
and district judge for the ensuing year. Such annual base salary and salary increment salaries shall be paid monthly as due out of the state treasury, but no justice of the supreme court or judge of the district court shall be paid his base salary, or salary increment, or any part thereof, unless he shall first take and subscribe an oath that there is not in his hands any matter in controversy not decided by him, which had been finally submitted for his consideration and determination thirty (30) days prior to his taking and subscribing said oath.

SECTION 2. This act shall be in full force and effect on and after July 1, 1971.

Approved March 14, 1970

CHAPTER 195
(H. B. No. 596)

AN ACT
AMENDING SECTION 1 CHAPTER 271, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUND ENUMERATED TO THE LAW LIBRARY BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $8,500.00; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 271, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Law Library.

FOR MAJOR AND MINOR PROGRAMS:

LAW LIBRARY SERVICES $96,000.00 104,500.00

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

SALARIES AND WAGES $39,706.00
TRAVEL 765.00
OTHER CURRENT EXPENSES 27,629.00 36,129.00
CAPITAL OUTLAY 27,900.00

FROM:

GENERAL FUND $96,000.00 104,500.00
SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970

CHAPTER 196
(H. B. No. 627)

FOR PAYMENT OF BONDS ON MATURITY; PROVIDING FOR THE CALLING AND PAYMENT OF ALL OR ANY PART OF THE BONDS PRIOR TO MATURITY THEREOF AND AT ANY TIME AFTER TWO YEARS FOLLOWING DATE OF ISSUE, AT THE OPTION OF THE STATE; EXEMPTING THE PROVISIONS OF THIS ACT FROM SECTION 63-922, IDAHO CODE; APPROPRIATING $2,000 OUT OF THE GENERAL FUND TO PAY EXPENSES INCIDENTAL TO MAKING THE LOAN AND ISSUING AND SELLING THE BONDS; AND DECLARING AN EMERGENCY.

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

SECTION 1. For the purposes of the water pollution control fund previously authorized by law, a loan for the use and benefit of, and in the name of the state of Idaho, in the principal sum of one million five hundred thousand dollars ($1,500,000) lawful money of the United States, is hereby authorized, for the repayment of which the full faith and credit of the state of Idaho is hereby solemnly pledged. Said loan shall be negotiated by the issuance and sale of a series of bonds of the state of Idaho to be known as "1970 water pollution control bonds," all of which, except as to date, interest rate, number and denomination, shall be substantially in the form following:

"No. ____________

United States of America

State of Idaho

1970 Water Pollution Control Bonds

For value received, the state of Idaho acknowledges itself to owe and promises to pay to bearer, at the office of the treasurer of the state of Idaho at Boise, Ada County, Idaho, or at the ______ Bank in the City of New York, (at bearer's option) on the ______ day of ______ , A.D. 19____, or, on the call of the treasurer thereof, at any time after two years from the date hereof, the sum of $____ in lawful money of the United States of America, together with interest thereon in like money at the rate of____ per cent per annum from the date hereof, interest payable semiannually on the surrender of the appropriate interest coupon thereto attached.

This bond is one of a series aggregating the principal sum and total par value of One Million Five Hundred Thousand Dollars, all of which bonds are identical in all terms, conditions and respects save and except as to numbers, dates, denominations and interest rate; all of which are entitled to payment on maturity or on call in order of their presentation, but are otherwise entitled to no priority or preference, the one over the other, and are all issued in pursuance of and subject to the terms and provisions of an act of

It is hereby certified, recited and declared that all matters, acts, conditions and things required by law to make this bond a valid and binding obligation of the state of Idaho, have happened, have been done and have been performed, and the full faith and credit of the state of Idaho is solemnly pledged for the payment of the sums and the interest thereon.

IN WITNESS WHEREOF and pursuant to the authority in them, and each of them, vested, and under and by direction of the aforesaid act of the legislature, the governor and treasurer of the said state of Idaho have hereunto affixed their, and each of their, official signatures, and the secretary of state of the state of Idaho has attested the same by his official signature and the Great Seal of the state of Idaho, at Boise, the capital of the said state, this ___day of_______, A.D. 19___.

Governor of the State of Idaho

Attest:
Secretary of State

Treasurer of the State of Idaho.

On the back of each said bonds shall appear the following:
"This bond registered in my office this____day of_______, A.D. 19___.

Auditor of the State of Idaho."

Attached to each of said bonds shall be forty (40) printed, lithographed or engraved interest coupons on which shall appear the number of the bond to which the same is attached and the name of the issue, and which shall be numbered from one (1) to forty (40) consecutively and each of which shall bear the lithographed, printed or engraved facsimile signature of the treasurer of the state of Idaho, which signature shall bind the state, each of which shall provide that the state of Idaho will pay to the bearer thereof, on maturity of the coupon, a sum to be expressed in dollars and cents, which sum shall be the amount of interest due on the bond to which said coupon is attached, at the date of maturity of the coupon. The coupon numbered one (1) shall mature six (6) months from the date of the issuance of the bond to which it is attached; the coupon number two (2) shall mature one (1) year from the issuance of the bond to which it is attached; and one (1) of said coupons, in numerical order, shall mature every six (6) months thereafter.

SECTION 2. All of said bonds shall bear date on the day they are actually issued and shall be due and payable twenty (20) years after said date; but the whole, or any part of said bonds, shall become due, payable and redeemable, at the option of the state of Idaho, at any time after the
expiration of two (2) years after the date of their issuance, upon call of the treasurer of said state, as hereinafter provided. All said bonds and the interest coupons thereunto attached, shall be made payable to the bearer at the office of the state treasurer of the state of Idaho in Boise, Idaho, or at the option of the holder, at such bank in the City of New York as the said treasurer, in his discretion, shall have designated on the face of the bond, on maturity, or at any time after two (2) years from the date of their issuance, on call of the treasurer of the state of Idaho, and they shall be entitled to payment when due or called, in the order of their presentation, and shall be otherwise without preference or priority, one over the other. They shall bear interest at a rate of not to exceed seven per cent (7%) per annum, payable semiannually, and each and all of the same shall be issued subject to the terms and conditions set forth in the form of the bond hereinbefore set out, and such other terms and conditions as are in this act specified, and as the treasurer of the state of Idaho shall specify under the authority vested in him hereunder, and not in conflict with the terms of this act.

SECTION 3. The treasurer of the state of Idaho is hereby authorized, empowered and directed immediately upon the passage and approval of this act, to sell the whole of the said issue of bonds in denominations to suit the purchaser and at the lowest interest rate obtainable, on sealed bids, as hereinafter provided, but in no case exceeding seven per cent (7%) per annum, payable semiannually. He shall publish for ten (10) days immediately prior to the time fixed for the receipt of bids, in a daily newspaper of general circulation published in the state of Idaho, a notice to be signed by him, specifying the bonds to be sold and the amount thereof; that the denominations will be made to suit the purchaser; that the rate of interest cannot exceed seven per cent (7%), per annum, payable semiannually; and asking sealed bids therefor, specifying, in addition to the price offered, the rate of interest at which the bidder will purchase the said bonds, and likewise the denominations desired, to be submitted to the said treasurer at or prior to the day and hour to be specified in the notice, and which time shall not be less than ten (10) days after the first publication of the notice. The notice shall also specify that each bid be accompanied by a certified check in an amount to be fixed by the said treasurer as guaranty that the bidder will accept the bonds in accordance with the terms of his bid; and further, that all bids shall be subject to rejection. The treasurer may, at his option, make such further publication of said notice in such other newspapers, periodicals or otherwise, within or without the state, as he may deem expedient, but failure to make such additional publications shall not affect the validity of the sale. At the expiration of the time specified in the
notice for the receipt of bids, all bids received shall be opened by the treasurer and the bonds sold to the highest and best bidder, subject to the discretion vested in the treasurer to reject any and all bids and to readvertise the sale and call for new bids; provided, that none of the bonds shall be sold on any other term than that of cash, and none for less than the par value thereof, and accrued interest, if any. Immediately upon the completion of any sale, the state treasurer shall make a verified return thereof to the state auditor, specifying the number of bids received, the maker of each, the amount, interest rate, terms and conditions specified in each, and showing further the person to whom said bonds were sold and the price, terms and conditions of sale.

Provided, that if, at any time before the treasurer has published a notice for bids as above provided, the investment board of the state of Idaho submits a bid for said bonds in compliance with the provisions of this act and satisfactory to the board of examiners of the state of Idaho, the board of examiners may order the state treasurer to sell said bonds directly to the investment board, and the treasurer shall do so, the same to be paid out of the funds under the control of the investment board.

SECTION 4. Immediately after sale of said bonds, the treasurer of the state of Idaho is hereby authorized, directed and empowered to cause to be prepared a series of printed, lithographed or engraved bonds of the state of Idaho, in substantially the form hereinbefore set forth, dated as of the day the same are to be issued, numbered consecutively from one (1) upward, in the denominations and bearing the rate of interest specified in the accepted bid, and with interest coupons thereto attached, as hereinbefore described, specifying the amount of interest and the date of maturity in words and figures. Immediately after the preparation of said bonds, the same shall be subscribed by the governor of the state of Idaho in his official capacity, and attested by the secretary of state by his official signature and the Great Seal of the state of Idaho, and immediately thereafter the same shall be delivered to the auditor of the state of Idaho, who shall register each of the same in a book to be kept by him for that purpose, setting forth the date and number of the bond, its maturity, its denomination, the interest rate and the name of the purchaser, the date of its delivery to the treasurer, and he shall endorse upon each of said bonds over his official signature a statement that the same is registered in his office, giving the date thereof. Immediately upon the registration of the said bonds by the said auditor, he shall deliver the same to the said treasurer and charge the amount of the purchase price thereof to said treasurer as money received by the treasurer in the special fund hereinafter created. Said treasurer shall, immediately upon receipt of the said
bonds, register each of them in a book to be kept for that purpose by him, setting forth the same matters required in the auditor's register, and, in addition, the date of delivery to the purchaser, and shall subscribe to each of said bonds in his official capacity as state treasurer, and upon receipt of the full purchase price of the same, together with accumulated interest thereon, if there be any, in lawful money of the United States of America, he shall deliver the said bonds and each of them to the successful bidder therefor, and credit the amount received therefor to the "water pollution control fund;" provided, however, that if for any reason said bonds be not delivered to the purchasers thereof and the purchase price thereof not received after the purchase price has been charged by the state auditor to the state treasurer, said bonds may be returned by the treasurer to the auditor, who shall thereupon credit the state treasurer with the amount charged against him for the same. The said bonds shall thereupon be again offered for sale by the treasurer in the same manner as upon the original sale. If the bonds delivered to the auditor by the treasurer, as aforesaid, are in such form that the same can be used for delivery to the purchaser under the resale, the auditor shall deliver the same to the treasurer for that purpose, charging him with the amount thereof, and making proper registration as upon the original sale; or otherwise the same shall be cancelled and destroyed.

SECTION 5. The state tax commission of the state of Idaho is hereby authorized and directed to compute upon the basis of the indebtedness herein authorized and the valuations of property taxable for state purposes in mills the rate of levy annually on all taxable property within the state of Idaho necessary to produce revenues sufficient to pay the interest on said bonds as the same matures and also to accumulate a fund sufficient to pay the principal of said bonds as the same matures, and there is hereby levied annually on all taxable property within the state of Idaho in the same manner as general taxes for state purposes are levied a sufficient tax at the rate so to be computed to pay the interest on said bonds as the same matures and also to accumulate a fund sufficient to pay the principal of said bonds as the same matures. Said tax shall be levied and collected in the same manner as taxes for general state purposes and the proceeds thereof when collected shall be set apart and paid into a special fund hereby created which shall be known and designated as the "1970 water pollution control bond sinking fund." Said fund and all moneys at any time accumulating therein are hereby appropriated exclusively to and for the payment of the said bonds and the interest on the same as the same matures. Said bonds and the interest thereon shall be a claim and charge on, and an appropriation of, said
fund, prior and superior to any other charge, claim or appropriation whatsoever.

SECTION 6. If, at any time, there shall be insufficient moneys in the said 1970 water pollution control bond sinking fund to pay the interest or principal of said bonds when due, the state treasurer of the state of Idaho shall pay the same out of the general fund of the state and as soon thereafter as sufficient moneys for that purpose have accrued in said sinking fund, repay the general fund the amounts diverted therefrom for the payment of the principal or interest on said bonds.

SECTION 7. The treasurer of the said state of Idaho is hereby authorized, directed and empowered, upon maturity of any of the said bonds or interest coupons belonging to the same, to pay to the bearer thereof on presentation and surrender of the same, at his office or at the bank in the City of New York designated on the face of the bond, the amount thereof, all of which payments shall be made in the order of presentation from the aforesaid special sinking fund hereinbefore provided, and upon the surrender of any of the bonds or coupons, the same shall be cancelled by the treasurer.

SECTION 8. If, at any time after two (2) years following the date of the issuance of said bonds, there shall be sufficient moneys in the aforesaid 1970 water pollution control bond sinking fund for the payment of all or any portion of said bonds and the accumulated interest thereon, the treasurer of the state of Idaho may, in his discretion, call the said bonds or any portion thereof for payment. Such call shall be made by publishing a notice specifying the name of the bonds, the numbers and denominations of the bonds called and to the effect that the same are called for payment, over the signature of the state treasurer, for at least ten (10) days in some daily newspaper of general circulation published in the state of Idaho. Ten (10) days after the first publication of such notice said bonds so called shall be deemed due and payable and shall be paid on presentation in the same manner as provided herein for bonds maturing at the expiration of the full term after their issuance. The principal of all bonds so called, and interest on the same for ten (10) days after first publication of said notice, shall be paid at any time after being called, but no interest shall accrue on any of the same after ten (10) days following the first publication of the notice in this section specified, unless the treasurer shall for any reason have failed to pay the bonds on presentation. The treasurer is authorized to make such further publication of the notice described in this section in such other publication as he may deem fit, but failure to make publication of the same in any other manner than that of publication for said period in one (1) daily newspaper.
of general circulation in the state of Idaho, as hereinbefore set forth, shall not affect the validity of the call or notice.

SECTION 9. The provisions of this act are specifically exempted from the provisions of section 63-922, Idaho Code.

SECTION 10. For the purpose of paying the expenses of making the said loan and the preparation and sale of said bonds and the registration of the same, and all other incidental expenses in connection with said loan and the issuance of the said bonds, incurred under the terms of this act, there is hereby appropriated to the state treasurer, from any moneys in the general fund, not otherwise appropriated, the sum of two thousand dollars ($2,000) or so much thereof as may be necessary.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970

CHAPTER 197
(H. B. No. 633, As Amended in the Senate)

AN ACT
REQUIRING STATE EMPLOYEES TO NEGOTIATE FOR DISCOUNTS ON PURCHASES, REQUIRING THE STATE PURCHASING AGENT TO PRESCRIBE RULES AND REGULATIONS ON OBTAINING DISCOUNTS, AND REQUIRING REVISION OF EXISTING PROCEDURES TO COMPLY WITH THE ACT.

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

SECTION 1. Whenever any employee of a state agency is charged with the responsibility of purchasing goods or services for and in behalf of the state, he shall, whenever and wherever possible, negotiate discounts normally given in the ordinary course of business, including, but not limited to, discounts for prompt payment and discounts for bulk purchases.

It shall be the duty of the state purchasing agent to prescribe by rules and regulations the manner by which to obtain such discounts, and to do whatever is necessary to implement such rules and regulations.

All purchasing, accounting, or administrative procedures shall be revised as deemed advisable to comply with the provisions of this act, and such
revised procedures shall be reported to the governor by no later than September 1, 1970.
Approved March 14, 1970

CHAPTER 198
(H. B. No. 649)

AN ACT
AMENDING SECTION 1 OF CHAPTER 386, LAWS OF 1969, RELATING TO THE APPROPRIATION FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF LAW ENFORCEMENT, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $768,291 AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 386, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Department of Law Enforcement.

FOR MAJOR AND MINOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Executive</th>
<th>Motor Vehicle</th>
<th>State Police</th>
<th>Traffic Safety Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$1,444,269</td>
<td>1,998,684</td>
<td>4,760,328</td>
<td>180,702</td>
</tr>
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</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Executive</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and wages</td>
<td>$4,398,839</td>
<td>5,116,948</td>
</tr>
<tr>
<td>Travel</td>
<td>330,990</td>
<td>356,214</td>
</tr>
<tr>
<td>Other current expenses</td>
<td>2,977,345</td>
<td>3,002,303</td>
</tr>
<tr>
<td>Refund of erroneous receipts</td>
<td>6,100</td>
<td></td>
</tr>
<tr>
<td>Capital outlay</td>
<td>521,235</td>
<td></td>
</tr>
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</table>

FROM:

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<thead>
<tr>
<th>Source</th>
<th>Executive</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal funds</td>
<td>$428,028</td>
<td>528,028</td>
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<tr>
<td>Receipts to appropriation</td>
<td>8,106,481</td>
<td>9,002,800</td>
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<tr>
<td>Highway fund</td>
<td>368,291</td>
<td></td>
</tr>
</tbody>
</table>

TOTAL

|$8,234,509 | 9,002,800

SECTION 2. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970

CHAPTER 199
(H. B. No. 663)

AN ACT
APPROPRIATING MONEY FROM THE GENERAL FUND TO THE DIVISION OF THE BUDGET FOR THE PURPOSES OF GRANTING SALARY INCREASES TO SPECIFIED EMPLOYEES; PROVIDING THE PROCEDURE FOR ALLOCATING THE MONEY; PROVIDING FOR EXEMPTIONS; EXCEPTING THE APPLICATION OF THE ACT FROM SECTION 67-5309(c), IDAHO CODE; PROVIDING THE ACT IS NONMANDATORY FOR AGENCIES UNDER THE JURISDICTION OF THE BOARD CREATED BY SECTION 33-101, IDAHO CODE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated from the general fund to the division of the budget the sum of $192,922, to be utilized to provide raises for those employees in classes which have not been reallocated upward since July 1, 1968. The funds so appropriated shall be allocated to allow a 5% increase for the employees covered by this act. Agencies operating with funds other than general fund moneys are hereby authorized to grant the raises prescribed by this section subject to the provisions of section 2 of this act.

SECTION 2. The division of the budget shall determine and approve the amounts necessary for transfer to the various state agencies to distribute the $192,922. Such amounts when so determined by the division of the budget shall then be transferred, and the auditor is hereby directed to transfer, from this appropriation to the agencies concerned for expenditure by such agencies only for the purposes of this act and shall be in addition to existing appropriations of such agencies. Any amounts determined by the division of the budget to be required from any funds other than the general fund to accomplish the purposes of this act shall likewise require the approval of the division of the budget before expenditure.

SECTION 3. The division of the budget may exempt agencies from the provisions of this act if it is determined that there are insufficient funds in
this or the agencies' appropriations to grant such raises.

SECTION 4. Notwithstanding the provisions of section 67-5309(c), Idaho Code, this act shall be construed to grant salary increases from the expenditures authorized herein to only those persons identified by the division of the budget. Once the increases are established they shall be integrated into the salary schedule of the classes concerned.

SECTION 5. All institutions and agencies under the jurisdiction of the board created in section 33-101, Idaho Code, are not required to but may grant the salary increases authorized by this act; provided, however, they may not participate in the appropriation of section 1 of this act.

SECTION 6. This act shall be in full force and effect on and after July 1, 1970.

Approved March 14, 1970

CHAPTER 200
(H. B. No. 675)

AN ACT
APPROPRIATING MONEY FROM THE GENERAL FUND TO THE STATE BOARD OF EDUCATION FOR EDUCATIONAL TELEVISION PURPOSES; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the general fund to the state board of education the sum of $80,000 to be expended for personnel and operating expenses in cooperation with Boise State College, Idaho State University, University of Idaho and the state board of education for educational television.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970
CHAPTER 201
(H. B. No. 676)

AN ACT
APPROPRIATING THE SUM OF $38,000 FROM THE GENERAL FUND TO THE STATE AUDITOR FOR THE IMPLEMENTATION OF A UNIFORM BUDGET SYSTEM; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated from the general fund to the state auditor the sum of $38,000 to be expended as authorized by the Accounting Systems and Data Processing Committee created by Chapter 465, Laws of 1969, but only for the implementation of a uniform budget system.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970

CHAPTER 202
(H. B. No. 677)

AN ACT
AMENDING SECTION 1 OF CHAPTER 388, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUND ENUMERATED TO THE STATE BOARD OF CORRECTIONS FOR PARDONS AND PAROLE, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $28,500.00; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 388, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the State Board of Corrections for Pardons and Parole.
SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970

CHAPTER 203
(H. B. No. 679)

AN ACT
AMENDING SECTION 1 OF CHAPTER 377, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUNDS ENUMERATED TO THE LAND DEPARTMENT, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $15,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 377, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Land Department.

FOR MAJOR PROGRAMS:

ADMINISTRATION AND SUPPORTING SERVICES $682,952 697,952
ADMINISTRATION OF STATE LANDS 504,228
FOREST MANAGEMENT 951,887
FOREST PROTECTION 1,470,829

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

SALARIES AND WAGES $1,984,030
TRAVEL 72,169
OTHER CURRENT EXPENSES 652,957
CAPITAL OUTLAY 181,956 196,950
PAYMENT AS AGENT 718,790
CHAPTER 204
(H. B. No. 680)

AN ACT
AMENDING SECTION 1 OF CHAPTER 385, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUNDS ENUMERATED TO THE TAX COMMISSION, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $70,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 385, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specially excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Tax Commission.

FOR MAJOR PROGRAMS:

ADMINISTRATION $606,373
AD VALOREM TAX ADMINISTRATION 578,418
INCOME TAX AUDIT AND ADMINISTRATION $16,880 550,505
SALES TAX AUDIT AND ADMINISTRATION 305,367 341,742
OTHER TAX AUDIT AND ADMINISTRATION 242,740
DATA PROCESSING 570,393
FIELD OFFICES 770,644
BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>SALARIES AND WAGES</td>
<td>$2,440,215</td>
</tr>
<tr>
<td>TRAVEL</td>
<td>176,500</td>
</tr>
<tr>
<td>OTHER CURRENT EXPENSES</td>
<td>951,449</td>
</tr>
<tr>
<td>CAPITAL OUTLAY</td>
<td>22,651</td>
</tr>
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FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
<td>$3,586,815</td>
</tr>
<tr>
<td>RECEIPTS TO APPROPRIATIONS</td>
<td>4,000</td>
</tr>
<tr>
<td>SALES TAX FUND</td>
<td>0</td>
</tr>
</tbody>
</table>

TOTAL $3,690,815

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970

CHAPTER 205
(H. B. No. 681)

AN ACT

AMENDING SECTION 1 OF CHAPTER 263, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUND ENUMERATED TO THE INSPECTOR OF MINES BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $9,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 263, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Inspector of Mines.

FOR MAJOR AND MINOR PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>ADMINISTRATION</td>
<td>$130,200</td>
</tr>
</tbody>
</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>SALARIES AND WAGES</td>
<td>$72,998</td>
</tr>
<tr>
<td>TRAVEL</td>
<td>18,900</td>
</tr>
</tbody>
</table>
CHAPTER 206
(H. B. No. 682)

AN ACT

AMENDING SECTION 1 OF CHAPTER 367, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUND ENUMERATED TO THE SOIL CONSERVATION COMMISSION, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $44,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 367, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Soil Conservation Commission.

FOR MAJOR AND MINOR PROGRAMS:

ADMINISTRATION $60,000
FINANCIAL ASSISTANCE TO SOIL CONSERVATION DISTRICTS 44,000

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

SALARIES AND WAGES $36,500
TRAVEL 12,500
OTHER CURRENT EXPENSES 10,500
CAPITAL OUTLAY 500
PAYMENT AS AGENT 44,000

FROM:

GENERAL FUND $60,000 104,000
SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970

CHAPTER 207
(H.B. No. 683)

AN ACT
AMENDING SECTION 1 OF CHAPTER 355, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUNDS ENUMERATED TO THE IDAHO SCHOOL FOR THE DEAF AND BLIND BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $17,000.00; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 355, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Idaho School for the Deaf and Blind.

FOR MAJOR AND MINOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>General Fund</th>
<th>Federal Funds</th>
<th>Endowment Fund</th>
<th>Receipts to Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADMINISTRATION AND SUPPORT</td>
<td>$472,254</td>
<td>$481,254</td>
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<td></td>
</tr>
<tr>
<td>INSTRUCTIONAL SERVICES</td>
<td>570,976</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STUDENT CARE</td>
<td>375,347</td>
<td>383,347</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SPECIAL PROJECT</td>
<td>80,600</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$1,090,852</td>
<td>5,185</td>
<td>348,560</td>
<td>365,560</td>
</tr>
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</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>General Fund</th>
<th>Federal Funds</th>
<th>Endowment Fund</th>
<th>Receipts to Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>SALARIES AND WAGES</td>
<td>$1,090,852</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRAVEL</td>
<td>5,185</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OTHER CURRENT EXPENSES</td>
<td>348,560</td>
<td>365,560</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CAPITAL OUTLAY</td>
<td>54,580</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$1,499,177</td>
<td>1,516,177</td>
<td>80,600</td>
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</tbody>
</table>
CHAPTER 208
(H. B. No. 684)

AN ACT
AMENDING SECTION 1 OF CHAPTER 378, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF RECLAMATION, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $48,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 378, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, of the Department of Reclamation.

FOR MAJOR AND MINOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADMINISTRATION</td>
<td>$251,765</td>
</tr>
<tr>
<td>ENGINEERING</td>
<td>124,407</td>
</tr>
<tr>
<td>WATER RIGHTS</td>
<td>251,389</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$523,561</strong></td>
</tr>
</tbody>
</table>

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>SALARIES AND WAGES</td>
<td>$476,000</td>
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<td>TRAVEL</td>
<td>24,700</td>
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<td>OTHER CURRENT EXPENSES</td>
<td>$119,161</td>
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<td>CAPITAL OUTLAY</td>
<td>7,700</td>
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FROM:

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<tr>
<th>Source</th>
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</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
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<tr>
<td>GROUND WATER ADMINISTRATION FUND</td>
<td>46,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>581,561</strong></td>
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</table>

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970
CHAPTER 209
(H. B. No. 687, As Amended)

AN ACT
AMENDING SECTION 1 OF CHAPTER 423, LAWS OF 1969, RELATING TO THE APPROPRIATION FROM THE FUND ENUMERATED TO THE SECRETARY OF STATE, BY INCREASING THE AMOUNT OF THE APPROPRIATION; PROVIDING AN APPROPRIATION FOR PREPARATION AND PUBLICATION OF THE REVISED CONSTITUTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 423, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Secretary of State.

FOR MAJOR AND MINOR PROGRAMS:

ADMINISTRATION $210,331

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

SALARIES AND WAGES $136,308

TRAVEL 5,200

OTHER CURRENT EXPENSES 58,323

REFUND OF ERRONEOUS RECEIPTS 5,500

CAPITAL OUTLAY 5,000

FROM:

GENERAL FUND $210,331

SECTION 2. There is hereby further appropriated from the general fund to the Secretary of State the sum of $100,000 for the purpose of paying the costs and expenses of preparation and publishing the revised Constitution contained in Senate Joint Resolution No. 122, of the Second Regular Session of the Fortieth Idaho Legislature.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970
 CHAPTER 210
(H. B. No. 688)

AN ACT

AMENDING SECTION 1, CHAPTER 384, LAWS OF 1969, TO INCREASE THE LINE ITEM APPROPRIATION OF SALARIES AND WAGES BY $30,000.00, AND DECREASE THE LINE ITEM APPROPRIATION OF CAPITAL OUTLAY BY $30,000.00 FOR THE PERIOD JULY 1, 1969, TO JUNE 30, 1971, OF THE FISH AND GAME COMMISSION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 384, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Fish and Game Commission.

FOR MAJOR AND MINOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
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<tr>
<td>ADMINISTRATION</td>
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<tr>
<td>CONSERVATION ENFORCEMENT</td>
<td>1,976,552</td>
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<tr>
<td>FISHERIES</td>
<td>3,201,292</td>
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<td>GAME</td>
<td>2,400,471</td>
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<td>INFORMATION AND EDUCATION</td>
<td>459,964</td>
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BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

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<th>Line Item</th>
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<td>TRAVEL</td>
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<td>CAPITAL OUTLAY</td>
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FROM:

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<td>OTHER FUNDS</td>
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<tr>
<td>FISH AND GAME FUND</td>
<td>7,851,240</td>
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</table>

TOTAL                                      | $9,958,479   |

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970
CHAPTER 211
(H. B. No. 538)

AN ACT
RELATING TO COUNTIES, CREATING COUNTY HOUSING AUTHORITIES AND COOPERATION LAW; DECLARING A STATEMENT OF PURPOSE; DEFINING TERMS; OUTLINING THE POWERS AND DUTY OF THE AUTHORITY; PROVIDING FOR THE CREATION OF AN AUTHORITY; PROVIDING FOR TERMINATION OF AN AUTHORITY; PROVIDING FOR COOPERATION WITH STATE PUBLIC BODIES; DECLARING THAT PROPERTY OF THE AUTHORITY IS PUBLIC PROPERTY EXEMPT FROM TAXATION; AUTHORIZING THE COUNTY TO CONtribute MONEY TO THE AUTHORITY; PROVIDING FOR THE APPOINTMENT OF TERMS OF OFFICE AND CONDUCT OF BUSINESS BY COMMISSIONERS OF THE AUTHORITY; PROVIDING FOR REMOVAL OF COMMISSIONERS OF THE AUTHORITY; DECLARING PUBLIC POLICY WITH RESPECT TO RENTALS, REVENUES FOR MAINTENANCE AND RETIREMENT OF BONDS OF THE AUTHORITY; OUTLINING DUTIES WITH RESPECT TO INCOME OF AND NUMBER OF RENTERS; PROVIDING THE RIGHT TO ACQUIRE REAL PROPERTY THROUGH EMINENT DOMAIN; SUBJECTING THE AUTHORITY TO PLANNING, ZONING, SANITARY AND BUILDING REGULATIONS AND PROVIDING THAT LONG-TERM PLANNING SHALL BE CONSIDERED; AUTHORIZING THE ISSUANCE OF BONDS TO BE PAID FROM REVENUES AND/OR GRANTS AND LIMITING LIABILITY THEREON; PROVIDING FOR THE FORM, SALE, AND PROCEDURE FOR BONDS AND CONCLUSIVELY PRESUMING THE VALIDITY OF BONDS ISSUED; AUTHORIZING THE AUTHORITY TO DO CERTAIN ACTS TO SECURE PAYMENT OF THE BONDS; AUTHORIZING THE AUTHORITY TO SUBMIT BONDS TO THE ATTORNEY GENERAL FOR APPROVAL; CONFERRING ADDITIONAL RIGHTS, SUBJECT TO CONTRACTUAL OBLIGATIONS, ON AN OBLIGEE OF THE AUTHORITY TO BRING LEGAL ACTION; REQUIRING AN ANNUAL REPORT OF THE AUTHORITY WITH RECOMMENDATIONS; EXEMPTING THE PROPERTY OF THE AUTHORITY FROM LEVY AND EXECUTION OR OTHER JUDICIAL PROCESS EXCEPT TO OBLIGEES ON RENTS, FEES, OR REVENUES; AUTHORIZING THE AUTHORITY TO BORROW
MONEY, ACCEPT CONTRIBUTIONS, TAKE OVER FEDERAL HOUSING PROJECTS, AND MAKE AGREEMENTS NECESSARY TO ACHIEVE THIS AND TO SECURE FEDERAL AID AND COOPERATION IN CREATING AND OPERATING ANY HOUSING PROJECT; PROVIDING THAT NOTHING IN THIS ACT SHALL BE CONSTRUED TO AUTHORIZE TAXING, CREATING INDEBTEDNESS PAYABLE OUT OF TAXATION, PLEDGING THE CREDIT OF THE COUNTY OR STATE, OR ENCUMBERING PROPERTY EXCEPT THE PLEDGE OF REVENUES OF A HOUSING AUTHORITY AUTHORIZED BY THIS ACT; CONFERRING RIGHTS IN AN OBLIGEE OF THE AUTHORITY TO CAUSE SURRENDER OF ANY HOUSING PROJECT SO LONG AS THE AUTHORITY IS IN DEFAULT, TO OBTAIN THE APPOINTMENT OF A RECEIVER TO TAKE POSSESSION OF THE PROJECT, AND TO REQUIRE THE AUTHORITY TO ACCOUNT; PROVIDING SEVERABILITY OF ITS PROVISIONS; AND PROVIDING THAT INsofar AS THIS ACT MAY CONFLICT WITH OTHER PROVISIONS OF THE LAW, THIS ACT SHALL CONTROL.

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

SECTION 1. The provisions of sections 1 through 27 of this act may be referred to as the "County Housing Authorities and Cooperation Law."

SECTION 2. It is hereby declared:

(a) That there exist in this state insanitary or unsafe dwelling accommodations and that persons of low income are forced to reside in such insanitary or unsafe accommodations; that within the state there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and that such persons are forced to occupy overcrowded and congested dwelling accommodations; that the aforesaid conditions cause an increase in and spread of disease and crime, and constitute a menace to the health, safety, morals and welfare of the residents of the state and impair economic values; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities;

(b) That these areas in the state cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved through the operation of private enterprise, and that the construction of housing projects for persons of low income (as herein defined) would therefore not be competitive with private enterprise;

(c) That the clearance, replanning and reconstruction of the areas in
which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired and are governmental functions.

SECTION 3. The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(a) "Authority" or "Housing Authority" shall mean any of the public corporations created by section 3.

(b) "Housing project" shall mean any work or undertaking:
(1) to demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adoption of such area to public purposes, including parks or other recreational or community purposes; or
(2) to provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, roads, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare or other purposes; or
(3) to accomplish a combination of the foregoing.

The term "Housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

(c) "Governing body" shall mean the council, board of commissioners, board of trustees or other body having charge of the fiscal affairs of the state public body.

(d) "Federal Government" shall include the United States of America, the United States housing authority, or any other agency of instrumentality, corporate or otherwise, of the United States of America.

(e) "County" or "counties" shall include all counties in the state of Idaho as designated in chapter 1, title 31, Idaho Code.

(f) "Clerk" shall mean the county clerk or the officer charged with the duties customarily imposed on such clerk.

(g) "Area of operation" shall mean the entire county except within the corporate limits of cities in the county which have presently, or hereafter create, a housing authority under title 50, chapter 19, Idaho Code.
(h) "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities or any combination of these factors, are detrimental to safety, health or morals.

(i) "Person of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings without overcrowding.

(j) "Bonds" shall mean any bonds, notes, interim certificates, debentures or other obligations issued by an authority pursuant to this chapter.

(k) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature, appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(l) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessors demising, to the authority, property used in connection with a housing project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

SECTION 4. A housing authority shall constitute an independent public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

(a) To sue and to be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal by-laws, rules and regulations, not inconsistent with this act, to carry into effect the powers and purposes of the authority.

(b) Within the area of operation: to prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof.

(c) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works or facilities for, or in connection with, a housing project or the occupants thereof; and,
notwithstanding anything to the contrary contained in this act or in any other provision of law, to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(d) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and, subject to the limitations contained in this act, to establish and revise the rents or charges therefor; to own, hold and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise, any real or personal property or any interest therein; to acquire, by the exercise of the power of eminent domain, any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operation of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(e) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which banks may legally invest funds, subject to the control of the housing authority; to purchase its own bonds at a price not more than the principal amount thereof and accrued interest, and all bonds so purchased shall be cancelled.

(f) Within its area of operation: to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of adequate, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstruction of slum areas and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(g) Acting through one or more commissioners or other person or persons designated by the authority, to conduct examinations and investigations and to hear testimony and take proof, under oath, at public or private hearings on any matter material for its information; to administer
oaths, issue subpoenas requiring attendance of witnesses or the production of books and papers, and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available, to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation), its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

(h) To exercise all or any part of combination of powers herein granted.

SECTION 5. In any county of the state of Idaho, there may be created an independent public body corporate and politic to be known as a housing authority, which shall not be an agency of the county; provided, however, that such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the county, by proper resolution, shall declare, at any time hereafter, that there is need for an authority to function in such county. The determination as to whether or not there is such need for an authority to function (a) may be made by the governing body on its own motion or (b) shall be made by the governing body upon the filing of a petition signed by twenty-five (25) residents of the county asserting that there is need for an authority to function in such county. The governing body shall adopt a resolution declaring that there is need for a housing authority in the county if it shall find (a) that insanitary or unsafe inhabited dwelling accommodations exist in such county or (b) that there is a shortage of safe or sanitary dwelling accommodations in such county available to persons of low income or rentals they can afford. In determining whether dwelling accommodations are unsafe or insanitary, said governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities and the extent to which conditions exist in such building which endanger life or property by fire or other causes.

In any suit, action or proceeding, involving the validity of enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of resolution by the governing body declaring the need for the authority. Such resolution or resolutions shall be deemed sufficient if it declares that there is
such need for an authority and finds in substantially the foregoing terms, no further detail being necessary, that either or both of the above enumerated conditions exist in the county. A copy of such resolution, duly certified by the clerk, shall be admissible in evidence in any suit, action or proceeding.

SECTION 6. The authority shall terminate at such time as the governing body of the county, by proper resolution, shall declare that there is no longer a need for a housing authority to function within such county. The determination that there is no longer a need for such authority to function (a) may be made by the governing body on its own motion or (b) may be made by the governing body upon motion of the duly appointed and acting commissioners of the authority that they no longer have any need to function within said county.

The governing body of the county shall, however, before adopting a resolution terminating such authority, determine, by audit if necessary, the financial condition of said authority, and if there is any outstanding liability due and owing by said authority, the county shall provide the necessary funds for satisfaction thereof; if, however, funds are found, over and above such liabilities, the county shall provide for the satisfaction of said liabilities and the balance of the funds shall be accepted by the county and the authority shall be released from their responsibility therefor.

Any funds so received by such county, as a result of the termination of the authority, shall be dedicated to the extension, maintenance and promotion of the public parks system of said county for the benefit and welfare of the county.

SECTION 7. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of housing projects located within the area in which it is authorized to act, any state public body may, upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses or any other rights or privileges therein, to a housing authority or the federal government;

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities or any other works which it is otherwise empowered to undertake to be furnished adjacent to or in connection with housing projects;

(c) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;

(d) Plan or replan, zone or rezone any part of such state public body;

(e) Cause services to be furnished to the housing authority of the
character which such state public body is otherwise empowered to furnish;

(f) Enter into agreements with respect to the exercise by such state public body of its powers relating to the repair, elimination or closing of unsafe, insanitary or unfit dwellings;

(g) Do any and all things, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such housing projects;

(h) Incur the entire expense of any public improvements made by such state public body in exercising the powers granted in this act;

(i) Enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary, with a housing authority respecting action to be taken by such state public body pursuant to any of the powers granted by this section;

(j) With respect to any housing project which a housing authority has acquired or taken over from the federal government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation and other protection, no state public body shall require any changes to be made in the housing project or in the manner of its construction or take any other action relating to such construction.

SECTION 8. The property of an authority is declared to be public property used for essential public purposes and such property and an authority shall be exempt from all taxes and special assessments of the city, the county, the state or any political subdivision thereof; provided, however, that in lieu of such taxes, an authority may agree to make payments to the county for improvements, services and facilities furnished by such county for the benefit of a housing project, or in lieu of such taxes, an authority may agree to make payments to a school district or school districts, which district or districts include within its boundaries all or a portion of the real property of an authority, for school services and facilities furnished by said school district or districts, for the benefit of the residents of a housing project.

SECTION 9. Any county, in which a housing authority has been created, shall have the power, from time to time, to donate money to such authority; provided, however, that nothing contained in this provision or in any other provision of law shall be construed as authorizing the state or any state public body to give credit or make loans to a housing authority.

SECTION 10. When a governing body of a county adopts a resolution as aforesaid, it shall appoint five (5) persons as commissioners of the authority created for said county. The commissioners who are first
appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4), and five (5) years, except that all vacancies shall be filled for the unexpired term. No commissioner of any authority may be an officer or employee of the county for which the authority is created. A commissioner shall hold office until his successor has been appointed and qualified. A certificate of appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services for the authority in any capacity, but he shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge of his duties.

The powers of each authority shall be vested in the commissioners. Three (3) commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present. The by-laws of the authority shall designate which of the commissioners appointed shall be the first chairman and such chairman shall serve in the capacity of chairman until the expiration of his term of office as commissioner. When the office of the chairman of the authority thereafter becomes vacant, the commissioners shall select a chairman from their number, a vice-chairman, and may employ a secretary, who shall be executive director, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon the prosecuting attorney of the county or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

SECTION 11. For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the county commissioners, but a commissioner shall be removed only after he shall have been given a copy of the charges, at least ten (10) days prior to the hearing thereon, and has had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner pursuant to this section a record of the proceeding, together with the charges and findings thereon, shall be filed in the office of the clerk.

SECTION 12. It is hereby declared to be the policy of this state that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with providing
adequate, safe and sanitary accommodations, and no housing authority shall construct or operate any such project for profit or as a source of revenue to the county. An authority shall fix the rentals for dwellings in its projects at no higher rates than it shall find to be necessary in order to produce revenue which, together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived, will be sufficient:

(a) to pay, as the same become due, the principal and interest on the bonds of the authority;
(b) to meet the cost of, and to provide for, maintaining and operating the projects, including the cost of any insurance, and the administrative expenses of the authority; and
(c) to create, during not less than the six (6) years immediately succeeding its issuance of any bonds, a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one (1) year thereafter and to maintain such reserve.

SECTION 13. In the operation or management of housing projects, an authority shall at all times observe the following duties with respect to rentals and tenant selection:

(a) it may rent or lease the dwelling accommodations therein only to persons of low income and at rentals within the financial reach of such persons of low income;
(b) it may rent or lease dwelling accommodations consisting of the number of rooms, but no greater number, which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof without overcrowding.

Nothing contained in this or the preceding section shall be construed as limiting the power of authority to vest, in an obligee, the right, in the event of a default by the authority, to take possession, during the period of such default, of a housing project or cause the appointment of a receiver thereof, free from all restrictions imposed by this or the preceding section.

SECTION 14. An authority shall have the right to acquire, by the exercise of the power of eminent domain, any real property which it may deem necessary for its purposes under this act after the adoption of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the manner provided in chapter 7, title 7, Idaho Code, and acts amendatory thereof or supplementary thereto; or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like
manner, provided that no real property belonging to a city, the state or any political subdivision thereof may be acquired without its consent.

SECTION 15. All housing projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality of any housing project and an authority shall take into consideration the relationship of the project to any larger plan or long-range program for the development of the area in which the housing authority functions.

SECTION 16. An authority shall have power to issue bonds, from time to time, in its discretion, for any of its corporate purposes. An authority shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. In order to carry out the purposes of this act, an authority may issue, upon proper resolution, bonds on which the principal and interest are payable:

(a) exclusively from the income and revenue of a housing project financed with the proceeds of such bonds, or
(b) exclusively from such income and revenues together with grants and contributions from the federal government or other source in aid of such project.

Neither the commissioners of any authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an authority shall state on their face that they shall not be a debt of the county, the state or any political subdivision thereof and neither the county, the state nor any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds other than those of said authority. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes.

SECTION 17. Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates as the authority shall approve, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium as such resolution, its trust indenture, or the bonds so issued, may provide.

The bonds may be sold at public or private sale at not less than par.
In case any of the commissioners or officers of the authority, whose signatures appear on any bonds or coupons, shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

In any suit, action or proceedings, involving the validity or enforceability of any bond of an authority or the security thereof, any such bond, reciting, in substance, that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income, shall be conclusively deemed to have been issued for a housing project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with purposes and provisions of this act.

SECTION 18. In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, an authority, in addition to its other powers, shall have power:

(a) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(b) To covenant against pledging all or any part of its rents, fees and revenues, or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(c) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for the redemption and to provide the terms and conditions thereof.

(d) To covenant, subject to the limitations contained in this act, as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves or other
purposes, and to covenant as to the use and disposition of the moneys held
in such funds.

(e) To prescribe the procedure, if any, by which the terms of any
contract with bondholders may be amended or abrogated, the amount of
bonds the holders of which must consent thereto and the manner in which
such consent may be given.

(f) To covenant as to the use of any or all of its real or personal
property; and to covenant as to the maintenance of its real and personal
property, the replacement thereof, the insurance to be carried thereon and
the use and disposition of insurance moneys.

(g) To covenant as to the rights, liabilities, powers and duties arising
upon the breach by it of any covenant, condition or obligation; and to
covenant and prescribe as to default and terms and conditions upon which
any or all of its bonds or obligations shall become or may be declared due
before maturity, and to the terms and conditions upon which such
declaration and its consequences may be waived.

(h) To vest, in trustee or trustees or the holders of bonds or any
proportion of them, the right to enforce the payment of the bonds or any
covenants securing or relating to the bonds; to vest in a trustee or trustees
the right, in the event of a default by said authority, to take possession of
any housing project or part thereof, and, so long as said authority shall
continue in default, to retain such possession and use, operate and manage
said project, and to collect the rents and revenues arising therefrom and to
dispose of such moneys in accordance with the agreement of the authority
with said trustee, to provide for the powers and duties of a trustee or
trustees and to limit the liabilities thereof; and to provide the terms and
conditions upon which the trustee or trustees or the holders of bonds or any
proportion of them may enforce any covenant or rights securing or relating
to the bonds.

(i) To exercise all or any part or combination of the powers herein
granted; to make covenants other than and in addition to the covenants
herein expressly authorized, of like or different character; to make such
covenants as will tend to make the bonds more marketable, notwithstanding
that such covenants, acts or things may not be enumerated herein.

SECTION 19. Every housing authority may submit, to the attorney
general of the state, any bonds to be issued hereunder after all proceedings
for the issuance of such bonds have been taken. Upon the submission of such
proceedings to the attorney general, it shall be the duty of the attorney
general to examine and pass upon the validity of such bonds and the
regularity of all proceedings in connection therewith. If such proceedings
conform to the provisions of this act and are otherwise regular in form, and if such bonds, when delivered and paid for, will constitute binding and legal obligations of such authority, enforceable according to the terms thereof, the attorney general shall certify, in substance, upon the back of each of said bonds that it is issued in accordance with the constitution and laws of the state of Idaho.

SECTION 20. An obligee of an authority shall have the right, in addition to all other rights, which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(a) By mandamus, suit, action or proceedings at law or in equity to compel said authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said authority, with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by this act.

(b) By suit, action or proceeding in equity, to enjoin any acts which may be unlawful, or the violation of any of the rights of such obligee of said authority.

SECTION 21. At least once a year, an authority shall file a report with the clerk of its activities for the preceding year, and shall make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of this act.

SECTION 22. All real property of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against an authority be a charge or lien upon its real property; provided, however, that the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees or revenues.

SECTION 23. In addition to the powers conferred upon an authority by other provisions of this act, an authority is empowered to borrow money or accept contributions, grants or other financial assistance from the federal government for or in aid of any housing project within its area of operation, to take over or lease or manage any housing project or undertaking constructed or owned by the federal government, and to these ends to to comply with such conditions and to make such trust indentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this act to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the
federal government in the undertaking construction, maintenance or operation of any housing project by such authority.

SECTION 24. Nothing in this act or any other law shall be construed as authorizing a housing authority to levy or collect taxes or assessments, to create any indebtedness payable out of taxes or assessments, or in any manner to pledge the credit of the county, the state or any subdivision thereof; nor shall any provision of this act or other law be construed as authorizing a housing authority to mortgage or otherwise encumber property of any kind, real, personal, or mixed, or any interest therein, but this section shall not be construed as preventing the pledge of the revenues of a housing authority as authorized in this act.

SECTION 25. A housing authority shall have power, by its resolution, trust indenture, lease or contract, to confer upon any obligee holding or representing a specified amount in bonds or holding a lease the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in such resolution or instrument by suit, action or proceeding in any court of competent jurisdiction:

(a) To cause possession of any housing project or any part thereof to be surrendered to any such obligee, which possession may be retained by such bondholder or trustee so long as said authority shall continue in default;

(b) To obtain the appointment of a receiver of any housing project of said authority or any part thereof and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of such housing project or any part thereof and, so long as said authority shall continue to be in default, operate and maintain the same and collect and receive all fees, rents, revenues or other charges thereafter arising therefrom, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of said authority as the court shall direct.

(c) To require said authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

SECTION 26. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent, that if any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act and the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 27. Insofar as the provisions of this act are inconsistent with
the provisions of any other law, the provisions of this act shall be controlling.

Approved March 16, 1970
LIBERALLY CONSTRUED; AND DECLARING THAT THE SEVERAL SECTIONS, PARTS AND PROVISIONS OF THIS ACT ARE INDEPENDENT AND SEVERABLE.

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

SECTION 1. This act shall be known and may be cited as the "recreation district law."

SECTION 2. Providing adequate recreation facilities for public use is hereby declared to be a public benefit, use and purpose which enhances the value and quality of life and which materially assists in correcting or eliminating many social ills such as delinquency, crime, excessive use of alcohol, drug abuse and discrimination.

SECTION 3. Whenever used in this act, the term:
(a) "county" refers to each county in which all or a portion of a proposed or existing recreation district is situated;
(b) "county commissioners" means the board of county commissioners of the county;
(c) "clerk" means the clerk of the board of county commissioners of the county;
(d) "district" means a proposed or existing recreation district organized under this act;
(e) "board" means the board of directors of a recreation district;
(f) "director" means a member of a board of directors of a recreation district;
(g) "qualified elector" means a person qualified to vote under the general election laws of the state.

SECTION 4. A recreation district may be created as follows:
(a) Any person or persons may file a petition for the formation of a recreation district with the clerk. Such petition which may be in one (1) or more papers shall clearly designate the boundaries of the proposed district, shall state the name of the proposed district and shall be signed by not less than twenty per cent (20%) of the qualified electors resident within the boundaries of the proposed district. The boundaries of the proposed district shall include contiguous territory having an assessed valuation of not less than one million dollars ($1,000,000.00) at the last preceding county assessment and shall not include any area included within an already existing recreation district. The petition shall be accompanied by a map showing the boundaries of the proposed district.
(b) The clerk shall, within ten (10) days after the filing of such petition and map, estimate the cost of advertising and holding the election provided in this section and notify in writing the person or any one of the persons
filing such petition as to the amount of such estimate. Such person or persons shall within twenty (20) days after receipt of such written notice deposit such estimated amount with the clerk in cash, or such petition shall be deemed withdrawn. If the deposit is made and the district is formed, the person or persons so depositing such sum shall be reimbursed from the first moneys collected by the district from the taxes authorized to be levied by this act.

(c) Within thirty (30) days after the filing of such petition together with such map and the making of such cash deposit, the county commissioners shall determine whether or not the same substantially comply with the requirements of this section. If the county commissioners find that there has not been substantial compliance with such requirements, they shall enter an order to that effect specifying the particular deficiencies, dismissing such petition and refunding such cash deposit. If the county commissioners find that there has been substantial compliance with such requirements, the county commissioners shall forthwith enter an order to that effect and calling an election upon the formation of such proposed district as provided in this section.

(d) If the county commissioners order an election as provided in this section, such election shall be conducted as nearly as practicable in accordance with the general election laws of the state, except as hereinafter provided. The county commissioners shall establish election precincts, design and print elector's oaths, ballots and other necessary supplies, appoint election personnel and by rule and regulation provide for the conduct and tally of such election. Each qualified elector who is a resident of the proposed district shall be entitled to vote in such election. No prior registration shall be required but each person offering to vote shall be required to sign an elector's oath prior to receipt of a ballot which oath shall be in the usual form but shall have added thereto the words, "and I am a resident within the boundaries of the proposed recreation district." The clerk shall give notice of such election which notice shall clearly designate the boundaries of such proposed district, shall state the name of the proposed district as designated in the petition, shall state the date of such election and the hours on such date which the polls will be open for receipt of ballots, shall set forth the qualifications of electors, and shall state that a map showing the boundaries of such district is on file in the office of the clerk. Such notice shall be published once each week for three (3) successive publications prior to such election in a newspaper published within the county.

(e) Immediately after such election, the judges at such election shall
forward the ballots and results of such election to the clerk. The county commissioners shall canvass the vote within ten (10) days after such election. If one-half ($\frac{1}{2}$) or more of the votes cast at such election are against the formation of such district, the county commissioners shall enter an order so finding and declaring that such district shall not be formed. If more than one-half ($\frac{1}{2}$) of the votes cast at such election are in favor of forming such district, the county commissioners shall enter an order so finding, declaring such district duly organized under the name designated in such petition, and dividing such district into three (3) subdivisions, as nearly equal in population as possible, to be known as director's sub-district one (1), two (2) and three (3). The county commissioners shall cause one (1) certified copy of such order to be filed in the office of the county recorder of such county and shall cause one (1) certified copy of such order to be transmitted to the governor. Immediately upon the entry of such order, the organization of such district shall be complete.

(f) Upon receipt of a certified copy of the order of the county commissioners, the governor shall appoint a qualified elector from each director's sub-district who shall constitute the first board of such district. The appointees from director's sub-districts one (1) and two (2) shall serve until the first district election thereafter held at which their successors shall be elected and the appointee from director's sub-district three (3) shall serve until the second district election thereafter held at which such appointee's successor shall be elected. The certificate of appointment shall be filed with the clerk with a copy forwarded to each appointee.

(g) When the boundaries of the proposed district lie in two (2) or more counties, the county commissioners of each county shall act separately in the election and organization of that part of the proposed district contained in their county but the county commissioners of each such county shall meet together before calling such election and provide for uniform proceedings in each county and fix the boundaries of each director's sub-district in case such election shall carry.

(h) After such election, the validity of the proceedings hereunder shall not be affected by any defect in the petition or in the number or qualification of the signers thereof, and in no event shall any action be commenced or maintained or defense made affecting the validity of the organization of such district after six (6) months has expired from the date of entering the order declaring the formation of such district.

SECTION 5. Each district shall be governed by a board of three (3) directors who shall manage and conduct the business and affairs of such district and all powers granted to such district by this act shall be exercised
by such board or its duly authorized officers and agents. Every director appointed or elected shall be a qualified elector and a resident of such district. Not more than one (1) director shall reside in the same director's sub-district. Each director shall take and subscribe an oath of office before assuming any duties which oath shall be filed in the records of the board. Any vacancy occurring in the office of director, other than by expiration of the term of office, shall be filled by appointment by the board for the unexpired term. The directors shall receive no compensation for their services as a director but shall be entitled to reimbursement for the amount of their actual and necessary expenses incurred in the performance of their official duties. As the term of each director appointed by the governor expires, a director shall be elected for a term of four (4) years which shall begin on the first Monday of January of the year following such election and shall continue until a successor is elected and has qualified.

SECTION 6. An election of directors shall be held in each district on the Tuesday succeeding the first Monday of each even numbered year. Such election shall be held as nearly as practicable in conformity with the general election laws of the state. No prior registration shall be required but each person offering to vote shall be required to sign an elector's oath in the usual form but shall have added thereto the words "and I am a resident within the boundaries of such recreation district." The polls at such election shall be open from 12:00 o'clock noon to 8:00 o'clock p.m. The board shall have power to make such rules and regulations for the conduct of such election as are not inconsistent with such general election laws and the provisions of this act. Before the notice of such election is given, the board shall divide the district into three (3) subdivisions as nearly equal in population as possible to be known as director's sub-district one (1), two (2) and three (3). Nominations at such election shall be made in writing, shall state the name of the nominee, shall state the director's sub-district for which such nominee is nominated, shall be signed by not less than five (5) nor more than ten (10) qualified electors of the district, and shall be filed with the secretary at least ten (10) days prior to the date of such election.

SECTION 7. Any person may vote at a district election who is a qualified elector and a resident of such district on the day such election is held.

SECTION 8. Immediately after their appointment and thereafter as required but at least after each director's election the board shall meet, organize as a board, elect and appoint the officers of the board and designate the hour, day and place on which regular meetings of the board will be held which place shall be within the district. A special meeting may be called in
writing by the president or any two (2) directors and notice thereof shall be given by serving a copy of such call upon each director not joining therein at least twenty-four (24) hours prior to such meeting if served personally or at least five (5) days prior to such meeting if served by mail to such director's last known address. Such call and proof of service thereof shall be filed with the minutes of such special meeting. All meetings of the board shall be public. A majority of the board shall constitute a quorum. Minutes shall be kept of all meetings of the board. All records of the board shall be open to inspection by any qualified elector during business hours.

SECTION 9. The officers of the board shall consist of a president, a vice president, a secretary and a treasurer. The president and vice president shall be elected by the board and each shall be a director. The secretary and treasurer shall be appointed by the board and may be a director or any other person. The offices of secretary and treasurer may be filled by the same person. All officers shall serve at the pleasure of the board. Each officer shall take, subscribe and file with the secretary an oath of office before assuming any duties. The board shall fix a compensation, if any, to be paid to each officer which compensation shall be paid out of the funds of the district.

SECTION 10. The president shall be the executive officer of the district, shall preside at all board meetings, shall countersign all checks for expenditure of district funds when such expenditure has been legally authorized and shall perform all other duties which are provided in this act to be performed by the president or which are directed or authorized by the board. The vice president shall act in the absence of the president and shall perform all other duties which are directed or authorized by the board.

SECTION 11. The secretary shall keep correct minutes of the proceedings of the board (including but not limited to showing all bills submitted, considered, allowed or rejected), shall have custody of the records of the district, except those in the custody of the treasurer, and shall perform all other duties which are provided in this act to be performed by the secretary or which are directed or authorized by the board.

SECTION 12. The treasurer shall have custody of all funds belonging to the district, shall keep accurate accounts of all such district funds, shall keep all district funds in the banks or investments designated by the board, shall have custody of the financial records of the district, shall pay out district funds only upon legally authorized checks or warrants signed by the treasurer and countersigned by the president, shall perform all other duties which are provided in this act to be performed by the treasurer or which are directed or authorized by the board, and shall execute and file with the secretary an official bond in an amount to be fixed by the board but the
costs of such bond shall be paid from district funds.

SECTION 13. The fiscal year of each district shall commence on the first day of January of each year. The directors shall cause a full and complete audit of the financial transactions of the district to be made every year by a recognized practicing public accountant and shall pay the cost thereof from district funds.

SECTION 14. Neither the board nor any officer shall have power to incur any debt or liability on behalf of the district, whether by issuance of bonds or otherwise, in excess of the express provisions of this act and any such debt or liability so incurred shall be void; except that for the purpose of organization or for any of the purposes of this act, the board may before making the tax levy in the fiscal year after organization, incur debts not exceeding in the total a sum equal to two (2) mills on each one dollar ($1.00) in assessed value of the taxable property within the district.

SECTION 15. All claims against the district shall be presented to the board in writing, with a full account of the items verified by the oath of the claimant or the agent of the claimant that the same is correct, reasonable and just, and no claims or demands shall be allowed unless presented and verified as provided in this section. Upon allowance of claims by the board, payment may be ordered by warrant, signed by the treasurer and countersigned by the president or by check signed by the treasurer and countersigned by the president. In the absence of sufficient funds for the payment of claims allowed, the board may, by resolution, order payment of claims by money borrowed by registered warrants as provided in section 31-3125, Idaho Code, or by money borrowed by issuing tax anticipation notes as provided by chapter 31, title 63, Idaho Code.

SECTION 16. Each district is organized for the uses and purposes of acquiring, providing, maintaining and operating a public swimming facility and pool together with all related grounds, buildings, equipment and apparatus for the use of the residents of the district and the public generally.

SECTION 17. Each district is a body politic and corporate and as such shall, in the name of and for the uses and purposes of the district, have power:

(a) to adopt a seal which may be changed or altered at the pleasure of the board;
(b) to sue and be sued;
(c) to designate one (1) or more banks to be the official depository of the district funds as provided by law;
(d) to make and execute all contracts necessary or convenient;
(e) To acquire, hold, occupy, use, manage, possess, lease, exchange, sell
and convey such property, both real and personal, as may be necessary or convenient;

(f) to accept gifts and donations of such property, both real or personal, as may be necessary or convenient;

(g) to construct or erect all buildings or structures which are necessary or convenient;

(h) to cooperate with and to contract with the state and federal governments or any bureau or agency thereof and with any county, city, school district, other recreation districts, other political subdivisions or municipal corporation to provide funds for district facilities or to provide joint facilities;

(i) to operate and provide all concessions necessary or convenient;

(j) to provide classes in water safety and swimming to the public;

(k) to hire and to dismiss all necessary agents, attorneys and other employees and to fix and pay their compensation and expenses out of the district funds;

(l) to require a bond for the faithful performance of their duties as such officers, agents or employees of the district and to pay the costs thereof from district funds;

(m) to fix and collect fees and charges for the use of the district’s facilities, and to reduce or waive the same as to any person not reasonably able to pay therefor;

(n) to make and enforce all rules and regulations for the operation and use of the district facilities;

(o) to invest any funds of the district not then required for district purposes in any securities of the state or the United States;

(p) to levy and apply such taxes for such purposes as are authorized by law;

(q) to exercise such other powers as may be conferred by law.

SECTION 18. The board is empowered to levy a tax for the uses and purposes of the district in an amount not exceeding three (3) mills in any one (1) year on each one dollar ($1.00) of the assessed valuation upon all of the taxable property within the district. The board shall by resolution fix the levy to be made for such district for such year and the secretary shall transmit a certified copy of such resolution to the county commissioners at the time and in the manner provided by sections 63-621 through 63-624, Idaho Code. Such taxes shall be collected as provided by section 63-918, Idaho Code, and remitted to the treasurer of the district as provided by section 63-2104, Idaho Code.

SECTION 19. After the organization of a district, additional territory
adjoining the district and not included within an already existing recreation
district, whether located in one (1) or several counties, may be annexed to
and included within such district by the affirmative vote of a majority of the
qualified electors of such additional territory voting on the question at an
election held therefor, which vote may be taken either at a general or special
election, but such additional territory shall not be annexed to and included
within such district unless such annexation and inclusion is first approved by
resolution of the board of such district prior to the elections on the question
of annexation. The same procedure with such modifications in the form of
petition, notices, ballots, etc., as may be necessary shall be adopted as
provided in section 4 of this act except that no change shall be made in
director's sub-districts until the next regular director's election and no
appointment of any director shall be made by the governor.

SECTION 20. A recreation district may be dissolved as follows:
(a) Any person or persons may file a petition for the dissolution of a
recreation district with the clerk. Such petition which may be in one (1) or
more papers shall state the name of the district and shall be signed by not
less than twenty per cent (20%) of the qualified electors resident within the
boundaries of the district.
(b) Within thirty (30) days after the filing of such petition, the county
commissioners shall determine whether or not the same substantially
complies with the requirements of this section. If the county commissioners
find that there has not been substantial compliance with such requirements,
they shall enter an order to that effect specifying the particular deficiencies
and dismissing the petition. If the county commissioners find that there has
been substantial compliance with such requirements, the county
commissioners shall forthwith enter an order to that effect and calling an
election upon the dissolution of such district as provided in this section.
(c) If the county commissioners order an election as provided in this
section, such election shall be conducted and notice thereof given as nearly
as practicable in accordance with the provisions of section 4 of this act.
(d) Immediately after such election, the judges at such election shall
forward the ballots and results of such election to the clerk. The county
commissioners shall canvass the vote within ten (10) days after such election.
If one-half (½) or more of the votes cast at such election are against the
dissolution of such district, the county commissioners shall enter an order so
finding and declaring that such district shall not be dissolved. If more than
one-half (½) of the votes cast at such election are in favor of dissolving such
district, the county commissioners shall enter an order so finding and
declaring such district duly dissolved. The county commissioners shall cause
one (1) certified copy of such order to be filed in the office of the county recorder of such county. Immediately upon the entry of such order, the dissolution of such district shall be complete.

(e) Upon such dissolution being complete, title to all property of the dissolved district shall vest in the county where such property is situated. The county commissioners shall then: sell and dispose thereof in the manner provided by law for the sale or disposition of county property; apply the proceeds thereof to pay any lawful claims against the dissolved district, if any; and apply the balance remaining, if any, to any public recreation purposes within the county.

(f) When the boundaries of the district lie in two (2) or more counties, the county commissioners of each county shall act separately in the election and dissolution of that part of the district contained in their county but the county commissioners of each such county shall meet together before calling such election and provide for uniform proceedings in each county. If there is any balance remaining after sale and disposition of the property of such dissolved district, it shall be prorated among such counties in proportion to each county's share of the total assessed valuation of such dissolved district for the preceding calendar year.

(g) After such election, the validity of the proceedings hereunder shall not be affected by any defect in the petition or in the number or qualifications of the signers thereof, and in no event shall any action be commenced or maintained or defense made affecting the validity of the dissolution of such district after six (6) months has expired from the date of entering the order declaring the dissolution of such district.

SECTION 21. The provisions of this act shall be liberally construed and applied to promote its underlying purposes and policies.

SECTION 22. The several sections, parts and provisions of this act are hereby declared to be independent and severable and the invalidity of any section, part or provision thereof shall not affect, impair or invalidate the remainder of such section, part or provision thereof or any other section, part or provision thereof.

Approved March 16, 1970
AN ACT
AMENDING CHAPTER 457, 1969 IDAHO SESSION LAWS, TO PROVIDE FOR ACQUISITION OF LAND IN BONNEVILLE COUNTY FOR FUTURE CONSTRUCTION OF VOCATIONAL-TECHNICAL BUILDING, STRIKING REFERENCE TO STUDIES OF CAPITOL BUILDING, INCREASING AND ALTERING APPROPRIATIONS, CHANGING LAW SCHOOL BUILDING PROGRAM, REQUIRING RECEIPT OF LOCAL FUNDS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 457, 1969 Idaho Session Laws, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Permanent Building Fund the revenue realized from the sale of any real property under the jurisdiction of the State Board of Correction and from the General Fund Surplus the sum of $2,457,000.

There is hereby appropriated from the Permanent Building Fund to the Permanent Building Fund Advisory Council and the Department of Public Works the sums of money set forth in this section, or so much thereof as in each case may be necessary, for the purpose of paying the cost of any land, building, equipment, furniture, or the rebuilding, renovation or repair, of the following buildings, installations, facilities or structures at the institutions and agencies named and listed in this section. The Permanent Building Fund Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund for the purpose of undertaking the construction, renovation, repair and acquisitions herein authorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

1. STATE CAPITOL BUILDING, BOISE
   A study to:
   Renovate and remodel former Supreme Court areas
   1st, 2nd and 3rd floors
   Renovate and remodel State Treasurer’s office
   Renovate and remodel Inspector of Mines’ office
   Renovate and remodel Department of Commerce and Development office
   Remodel basement rotunda area
   Renovate and remodel legislative areas $206,500 458,500
2. BOISE STATE COLLEGE, BOISE
Construct library addition
Construct vocational-technical building $2,500,000

3. IDAHO STATE UNIVERSITY, POCATELLO
Construct vocational-technical building, phase II
Furniture and equipment for Life-Science Center
Construct utilities and warehouse facilities
Construct Nuclear Science and Engineering Laboratory
Land acquisition for future construction $2,300,000

4. LEWIS-CLARK NORMAL SCHOOL, LEWISTON
Construct warehouse
Remodel administrative offices
Repair roofs and exteriors of various buildings $115,000

5. STATE SCHOOL FOR DEAF AND BLIND, GOODING
To renovate existing resident-academic building $30,340

6. STATE YOUTH TRAINING CENTER, ST. ANTHONY
Construct vocational training building
Purchase and installation of closed circuit television $179,450

7. UNIVERSITY OF IDAHO, MOSCOW
Provide equipment for women's health education building
Construct agriculture-science building
additional as planned
Construct agriculture-engineering shop and laboratory
Construct law school building Provide for detailed drawings, site preparation and other pre-construction planning for law school building $2,265,000
8. STATE DEPARTMENT OF PUBLIC HEALTH
Modify fume hoods, health-agriculture building, Boise
Construct consolidated health center, Coeur d'Alene
Construct mental health and mental retardation child development centers, Lewiston and Twin Falls
Construct child development center, Pocatello upon receipt of $10,000 of local money

9. VOCATIONAL-TECHNICAL BUILDING CONSTRUCTION AND LAND ACQUISITION
Construct vocational-technical buildings at College of Southern Idaho, North Idaho Junior College, and acquire land in Idaho Falls Bonneville County and construct vocational-technical buildings thereon

10. STATE HOSPITAL SOUTH, BLACKFOOT
Replace main water pump

11. STATE SCHOOL AND HOSPITAL, NAMPA
Repair buildings, road and sidewalks
Construct therapy swimming pool
Construct residential cottages

12. STATE TUBERCULOSIS HOSPITAL, GOODING
Repair and maintain existing facilities

13. IDAHO STATE ADJUTANT GENERAL
Construct National Guard headquarters building, Gowen Field, Boise
Construct National Guard armory, Payette
Construct National Guard armory, Burley
Construct National Guard armory, Hailey

$411,907 506,907 600,000 15,000 290,000 15,000 494,417
14. SUPREME COURT BUILDING, BOISE
Furnishings and fixtures $150,000

15. IDAHO STATE PENITENTIARY, NEW SITE, BOISE
Administration Building
Custody administration
Dining, kitchen, commissary
Housing (2 medium security units)
Housing (maximum security)
School
Vocational shops
Boiler plant, fire station (building only)
Guard towers
Dairy facilities
Fencing institution
Site work
Equipment (kitchen, laundry, boilers)
Architects’ fee
Furnishings $6,538,112

16. PERMANENT BUILDING FUND ADVISORY COUNCIL FOR CONTINGENCIES
For use of Permanent Building Fund Advisory Council to supplement the Building Fund Program appropriations to cover contingencies and overruns in the authorized construction program $300,000

17. DEPARTMENT OF PUBLIC WORKS, FUND II
Supervision of program
Salaries and wages
Travel expense
Other current expense
Capital outlay $530,541

GRAND TOTAL FROM PERMANENT BUILDING FUND $16,941,267 17,288,267

SECTION 2. It is the express intention that the funds appropriated by this act may be made available for matching any allocation of funds now in
existence or hereafter made available by agencies of the United States and/or private donations; provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such funds in each instance. It is further the intention of the legislature that this authority be effective from the effective date of this act.

SECTION 3. All appropriations made herein shall be exempt from the provisions of Chapter 36, Title 67, and Section 67-3516, Idaho Code, but shall be available for expenditure only after allotment in accordance with the other provisions of Chapter 35, Title 67, Idaho Code, and all appropriations made hereunder shall be subject to the provisions of Section 67-2304, Idaho Code, except as otherwise provided herein.

SECTION 4. The State Treasurer is hereby authorized and directed to anticipate the revenues in the Permanent Building Fund by the issuance of tax anticipation notes in accordance with authority conferred by Sections 63-3201, 63-3202, 63-3203, 63-3204 and 63-3205, Idaho Code, as amended by Chapter 172, Idaho Session Laws of 1957, and in accordance with the procedures and subject to the limitations provided in those sections, as amended, in the same manner as though the revenues in the general fund were being anticipated.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 16, 1970

CHAPTER 214
(H. B. No. 656)

AN ACT
AMENDING SECTION 1 OF CHAPTER 286, LAWS OF 1969, RELATING TO THE APPROPRIATION FROM THE FUNDS ENUMERATED TO THE SUPREME COURT, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $51,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 286, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the
operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Supreme Court.

FOR MAJOR AND MINOR PROGRAMS:

DECIDING CASES $652,400.00  703,400.00

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

SALARIES AND WAGES $506,473.00
TRAVEL. 15,300.00
OTHER CURRENT EXPENSES 127,027.00  178,027.00
CAPITAL OUTLAY 3,600.00

FROM:

GENERAL FUND $650,000.00  701,000.00
RECEIPTS TO APPROPRIATIONS 2,400.00

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 16, 1970

CHAPTER 215
(H. B. No. 678)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO TO THE BOARD OF VOCATIONAL EDUCATION.

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

SECTION 1. There is hereby appropriated from the general fund of the state of Idaho the sum of forty-five thousand dollars ($45,000), or so much thereof as may be necessary, for the period commencing upon passage of this act and ending June 30, 1971, to the board of vocational education for the purposes of a program of vocational rehabilitation to provide financial assistance in obtaining medical, nursing, pharmaceutical, and technical services in the treatment of chronic renal diseases.

Approved March 16, 1970
CHAPTER 216
(H. B. No. 685)

AN ACT
AMENDING SECTION 1 OF CHAPTER 446, LAWS OF 1969, RELATING TO THE APPROPRIATION FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF AGRICULTURE, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $130,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 446, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Department of Agriculture.

FOR MAJOR AND MINOR PROGRAMS:

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<thead>
<tr>
<th>Program</th>
<th>1969</th>
<th>1969-71</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADMINISTRATION</td>
<td>$260,105</td>
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<tr>
<td>INSPECTION AND LICENSING OF FOOD PRODUCTS</td>
<td>$4,250,929</td>
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<td>PLANT AND ANIMAL DISEASE CONTROL</td>
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BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

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<tr>
<td>SALARIES AND WAGES</td>
<td>$4,085,989</td>
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<td>TRAVEL</td>
<td>793,563</td>
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<td>REFUND OF ERRONEOUS RECEIPTS</td>
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<td>CAPITAL OUTLAY</td>
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<td>PAYMENT AS AGENT</td>
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FROM:

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<td>GENERAL FUND</td>
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<td>RECEIPTS TO APPROPRIATION</td>
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<td>SPECIAL FUNDS</td>
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<td>TOTAL</td>
<td>$5,915,054</td>
<td>$6,045,054</td>
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SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 16, 1970
CHAPTER 217
(S. B. No. 1601)

AN ACT

AMENDING SECTION 67-2901, IDAHO CODE, BY PROVIDING THAT THE DEPARTMENT OF LAW ENFORCEMENT ASSUME THE DUTIES OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-2901, Idaho Code, be, and the same is hereby amended to read as follows:

67-2901. POWERS AND DUTIES — FAILURE OF PEACE OFFICERS TO OBEY ORDERS MISDEMEANOR — DEPUTIES — COMPENSATION AND POWERS. — The department of law enforcement shall have power:

1. To exercise the rights, powers and duties vested by law in the secretary of the state highway commission (so far as his duties relate to the registration of motor vehicles).

2. To exercise the rights, powers and duties vested by law in the state board of medical examiners, its president, secretary and treasurer.

3. To exercise the rights, powers and duties vested by law in the state board of dental examiners, its president and secretary.

4. To exercise the rights, powers and duties vested by law in the board of osteopathic examination and registration, its president, secretary and treasurer.

5. To exercise the rights, powers and duties vested by law in the Idaho state board of examiners in optometry, its president, vice-president, and secretary-treasurer.

6. To exercise the rights, powers and duties vested by law in the board of pharmacy, its president and secretary.

7. To exercise the rights, powers and duties vested by law in the state board of examination and registration of graduate nurses, its president and secretary-treasurer.

8. To exercise the rights, powers and duties vested by law in the Idaho state board of veterinary medical examiners, its president, secretary and treasurer.

9. To exercise the rights, powers and duties vested by law in the state board of accountancy.

10. To exercise the rights, powers and duties vested by law in the state board of examiners of architects, its president and secretary-treasurer.

11. To exercise the rights, powers and duties vested by law in the
examining committee of the state board of health for the examination of embalmers.

12. To supervise the registration and licensing of automobiles, motor vehicles and motor vehicle manufacturers, dealers and chauffeurs.

13. To exercise the rights, powers and duties vested by law in the board of examiners of nursing home administrators, its officers and executive secretary.

14. To enforce all of the penal and regulatory laws of the state, to preserve order, and exercise any and all powers, duties and authority of any sheriff or other peace officer anywhere in the state of Idaho, in the same manner and with like authority as the sheriffs of the counties; said department may employ from time to time, to carry out any of the provisions of this subdivision, such deputies or special deputies as may be deemed, by the governor of the state of Idaho, necessary to carry out these duties and powers, and deputies shall have power to deputize other persons as deputies when necessary; said department may call into the police service of the state any and all peace officers of the state, of any city, or of any county, and may deputize private citizens, when deemed necessary by the governor of the state, to preserve order and enforce law in any extraordinary emergency when the governor shall have declared, by order in writing, the existence of such extraordinary emergency; the governor shall designate by order such peace officers or private persons as are to be called into the service of the state, and when such peace officers or deputized citizens are so called into the police service of the state such officers shall act under the direction of the commissioner of said department in such manner as may be directed and ordered by the governor; failure on the part of any such peace officer of the state, or person so deputized, to so act and obey such orders shall constitute a misdemeanor; the governor shall fix the compensation of such deputies. The jurisdiction of the commissioner of law enforcement and his deputies, both regular and special, and all peace officers or other persons called into the police service of the state by him or his deputies, shall be coextensive with the territory of the state of Idaho and not limited by the lines of any political or municipal subdivisions.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 16, 1970
AN ACT
AMENDING SECTION 1 OF CHAPTER 359, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUNDS ENUMERATED TO THE DIVISION OF BUILDING SERVICES BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $130,000.00; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 359, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Division of Building Services.

<table>
<thead>
<tr>
<th>FOR MAJOR AND MINOR PROGRAMS:</th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>ADMINISTRATION</td>
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<tr>
<td>CAPITOL MAINTENANCE</td>
<td>396,648</td>
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<td>CAPITOL MALL MANAGEMENT</td>
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<td>481,388</td>
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<th>BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:</th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>SALARIES AND WAGES</td>
<td>$514,508</td>
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<tr>
<td>TRAVEL</td>
<td>1,700</td>
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<td>OTHER CURRENT EXPENSES</td>
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<td>CAPITAL OUTLAY</td>
<td>19,347</td>
<td>20,715</td>
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<tbody>
<tr>
<td>GENERAL FUND</td>
<td>$470,584</td>
<td>510,584</td>
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<tr>
<td>CAPITAL MALL SUSPENSE FUND</td>
<td>391,388</td>
<td>481,388</td>
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</table>

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 16, 1970
CHAPTER 219
(H. B. No. 504)

AN ACT
AMENDING SECTION 50-1039, IDAHO CODE, RELATING TO LIEN OF BONDS, BY PROVIDING FOR AUTHORITY TO ISSUE ADDITIONAL PARITY REVENUE BONDS BY CITIES.

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

SECTION 1. That Section 50-1039, Idaho Code, be, and the same is hereby amended to read as follows:

50-1039. LIEN OF BONDS. — All bonds of the same issue shall, subject to the prior and superior rights of outstanding bonds, claims or obligations, have prior and paramount lien on the revenue of the works for which said bonds have been issued, except that where provision is made in the ordinance authorizing any issue or series of bonds for the issuance of additional bonds in the future on a parity therewith pursuant to procedures or restrictions provided in such ordinance, additional bonds may be issued in the future on a parity with such issue or series in the manner so provided in such ordinance redeemable prior to all bonds of any issue payable from said revenue, which may be subsequently issued, and redeemable prior to any claims or obligations against said revenue subsequently incurred. All bonds of the same issue shall be equally and ratably secured without priority by reason of number, date of bonds, date of sale, date of execution, or date of delivery, by a lien on said revenue in accordance with the provisions of the Revenue Bond Act and the ordinance authorizing said bonds.

Approved March 17, 1970

CHAPTER 220
(H. B. No. 566, As Amended)

AN ACT
AMENDING SECTION 49-1701A, IDAHO CODE, RELATING TO IDENTIFICATION OF STATE POLICE VEHICLES, BY PROVIDING FOR THE MARKING OF STATE POLICE VEHICLES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-1701A, Idaho Code, be, and the same is hereby amended to read as follows:
49-1701A. IDENTIFICATION OF STATE POLICE VEHICLES. — Every motor vehicle owned by the state of Idaho and used as a state police vehicle shall be marked as provided by section 49-1701, Idaho Code, or and shall be identified in one (1) or both of the following manners: (1) by having a white stripe, at least six (6) inches in width, painted completely around the vehicle at a point about mid-height of the vehicle; or (2) by having a red light mounted on the top of the vehicle which must be visible from any direction.

SECTION 2. This act shall be in full force and effect on and after July 1, 1970.

Approved March 17, 1970

CHAPTER 221
(H. B. No. 578)

AN ACT
REPEALING SECTION 63-1102, IDAHO CODE, RELATING TO THE PAYMENT OF REAL PROPERTY TAXES; AMENDING CHAPTER 11, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION, TO BE KNOWN AND DESIGNATED AS SECTION 63-1102, IDAHO CODE, PROVIDING DUE DATES FOR REAL PROPERTY TAXES, PROVIDING PENALTIES AND INTEREST, PROVIDING TIMES AT WHICH TAXES, PENALTIES AND INTEREST MAY NOT BE PAID, AND PROVIDING THE MANNER IN WHICH DELINQUENT TAXES, PENALTIES AND INTEREST SHALL BE APPORTIONED.

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

SECTION 1. That Section 63-1102, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 11, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 63-1102, Idaho Code, and to read as follows:

63-1102. WHEN PAYABLE.—All taxes extended on the real property assessment roll shall be payable to the tax collector without penalty on or before December 20 of the year in which the taxes were extended on the roll. The taxes may be paid in two (2) equal installments, the first on or before December 20 and the second on or before June 20 of the following year. If the first installment is not paid on or before December 20, that installment becomes delinquent and a penalty of two per cent (2%) shall be
added. Interest on the amount of the first installment plus penalty, at the rate of eight per cent (8%) per annum, shall be calculated from January 1 of the following year. No tax, penalty or interest may be paid to the treasurer between December 21 and the fourth Monday of January because the books are closed for audit. If the second installment is not paid on or before June 20, that installment becomes delinquent and a penalty of two per cent (2%) shall be added. Interest on the amount of the second installment plus penalty, at the rate of eight per cent (8%) per annum, shall be calculated from January 1 of that year. No tax, penalty or interest may be paid to the treasurer between June 21 and the fourth Monday in July because the books are closed for audit.

All delinquent state and county taxes, together with any penalties and interest, collected shall be apportioned by the county auditor according to the tax levy of the year when the delinquent tax levy was made.

Approved March 17, 1970

CHAPTER 222
(H. B. No. 594)

AN ACT
AMENDING SECTION 63-3002, IDAHO CODE, RELATING TO THE LEGISLATIVE INTENT, TO INSERT WORDS PREVIOUSLY ENACTED BUT OMITTED IN HOUSE BILL 360 OF THE FORTIETH SESSION AND TO CHANGE THE SINGULAR FORM OF CERTAIN WORDS TO THE PLURAL FORM FOR UNIFORMITY; AMENDING SECTION 63-3004, IDAHO CODE, RELATING TO THE INTERNAL REVENUE CODE BY ALTERING THE DATE OF REFERENCE TO THE INTERNAL REVENUE CODE; AMENDING SECTION 63-3013A, IDAHO CODE, RELATING TO THE DEFINITION OF THE TERM "PART-YEAR RESIDENT", BY STRIKING THEREFROM THAT PORTION WHICH EXEMPTS EARNINGS BY A RESIDENT ABSENT FROM THE STATE AT LEAST 180 CONSECUTIVE DAYS DURING THE TAXABLE YEAR AND CLARIFYING THE METHOD OF COMPUTING THE IDAHO TAXABLE INCOME OF A PART-YEAR RESIDENT; AMENDING SECTION 63-3022, IDAHO CODE, RELATING TO IDAHO ADJUSTMENTS TO FEDERAL TAXABLE INCOME, BY LIMITING THE CAPITAL GAIN DEDUCTION OF A CORPORATION
ENTITLED TO A NET OPERATING LOSS CARRYBACK OR CARRYOVER AND EXCLUDING ARMED FORCES INCOME OF A PERSON ON ACTIVE DUTY; AMENDING SECTION 63-3022A, IDAHO CODE, TO INCREASE THE EXEMPTION OF SOCIAL SECURITY INCOME; AMENDING SECTION 63-3029, IDAHO CODE, RELATING TO CREDIT FOR TAXES PAID ANOTHER STATE, BY BASING THE COMPUTATION OF THE CREDIT ON ADJUSTED GROSS INCOME AND CORRECTING THE NAME OF THE STATE AGENCY; AMENDING SECTION 63-3030, IDAHO CODE, RELATING TO PERSONS REQUIRED TO FILE AN INCOME TAX RETURN, BY REDEFINING THE LIABILITY OF NONRESIDENT OR PART-YEAR INDIVIDUAL PERSONS, ESTATES AND TRUSTS TO FILE AN IDAHO TAX RETURN; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION TO BE DESIGNATED AS SECTION 63-3045A, IDAHO CODE, TO PROVIDE FOR ASSESSMENTS OF INCOME TAX IN THE EVENT ADDITIONAL TAX RESULTS FROM THE CORRECTION OF A MATHEMATICAL ERROR OR INCORRECT PAYMENT; AMENDING SECTION 63-3072, IDAHO CODE, RELATING TO REFUNDS AND THE PERIOD OF LIMITATION WITH RESPECT THERETO TO PROVIDE THAT THE RIGHT OF REFUND SHALL EXPIRE THREE YEARS FROM THE TIME THE TAX RETURN WAS FILED; AND DECLARING AN EMERGENCY AND MAKING THIS AMENDATORY ACT RETROACTIVE TO JANUARY 1, 1970.

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

SECTION 1. That Section 63-3002, Idaho Code, be, and the same is hereby amended to read as follows:

63-3002. DECLARATION OF INTENT. — It is the intent of the legislature by the adoption of this act, insofar as possible to make the provisions of the Idaho act identical to the provisions of the Federal Internal Revenue Code relating to the measurement of taxable income, to the end that taxable income reported each taxable year by a taxpayer to the Internal Revenue Service shall be the identical sum reported to this state, subject only to modifications contained in the Idaho law; to achieve this result by the application of the various provisions of the Federal Internal Revenue Code relating to the definition of income, exceptions therefrom, deductions (personal and otherwise), accounting methods, taxation of trusts, estates, partnerships, and corporations, basis and other pertinent provisions to gross income as defined therein, resulting in a final
amount called "taxable income" in the Internal Revenue Code; to impose a
tax on residents of this state measured by taxable income wherever derived
and on the income of nonresidents which is the result of activity within or
derived from sources within this state.

SECTION 2. That Section 63-3004, Idaho Code, be, and the same is
hereby amended to read as follows:

63-3004. INTERNAL REVENUE CODE. — The term "Internal
Revenue Code" means the Internal Revenue Code of 1954 of the United

SECTION 3. That Section 63-3013A, Idaho Code, be, and the same is
hereby amended to read as follows:

63-3013A. PART-YEAR RESIDENT. — The term "part-year resident"
means an individual who enters or leaves the state during the taxable year
and has resided or was domiciled within the state for a period of less than
twelve (12) months during the taxable year. or who, without regard to
domicile, was required by the terms of his employment to be present in
another state or foreign country, other than as a commuter, for an aggregate
of at least 180 consecutive days during the taxable year, unless in the case of
a domiciliary of this state, exclusion of income from taxation under this
section subjects such income to taxation or to a tax measured by income by
another state or foreign country, or an individual who was a member of and
on active duty with the armed forces of the United States of America
during any part of such taxable year. The taxable income of such taxpayer
from sources within this state shall be determined in the manner provided
for nonresidents, as set forth in section 63-3027(t), Idaho Code.

SECTION 4. That Section 63-3022, Idaho Code, be, and the same is
hereby amended to read as follows:

63-3022. TAXABLE INCOME. — The term "taxable income" means
"taxable income" as defined in section 63 of the Internal Revenue Code,
adjusted as follows:

(a) Add interest and dividends received or accrued during the taxable
year from foreign securities and from securities issued by states and other
political subdivisions exempt from federal income tax under the Internal
Revenue Code, less applicable amortization.

(b) Add any state taxes, measured by net income, paid or accrued
during the taxable year adjusted for state tax refunds used in arriving at
taxable income as defined in section 63 of the Internal Revenue Code.

(c) In the case of persons other than corporations, subtract the amount
of federal income tax accrued, after reduction for investment, retirement, or
similar applicable credits; providing, however, that the federal income tax
deduction shall be increased by the amount of the credit for foreign income, war, or excess profits taxes allowed for federal tax purposes in the same year. For the first taxable year beginning on or after January 1, 1969, the deduction permitted by this subsection to taxpayers whose prior deductions for federal income taxes were taken on the cash basis shall be the greater of:

(1) federal income tax liability as determined for such taxable year; or
(2) federal income tax liability as determined for the immediately preceding taxable year, but in no event shall both deductions be permitted in the same tax year.

(d) Add the net operating loss deduction used in arriving at taxable income as defined in section 63 of the Internal Revenue Code.

(e) Subtract any net operating loss incurred in the five (5) next preceding taxable years; provided, however, such net operating loss shall be subtracted first in the first succeeding taxable year, and any excess not so subtracted may then be subtracted in the second succeeding taxable year, and any excess shall be subtracted in each succeeding taxable year in order until the net operating loss is exhausted, but the total subtracted in such succeeding taxable years shall not exceed the total of such net operating loss; provided, further, that net operating losses arising in taxable years commencing on or after January 1, 1964, must first be carried back to the three (3) taxable years preceding the year of such net operating loss in the manner provided in Internal Revenue Code section 172 except that no such net operating loss shall be carried back to any taxable year commencing before January 1, 1963; and provided, further, that net operating losses accumulated in any taxable years commencing before January 1, 1964 shall be carried forward as provided in the beginning part of this subsection before any carry-back from a succeeding taxable year shall be taken into consideration.

(f) In the case of a corporation, add the amount deducted under the provisions of section 243(a) of the Internal Revenue Code (relating to dividends received by corporations) as limited by section 246(b)(1) of said code.

(g) In the case of a corporation, subtract an amount equal to 85 per centum of the amount received during the taxable year as dividends, as limited by the rules of section 246(b)(1) of the Internal Revenue Code, from any corporation which has shown to the satisfaction of the state tax commission that more than 50 per centum of its taxable income for the taxable year immediately preceding the declaration of such dividends was taxable by the state of Idaho under the provisions of this act.

(h) In the case of persons other than corporations, in calculating the
limitation imposed by section 613(a) of the Internal Revenue Code relating to depletion allowances, the following adjustments shall apply:

(1) No deduction shall be included for any state taxes measured by income; and
(2) Federal income tax shall be included as a deduction in measuring the taxable income from the property for which the depletion allowance is being computed.

(i) Subtract the amount of any income received or accrued during the taxable year which is exempt from taxation by this state, under the provisions of any other law of this state or a law of the United States, if not previously subtracted in arriving at taxable income, as defined by section 63 of the Internal Revenue Code.

(j) In the case of a corporation subtract an amount equal to fifty per cent (50%) of the excess of the net long-term capital gain over the net short-term capital loss; provided, however, that this subtraction shall not be taken into account in the determination of a net operating loss or be allowed as a deduction for any taxable year, the taxable income of which is subtracted from the net operating loss to determine the portion of such net operating loss which is a carry-back or carry-over to another taxable year.

(k) In the case of a corporation with more than fifty per cent (50%) of its income taxable within this state, the salary, fee or other compensation of its nonresident officers or directors shall be treated as income from sources within the state. Whether or not any personal services have been performed by such nonresident officers or directors in this state, they shall be deemed to have a business situs in this state. If such salary, fee or other compensation is not reported to this state as income, such corporation shall not deduct as part of its expenses for the taxable year any part of such salary, fee or other compensation in computing taxable income.

(l) For the purpose of determining the taxable income of the beneficiary of a trust or of an estate, distributable net income as defined for federal tax purposes shall be adjusted by substituting for the state tax deduction taken by the trust or estate for federal tax purposes (where appropriate) the federal tax deduction otherwise taken by the fiduciary for Idaho tax purposes. Distributable net income shall also be corrected for the other adjustments required by this section.

(m) In case of an individual who is on active duty with the armed forces of the United States during any part of the tax year, deduct compensation paid by the armed forces of the United States; providing that appropriate adjustments shall be made in his standard deductions, exemptions and federal income tax deduction as described in section
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63-3027(t), Idaho Code.

SECTION 5. That Section 63-3022A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3022A. CERTAIN EXEMPTIONS FROM STATE INCOME TAX. — During the current taxable year retirement annuities paid by the United States of America to an Idaho resident, who is a retired civil service employee or the unremarried widow thereof, shall be exempt from Idaho taxable income, limited to the following amounts which are based upon the average maximum retirement at age sixty-five (65) for social security beneficiaries according to the federal social security laws in effect upon the passage of this act:

(a) A retired civil service employee who has attained the age of sixty-two (62) and who is also classified as being disabled or any retired civil service employee who has attained the age of sixty-five (65) before the close of the current taxable year and who is entitled to file a joint return with his spouse for the current taxable year, two thousand nine hundred forty dollars ($2,940). three thousand four hundred sixty-three dollars ($3,463).

(b) A retired civil service employee who has attained the age of sixty-two (62) and who is also classified as being disabled or any retired civil service employee who has attained the age of sixty-five (65) before the close of the current taxable year and who is not married, one thousand nine hundred sixty dollars ($1,960). two thousand three hundred nine dollars ($2,309).

(c) The widow of a retired civil service employee prior to her remarriage who has attained the age of sixty-five (65) before the close of the current taxable year, one thousand six hundred eighteen dollars ($1,618). one thousand nine hundred five dollars ($1,905).

SECTION 6. That Section 63-3029, Idaho Code, be, and the same is hereby amended to read as follows:

63-3029. CREDIT FOR INCOME TAXES PAID ANOTHER STATE OR TERRITORY. — (a) Whenever a resident person, excluding corporations, has become liable for income tax to another state, as a nonresident of such state, upon his taxable income, or any part thereof, for the taxable year, which is derived from sources without this state and subject to taxation under this chapter, the amount of income tax payable by him under this chapter shall be credited with the income tax so payable by him to such other state or territory. The credit provided for by this subsection shall not be granted to a taxpayer when the laws of such other state or territory, under which the income in question is subject to tax assessment, provide for a credit to such taxpayer substantially similar to that granted in
subsection (b) hereof. The credit granted shall be limited to the proportion of the tax computed under this chapter, but before the allowance of this credit, which the taxable income adjusted gross income as defined in section 62 of the Internal Revenue Code from such other state or territory bears to total taxable income adjusted gross income as defined in section 62 of the Internal Revenue Code; provided, however, that such credit shall not be in excess of the actual tax payable to such other state or territory and that such adjusted gross income shall be corrected to reflect additions to and subtractions from income required by this act.

(b) Whenever a person, other than a corporation, who is a nonresident, or part-year resident of this state has become liable for income tax to the state where he resides upon his taxable income for the taxable year, derived from sources within this state and subject to taxation under this chapter, the amount of income tax payable by him under this chapter shall be credited with the tax so payable by him to the state where he resides. The credit granted shall be limited to the proportion of the tax payable by him to the state or territory where he resides which his taxable income adjusted gross income as defined in section 62 of the Internal Revenue Code subject to taxation under this chapter bears to his entire taxable income adjusted gross income as defined in section 62 of the Internal Revenue Code upon which the tax so payable to such other state or territory was imposed; provided, however, that such credit shall not be in excess of the tax payable under this act and that such adjusted gross income shall be corrected to reflect additions to and subtractions from income required by this act; and provided, further, that such credit shall be allowed only if the laws of such state or territory:

1. Grant a substantially similar credit to residents of this state subject to income tax under such laws, or
2. Impose a tax upon the personal incomes of its residents derived from sources in this state and exempt from taxation the personal incomes of residents of this state.

No credit shall be allowed against the amount of the tax on any income taxable under this chapter which is exempt from taxation under the laws of such other state.

(c) To substantiate the credit allowed under this section, the tax collector state tax commission may require a copy of any receipt showing payment of income taxes to another state and/or a copy of any return or returns filed with such other state or territory.

(d) In order to give full effect to the intent of this section, the tax collector state tax commission is hereby authorized to enter into reciprocal
agreements with the taxing authorities of the several states and territories.

SECTION 7. That Section 63-3030, Idaho Code, be, and the same is hereby amended to read as follows:

63-3030. PERSONS REQUIRED TO MAKE RETURNS OF INCOME. —(a) Returns with respect to taxes measured by income in this act shall be made by the following:

(1) Every resident individual having for the current taxable year a gross income, as defined by section 61(a) of the Internal Revenue Code, of $600 or more (except an individual who has attained the age of 65 before the close of the current taxable year shall be required to make a return only if he has gross income of $1200 or more);

(2) Any nonresident or part-year resident individual having for the current taxable year a gross income (as defined in section 61(a) of the Internal Revenue Code) of $600 or more which is subject to Idaho income tax (except that any individual who has attained the age of 65 before the close of the current taxable year shall be required to make a return only if he has a gross income of $1200 or more derived from any source within the state of Idaho); from Idaho sources in excess of the prorated exemption determined under section 63-3027(t), Idaho Code;

(3) Every corporation subject to taxation by this act; any corporation reporting as a subchapter S corporation pursuant to Internal Revenue Code sections 1371 through 1377 to the federal government and having business situs in this state or with one or more of its shareholders residing in this state must report to the state of Idaho as a subchapter S corporation for and during the same period or periods in which its election to report as such a corporation is effective for federal tax purposes and must identify itself as a subchapter S corporation on its income tax return filed with this state;

(4) Every estate, the resident of which estate is in Idaho, having a gross income (as defined in section 61(a) of the Internal Revenue Code) of $600 or more for the current taxable year;

(5) Every estate, the residence of which is in a state other than Idaho, having a gross income (as defined in section 61(a) of the Internal Revenue Code) of $600 or more for the current taxable year subject to Idaho income tax; from Idaho sources in excess of the prorated exemption determined under section 63-3027(t), Idaho Code;

(6) Every trust, the residence of which trust is in Idaho, having gross income (as defined in section 61(a) of the Internal Revenue Code) of $100 or more for the current taxable year;

(7) Every trust, the residence of which is in a state other than Idaho,
having a gross income (as defined in section 61(a) of the Internal Revenue Code) of $100 or more for the current taxable year subject to Idaho income tax; from Idaho sources in excess of the prorated exemption determined under section 63-3027(t), Idaho Code;

(8) Every partnership having a resident partner and every partnership having a business situs in the state of Idaho. Such return shall be a supplemental information return and shall include the names and addresses of the individuals who would be entitled to share in the net income of the partnership if distributed and the amount of the distributive share of each individual. Such return shall be signed by one of the partners.

(b) Returns of fiduciaries and receivers:

(1) Fiduciaries and receivers shall file returns with the tax collector state tax commission in accordance with the provisions of section 6012(b) of the Internal Revenue Code.

SECTION 8. That Chapter 3, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 63-3045A, Idaho Code, and to read as follows:

63-3045A. MATHEMATICAL ERROR — ASSESSMENT OF TAX. —

(a) In the event that the amount of tax is understated on the taxpayer's return due to a mathematical error, the state tax commission shall notify the taxpayer that an amount of tax in excess of that shown on the return is due and has been asserted. Such a notice of additional tax due shall not be considered a notice of a deficiency assessment nor shall the taxpayer have any right of protest or appeal as in the case of a deficiency assessment based on such notice, and the assessment and collection of the amount of tax erroneously omitted in the return is not prohibited by any provision of this act.

(b) The amount of tax which is shown to be due on the return (including revisions for mathematical errors) shall be deemed to be assessed on the date of filing of the return including any amended returns showing an increase of tax. In the case of a return properly filed without the computation of the tax, the tax computed by the state tax commission shall be deemed to be assessed on the date when payment is due. Any amount paid as a tax or in respect of a tax, other than amounts withheld at the source or paid as estimated income tax, shall be deemed to be assessed upon the date of receipt of payment, notwithstanding any other provisions of this act.

SECTION 9. That Section 63-3072, Idaho Code, be, and the same is hereby amended to read as follows:
63-3072. CREDITS AND REFUNDS. — (a) Where there has been an over-payment of any income tax imposed by this act, the amount of such over-payment shall be credited against any income tax then due from the taxpayer, and any balance of such excess shall be refunded to the taxpayer.

(b) The state tax commission is authorized to credit or remit, refund, and pay back all taxes and penalties erroneously or illegally assessed or collected, regardless of whether the same have been paid under protest, which claims for refund shall be certified to the state board of examiners by the state tax commission.

(c) No such credit or refund of taxes, penalties or interest paid, shall be allowed or made after three (3) years from the time the payment was made the return was filed, unless before the expiration of such period a claim therefor is filed by the taxpayer; provided, the period of limitation shall be one (1) year from the time of final determination of federal tax liability for the year involved in the event state taxable income has been decreased as the result of a federal audit or other determination.

(d) If a claim for credit or refund relates to an overpayment attributable to a net operating loss carry-back, in lieu of the three (3) year period of limitation prescribed in subsection (c), the period shall be that period which ends with the expiration of the fifteenth (15th) day of the fortieth (40th) month following the end of the taxable year of the net operating loss which results in such carry-back.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1970.

Approved March 17, 1970

CHAPTER 223
(H. B. No. 598)

AN ACT
AMENDING SECTION 63-3626, IDAHO CODE, RELATING TO REFUNDS, LIMITATIONS, AND INTEREST BY STRIKING REFERENCES TO TAX COLLECTOR AND SUBSTITUTING THEREFOR THE WORDS TAX COMMISSION; BY AUTHORIZING THE STATE BOARD OF TAX APPEALS IN PROPER CASES TO ORDER THE TAX COMMISSION TO MAKE REFUNDS; AND BY PROVIDING THE THREE YEAR PERIOD ALLOWED FOR MAKING
REFUND CLAIMS DOES NOT APPLY TO APPEALS FROM SALES TAX DEFICIENCY NOTICES ASSERTED BY THE TAX COMMISSION.

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

SECTION 1. That Section 63-3626, Idaho Code, be, and the same is hereby amended to read as follows:

63-3626. REFUNDS, LIMITATIONS, INTEREST. — (a) If the tax collector commission determines that any amount due under this act has been paid more than once or has been erroneously or illegally collected or computed, the tax collector commission shall set forth that fact in its records and the excess amount paid or collected may be credited on any amount then due and payable to the tax collector commission from that person and any balance refunded to the person by whom it was paid or to his successors, administrators or executors; the tax collector commission is authorized and the state tax commission board of tax appeals authorized to order the tax collector commission in proper cases to credit or refund such amounts whether or not such payments have been paid under protest and certify such refund to the state board of examiners.

(b) No such credit or refund shall be allowed or made after three (3) years from the time the payment was made, unless before the expiration of such period a claim therefor is filed by the taxpayer. Provided the three (3) year period allowed by this section for making refunds or credit claims shall not apply in cases where the tax commission asserts a deficiency under sections 63-3629 and 63-3630, Idaho Code, and taxpayers desiring to appeal or otherwise seek a refund of amounts paid in obedience to such deficiencies must do so within the time limits elsewhere prescribed in this act.

(c) Interest shall be allowed on the amount of such credits or refunds at the rate of six per centum (6%) per annum from the date such tax was paid.

Approved March 17, 1970

CHAPTER 224
(H. B. No. 599)

AN ACT
AMENDING SECTION 63-105T, IDAHO CODE, TO ALLOW COUNTY ASSESSORS TO DETERMINE THE EXEMPT PORTION OF FACILITIES USED FOR WATER OR AIR POLLUTION CONTROL;
AMENDING SECTION 63-2701, IDAHO CODE, TO CHANGE "COMMISSIONER OF LAW ENFORCEMENT" TO "STATE TAX COMMISSION" AS THE OFFICE TO WHICH A STATEMENT OF THE AMOUNT OF ELECTRICAL ENERGY SO GENERATED, MANUFACTURED OR PRODUCED AND LICENSE TAX OF ONE-HALF MILL PER KILOWATT HOUR SHOULD BE FILED.

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

SECTION 1. That Section 63-105T, Idaho Code, be, and the same is hereby amended to read as follows:

63-105T. PROPERTY EXEMPT FROM TAXATION — FACILITIES FOR WATER OR AIR POLLUTION CONTROL. — The following property is exempt from taxation: Facilities, installations installations, machinery or equipment, attached or unattached to real property, and designed, installed and utilized in the elimination, control or prevention of water or air pollution, or, in event such facilities, installations, equipment or machinery shall also serve other beneficial purposes and uses, such portion of the assessed valuation thereof as may reasonably be calculated to be necessary for and devoted to elimination, control or prevention of water or air pollution. The state tax commission or county assessor shall determine such exempt portion, and shall not include as exempt any portion of any facilities which have value as the specific source of marketable by-products.

If any water corporation, as defined by section 61-125, Idaho Code, regulated by the Idaho public utilities commission is or has been ordered by the state board of health or the Idaho public utilities commission to install equipment designed and utilized in the elimination, control or prevention of water pollution, the Idaho public utilities commission shall notify the Idaho state tax commission of the percentage such property bears to the total invested plant of the company and said portion shall be exempt from ad valorem taxation. Said percentage reported to the Idaho state tax commission by the Idaho public utilities commission may be contested by any person or party at a public hearing held before the Idaho state tax commission.

SECTION 2. That Section 63-2701, Idaho Code, be, and the same is hereby amended to read as follows:

63-2701. STATEMENT OF ELECTRIC GENERATING COMPANIES TAX. —In addition to the licenses and taxes now provided by law, each and every individual, firm, partnership, common law trust, corporation, association or other organization, now engaged or hereafter to engage in the generation, manufacture or production of electricity and electrical energy in the state of Idaho, through and by means of water power, for barter, sale, or
exchange, and hereinafter referred to as the "producer," shall on or before
the fifteenth day of each calendar month, beginning with the fifteenth day
of July, 1949, render a statement to the commissioner of law enforcement
state tax commission of the state of Idaho of all such electricity and
electrical energy so generated, manufactured or produced by him or it in the
state of Idaho, during the preceding calendar month and therewith pay a
license tax of one-half (1/2) mill per kilowatt hour on all such electricity and
electrical energy so generated, manufactured or produced, except electricity
and electrical energy generated or sold for use in manufacturing, mining,
milling, smelting, refining and processing, as shown on such statement in the
manner and within the time hereinafter provided.

Approved March 17, 1970

CHAPTER 225
(H. B. No. 602, As Amended)

AN ACT
AMENDING SECTION 31-2112, IDAHO CODE, RELATING TO
MONTHLY SETTLEMENTS AND STATEMENTS OF COUNTY
TREASURERS, BY PROVIDING THAT COUNTY TREASURERS
SHALL HAVE THE DUTY OF AGING AND WRITING OFF
UNCOLLECTIBLE ACCOUNTS; AND PROVIDING THAT SUCH
AGING AND WRITING OFF OF UNCOLLECTIBLE ACCOUNTS
SHALL NOT RELIEVE THE OBLIGATIONS TO PAY SUCH
ACCOUNTS.

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

SECTION 1. That Section 31-2112, Idaho Code, be, and the same is
hereby amended to read as follows:

31-2112. MONTHLY SETTLEMENTS AND STATEMENTS —
ANNUAL SETTLEMENT. — The treasurer must settle his accounts relating
to the collection, care and disbursement of public revenue, of whatsoever
nature and kind, with the auditor, on the first Monday of each month. For
the purpose of making such settlement, he must make out a statement under
oath, of the amount of money or other property received prior to the period
of such settlement, the sources whence the same was derived, the amount of
payments or disbursements, and to whom, with the amount remaining on
hand. In making such account, and for all other purposes, the treasurer shall
report uncollected fees, personal property taxes or other revenue due but
unpaid for a period of five (5) years and, at the end of such period, shall not be required to continue reporting such sums unless, in the opinion of the treasurer, such sums are collectible; provided, however, that this provision shall in no way alter or interfere with the obligation of the person or persons owing such amounts to pay the same. He must in such settlements, deposit all warrants redeemed by him and take the auditor's receipt therefor. He must also make a full settlement of all accounts with the auditor annually on the first Tuesday after the first Monday of January, in the presence of the commissioners, who have a supervisory control thereof.

Approved March 17, 1970

CHAPTER 226
(H. B. No. 609)

AN ACT
AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY ADDING A NEW SECTION THERETO TO BE KNOWN AND DESIGNATED AS SECTION 33-3717, PROVIDING THAT THE STATE BOARD OF EDUCATION AND BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO SHALL ESTABLISH A UNIFORM DEFINITION OF REGULARLY ENROLLED FULL TIME STUDENT APPLICABLE TO ALL STATE COLLEGES AND UNIVERSITIES, ESTABLISHING RATES OF TUITION, DEFINING RESIDENT STUDENT, EXEMPTING REGULARLY ENROLLED FULL TIME RESIDENT STUDENTS AT STATE COLLEGES AND UNIVERSITIES FROM PAYMENT OF TUITION AT SAID COLLEGES AND UNIVERSITIES, PROVIDING CERTAIN EXCEPTIONS, ADOPTING RULES AND REGULATIONS NECESSARY TO DETERMINE AND REVIEW STUDENT RESIDENCE STATUS, PROVIDING FOR APPEAL TO THE COURTS, WAIVING TUITION TO BE PAID BY NONRESIDENT STUDENTS, REGULATING THE ADMISSION AND READMISSION OF NONRESIDENT STUDENTS, AND PROVIDING THAT THIS ACT HAS NO APPLICATION TO JUNIOR COLLEGES OR POST-SECONDARY VOCATIONAL-TECHNICAL SCHOOLS NOT CONNECTED TO OR PART OF A STATE COLLEGE OR UNIVERSITY; REPEALING SECTIONS 33-2817 AND 33-3007, IDAHO CODE; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION I. That Chapter 37, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 33-3717, Idaho Code, and to read as follows:

33-3717. TUITION AT STATE COLLEGES AND UNIVERSITIES NOT REQUIRED — EXCEPTIONS. — (1) Any student who shall be a full time regularly enrolled resident student in any degree granting program at a state college or university now or hereafter established shall not be required to pay tuition in said college or university, excepting in a professional college, school, or department, or for extra studies or for part-time enrollment. The state board of education and board of regents for the university of Idaho may prescribe rates of tuition for nonresident students, and shall adopt uniform regulations, including a standard definition of a full time regularly enrolled student, applicable to all said colleges and universities.

(2) For purposes of this section, a resident student is:
(a) Any student under the legal voting age whose parents or court-appointed guardian is domiciled in the state of Idaho. Domicile is deemed to exist when the parent or guardian has established residence in Idaho for an indefinite time and the former residence is abandoned. To qualify under this section the parents or guardian must be residing in the state on the opening day of the term for which the student matriculates.
(b) Any student, legal voting age or older, who has continuously resided in the state of Idaho for six (6) months next preceding the opening day of the period of instruction during which he proposes to attend the college or university. PROVIDED, however, that no student shall be deemed to have gained residence while attending any college or university in the state of Idaho.
(c) Any student under the legal voting age who is a graduate of an accredited secondary school in the state of Idaho, and who matriculates at a college or university in the state of Idaho during the term immediately following such graduation regardless of the residence of his parent or guardian.
(d) The spouse of a person who is classified, or is eligible for classification, as a resident of the state of Idaho for the purposes of attending a college or university.
(e) A member of the armed forces of the United States, stationed in the state of Idaho on military orders.
(f) A student under the legal voting age whose parent or guardian is a member of the armed forces and stationed in the state of Idaho on
military orders. The student, while in continuous attendance, shall not lose his residence when his parent or guardian is transferred on military orders.

(g) A person under the legal voting age, married, and who together with spouse, has continuously resided in the state of Idaho for six (6) months next preceding the opening day of the period of instruction during which he proposes to attend the college or university. Provided, however, that no student shall be deemed to have gained residence while attending any college or university in the state of Idaho.

(h) A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of service, who at the time of separation designates the state of Idaho as his home of record and enters a college or university in the state of Idaho within one (1) year of the date of separation.

(3) The state board of education and board of regents of the University of Idaho shall adopt uniform and standard rules and regulations applicable to all state colleges and universities now or hereafter established to determine residence status of any student and to establish procedures for review of that status.

(4) Appeal from a final determination denying resident status may be initiated by the filing of an action in the district court of the county in which the affected college or university is located; an appeal from the district court shall lie as in all civil actions.

(5) Nothing contained herein shall prevent the state board of education and board of regents of the University of Idaho from waiving tuition to be paid by nonresident students.

(6) Nothing contained in this act shall apply to junior colleges now or hereafter established, or to post-secondary vocational-technical schools now or hereafter established not connected to or a part of a state college or university.

(7) Nothing contained herein shall prevent the state board of education and board of regents of the University of Idaho from establishing quotas, standards for admission, standards for readmission, or other terms and requirements governing persons who are not residents for purposes of higher education.

SECTION 2. That Sections 33-2817 and 33-3007, Idaho Code, be, and the same are hereby repealed.

SECTION 3. This act shall be in full force and effect on and after July 1, 1970.

Approved March 17, 1970
CHAPTER 227  
(H. B. No. 624)  

AN ACT  
AMENDING SECTION 50-1008, IDAHO CODE, BY PROVIDING THAT SPECIAL ASSESSMENTS PLACED ON PROPERTY QUALIFYING FOR A WIDOW'S EXEMPTION MAY BE RETURNED TO THE TAXING DISTRICT IN WHICH THE ASSESSMENTS ORIGINATED WHEN THE ASSESSMENT IS NOT PAID WITHIN THREE YEARS.  

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

SECTION 1. That Section 50-1008, Idaho Code, be, and the same is hereby amended to read as follows:  

50-1008. COLLECTION OF SPECIAL ASSESSMENTS — CERTIFICATION TO TAX COLLECTOR — WIDOW'S EXEMPTION. — All special assessments levied in any city to which the provisions of this act are made applicable shall be due and payable to the city treasurer and, if not paid within thirty (30) days after mailing of notification of assessment, shall be declared delinquent and be certified to the tax collector of the county by the city clerk and shall be by said tax collector placed upon the tax roll and collected in the same manner and subject to the same penalties as other city taxes; provided, however, that special assessments certified to the tax collector which are placed on property qualifying for a widow's exemption may be returned to the taxing district from which they originated if the special assessments are not paid within three (3) years. All money received on special assessments shall be held by the city treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever unless to reimburse such city for money expended for such improvement.  

Approved March 17, 1970  

CHAPTER 228  
(H. B. No. 625, As Amended)  

AN ACT  
PROVIDING FOR THE DEFINITION OF POLITICAL PARTY; PROVIDING FOR METHODS BY WHICH POLITICAL PARTIES MAY BE CREATED; REPEALING SECTION 34-651, IDAHO CODE; AND DECLARING AN EMERGENCY.  

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. A "political party," within the meaning of this act, is an organization of electors under a given name. A political party shall be deemed created and qualified to participate in elections in either of the two following ways:

1. By having two (2) or more candidates for state and/or national office listed under the party name at the last general election and in such election ten percent (10%) or more of the total vote cast voted for any of such state or national candidates with respect to that office, or

2. By presenting and filing a petition with the secretary of state signed by qualified electors equal in number to ten percent (10%) of the total vote cast for the office of governor at the last gubernatorial election. Such endorsers of the petition need not necessarily be representatives or members of the group or party whose petition they endorse. Such petition shall declare that the signers endorse the doctrines of the party or group, the name of which shall be stated, and that they desire to participate and elect officers and nominate candidates by a state convention of all members of the party who wish to participate in such convention. The party or group may, after filing a qualified petition, proceed to hold a state convention in the manner and at the time provided by law; provided, that at the initial convention of any such newly organized political party, all members of the party shall be entitled to attend the convention and participate in the election of officers and the nomination of candidates. Thereafter, the conduct of any subsequent conventions shall be as provided by law. The petition must be filed ten (10) days prior to the last day provided by law for the holding of state party conventions and may contain the platform of the party. The names of the electors so petitioning need not all be on one petition, but may be on one (1) or more petitions but each petition shall be verified by at least one (1) signer thereof to the effect that the signers are qualified electors of the state of Idaho according to his best information and belief.

SECTION 2. That Section 34-651, Idaho Code, be, and the same is hereby repealed.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 17, 1970
CHAPTER 229
(H. B. No. 626)

AN ACT
AMENDING SECTION 34-504, IDAHO CODE, RELATING TO THE APPOINTMENT OF ELECTION JUDGES, BY PROVIDING THAT NOT MORE THAN TWO ELECTION JUDGES SHALL BE FROM THE SAME POLITICAL PARTY, AND STRIKING THE REQUIREMENT FOR REPRESENTATION FROM EACH POLITICAL PARTY; AMENDING SECTION 38-804, IDAHO CODE, RELATING TO NOTICE REQUIRED FOR GENERAL ELECTIONS, BY PROVIDING FOR DELIVERY OF VOTER REGISTERS TO PRECINCT REGISTRARS, AND STRIKING THE REQUIREMENT THAT VOTER REGISTERS BE DELIVERED IN SUFFICIENT COPIES EQUAL TO THE NUMBER OF POLITICAL PARTIES HOLDING PRIMARY ELECTIONS; AMENDING SECTION 34-810, IDAHO CODE, RELATING TO DELIVERY OF ELECTION REGISTER TO ELECTION JUDGES, BY STRIKING THAT REQUIREMENT THAT A REGISTER BE DELIVERED TO AN ELECTION JUDGE FROM EACH POLITICAL PARTY HOLDING A PRIMARY ELECTION.

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

SECTION 1. That Section 34-504, Idaho Code, be, and the same is hereby amended to read as follows:

34-504. APPOINTMENT OF ELECTION JUDGES. — It is the duty of the county commissioners, at their regular session in March next preceding a general election, to appoint three (3) capable and discreet persons, of which one (1) of which shall represent each political party as defined in chapter 6 of this title, and who possess the qualifications of electors; provided, however, that the precinct committeeman for each precinct shall have the right to submit to the county commissioners in writing, at least ten (10) days prior to the date on which any such appointment is to be made, the names of one (1) or more persons to be appointed as such election judges, and if the persons so recommended are qualified as to party and otherwise, said persons shall be appointed. If further appointments from one (1) or both parties are thereafter required, the commissioners may appoint persons of their own choosing, and nothing herein contained shall be construed so as to preclude the county commissioners from exercising discretion as to the party affiliation of their appointees except as hereinbefore in this section specifically provided. Such persons shall act as judges of election at each election precinct and one (1) of
such judges shall be appointed senior election judge for each precinct by the county commissioners; and the clerk of the board must make out and deliver to the sheriff of the county, immediately after the appointment of such judges, a notice thereof, in writing, directed to the judges so appointed; and the sheriff, within ten (10) days of the receipt of such notice, must serve the same upon each of the said judges of election by registered mail after the appointment. It shall be the duty of the judges to designate one (1) of their number to act as distributing clerks.

All such judges of election shall hold office for two (2) years, unless sooner removed by the board of county commissioners and shall act at all state and county elections.

SECTION 2. That Section 34-804, Idaho Code, be, and the same is hereby amended to read as follows:

34-804. REGISTER, NOTICES, BOOKS, AND SUPPLIES. — The said board must, prior to the last Monday of February next preceding any general election, cause notice to be given for not less than fifteen (15) days by publication in some newspaper published in the county, if there be one, otherwise, by at least three (3) notices posted in different parts of the county, one of which must be at the courthouse door, giving the names and general description of election precincts, and the name and address of the registrar and deputy, if one has been appointed, for each precinct. At the same time the clerk of the board must furnish and deliver to the registrar of each precinct the blank notices, certificates, oaths and all other blanks, books and papers needed and required by such registrar in the performance of his duties. At the same time the clerk of the board shall prepare and mail to the registrar of each precinct a register, for the registering of electors, which shall consist of an original and four (4) copies: together with such number of additional copies as shall equal the number of political parties holding primary elections in such county at the ensuing primary election. Such register shall be entitled as follows:

ELECTION REGISTER

_________ Precinct _________ County, State of Idaho. Said register shall be arranged in alphabetical form and shall be ruled in four (4) columns with headings substantially as follows:

<table>
<thead>
<tr>
<th>Check</th>
<th>Check</th>
<th>Name of Elector</th>
<th>P.O. (or street)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voters</td>
<td>Voters</td>
<td></td>
<td>Address</td>
</tr>
<tr>
<td>Primary</td>
<td>General</td>
<td></td>
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</tbody>
</table>

Such clerk of the board shall, prior to mailing, place in such register, under the proper alphabet letter the names of all electors voting in such
precinct at the last general election and also the names of all persons registering with him personally, or by mail, as in this act provided for. Following the names under each letter of the alphabet, the clerk shall provide sufficient blank space for the registrar to enter the names of all electors registering before such registrar and also the names of electors registering by mail with such clerk after such register is mailed.

SECTION 3. That Section 34-810, Idaho Code, be, and the same is hereby amended to read as follows:

34-810. REGISTER TO BE DELIVERED TO ELECTION JUDGES. — It shall be the duty of such registrar not later than the day next preceding a primary election to deliver one (1) copy two (2) copies of such register as completed by him to one of the judges of the primary election of each political party holding a primary election in his precinct. During the period when registration books are open between a primary and general election, the registrar shall enter in the original and two (2) copies of such register, the names and addresses of all electors registering personally before him during such time, one (1) copy of which register he shall keep in his possession, which shall be accessible to any elector who may desire to examine the same or make copies thereof. Such registrar shall thereafter, and not later than the day next preceding the general election, deliver to one of the judges of election of his precinct said original and one (1) of said copies of such register as brought up to date by him. It shall be the duty of such judge to carefully preserve the same for use of the judges of election on election day and to designate two (2) of the judges, one (1) of which may include himself, at the opening of the polls, whose duty it shall be to write opposite the name of every voter, voting in such precinct and whose name appears on such register, a check mark.

Approved March 17, 1970

CHAPTER 230
(H. B. No. 630, As Amended in the Senate)

AN ACT
AUTHORIZING THE STATE BOARD OF LAND COMMISSIONERS TO LEASE CERTAIN DESCRIBED REAL PROPERTY OF THE STATE OF IDAHO SITUATED IN ADA COUNTY, IDAHO, UPON SUCH TERMS AND CONDITIONS AS THE BOARD MAY NEGOTIATE WITH ANY TAX-SUPPORTED UNIT OF THE STATE OF IDAHO.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The state board of land commissioners is hereby authorized to lease upon such terms, for nominal consideration, as the board may negotiate with any tax-supported unit of the state of Idaho, the following described real property situated in Ada County, Idaho:

Beginning at the center of Section 13, T.3N., R.2E., B.M., a found brass cap marked P.E. 630, with stone buried alongside; thence S. 00 degrees 01 minute 26 seconds W., 2613.01 feet along the section line to the east bank of the Boise River and REAL PLACE OF BEGINNING:

Thence meandering the east bank of the Boise River in a Northwesterly direction specifically defined as follows: N. 51 degrees 56 minutes 34 seconds W., 977.79 feet to a point; thence N. 72 degrees 43 minutes 34 seconds W., 891.0 feet to a point; thence N. 61 degrees 00 minutes 34 seconds W., 429.0 feet to a point; thence N. 32 degrees 00 minutes 34 seconds W., 92.4 feet to a point; thence N. 24 degrees 06 minutes 34 seconds W., 323.4 feet to a point; thence N. 12 degrees 43 minutes 34 seconds W., 547.8 feet to a point; thence N. 06 degrees 43 minutes 34 seconds W., 171.6 feet to a point; thence N. 03 degrees 41 minutes 34 seconds E., 92.4 feet to a point; thence N. 06 degrees 23 minutes 26 seconds E., 221.1 feet to a point; thence N. 15 degrees 05 minutes 34 seconds W., 112.2 feet to a point; thence N. 08 degrees 08 minutes 34 seconds W., 62.7 feet to a point on the center section line of Section 13, this point being the last meander point as described in Instrument number 151341; thence along said center of section line N. 89 degrees 11 minutes 45 seconds W., 378.0 feet to the ¼ corner common to Sections 13 and 14, a found brass cap marked P.E. 630; thence along the center section line of Section 14, N. 89 degrees 06 minutes 16 seconds W., 303.58 feet to an iron bar which is on the January 1970 highwater meander line of the east bank of the Boise River; thence meandering this east bank of the Boise River S. 10 degrees 36 minutes 28 seconds E., 417.56 feet to an iron bar; thence S. 36 degrees 21 minutes 48 seconds E., 374.46 feet to an iron bar; thence S. 43 degrees 48 minutes 52 seconds E., 325.42 feet to an iron bar; thence S. 47 degrees 46 minutes 50 seconds E., 387.78 feet to an iron bar; thence S. 35 degrees 37 minutes 10 seconds E., 449.77 feet to an iron bar; thence S. 18 degrees 49 minutes 55 seconds W., 166.61 feet to an iron bar; thence S. 20 degrees 13 minutes 41 seconds E., 187.25 feet to an iron bar; thence S. 40 degrees 58 minutes 22 seconds E., 317.23 feet to an iron bar; thence S. 52 degrees 31 minutes 40 seconds W., 319.16 feet to an iron bar; thence S. 77 degrees 24 minutes 13 seconds E., 404.42 feet
to an iron bar; thence S. 64 degrees 19 minutes 57 seconds E., 608.21 feet to an iron bar on the section line between Sections 13 and 24, T.3N., R.2E., B.M., thence leaving the January 1970 highwater meander of the northeasterly bank of the Boise River and continuing S. 89 degrees 22 minutes 57 seconds E., 517.79 feet along the section line to the ¼ corner common to Sections 13 and 24, a brass cap set; thence N. 00 degrees 01 minute 26 seconds E., 41.57 feet TO THE REAL PLACE OF BEGINNING, containing 30 acres more or less.

Said description does not close by 5.30 feet northerly and 2.90 feet easterly.

Approved March 17, 1970

CHAPTER 231
(H. B. No. 634)

AN ACT
RELATING TO ELECTIONS; AMENDING SECTION 96, HOUSE BILL 555, SECOND REGULAR SESSION, FORTIETH IDAHO LEGISLATURE, BY STRIKING 1972 AND INSERTING IN LIEU THEREOF, 1974, BY STRIKING FIVE HUNDRED AND INSERTING IN LIEU THEREOF, TWO HUNDRED; AMENDING SECTION 105, HOUSE BILL 555, SECOND REGULAR SESSION, FORTIETH IDAHO LEGISLATURE, BY PROVIDING THAT A CANDIDATE FOR JUDICIAL OFFICE MUST DESIGNATE THE PARTICULAR OFFICE THAT HE SEEKS; AMENDING SECTION 106, HOUSE BILL 555, SECOND REGULAR SESSION, FORTIETH IDAHO LEGISLATURE, BY PROVIDING THAT NO WRITE-INS SHALL BE ALLOWED FOR JUDICIAL OFFICE; AMENDING SECTION 116, HOUSE BILL 555, SECOND REGULAR SESSION, FORTIETH IDAHO LEGISLATURE, BY PROVIDING FOR THE FORM OF SAMPLE PRIMARY BALLOT RELATING TO JUDICIAL ELECTIONS; AMENDING SECTION 125, HOUSE BILL 555, SECOND REGULAR SESSION, FORTIETH IDAHO LEGISLATURE, BY PROVIDING THAT A BALLOT WILL BE PREPARED FOR JUDICIAL OFFICES IN THE GENERAL ELECTION ONLY WHEN REQUIRED; PROVIDING THAT VACANCIES ON THE SUPREME COURT AND DISTRICT JUDGES SHALL BE FILLED AS PRESCRIBED HEREIN; PROVIDING FOR THE FILLING OF
VACANCIES AFTER NOMINATION OF CANDIDATES FOR JUSTICE OF THE SUPREME COURT; PROVIDING FOR THE FILLING OF VACANCIES AFTER NOMINATION OF CANDIDATES FOR DISTRICT COURT JUDGES; PROVIDING FOR THE TIME OF FILING AND CONTENTS OF A CERTIFICATE OF APPOINTMENT TO THE BENCH; PROVIDING FOR FILING FEES AND THAT FILING SHALL CONSTITUTE ACCEPTANCE OF THE OFFICE; INSTRUCTIONS TO THE SECRETARY OF STATE IN ORDER THAT THE CERTIFIED PERSON SHALL APPEAR ON THE BALLOT; PROVIDING FOR CANVASS OF RETURNS, CERTIFICATION OF RESULTS, AND SUBSEQUENT RUN-OFF AT GENERAL ELECTION WHERE NO ONE CANDIDATE FOR A PARTICULAR OFFICE RECEIVES A MAJORITY OF THE VOTES CAST; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 96, House Bill 555, Second Regular Session of the Fortieth Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 96. (1) At the general election, 1974, and every four (4) years thereafter, there shall be elected in each judicial district a sufficient number of district judges to fill any vacancy or vacancies occasioned by the expiration of the term or terms of office of any member or members.

(2) No person shall be elected to the office of judge of the district court unless he has attained the age of thirty (30) years at the time of his election, is a citizen of the United States, is admitted to the practice of law within this state, and shall have resided within the judicial district one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of five hundred (500) two hundred (200) qualified electors which reside within the judicial district.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of seventy-five dollars ($75) which shall be deposited in the general fund.

SECTION 2. That Section 105, House Bill 555, Second Regular Session of the Fortieth Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 105. (1) The secretary of state shall prescribe the form for all declarations of candidacy and petitions required to be filed for any office. This form shall be uniform throughout the state; provided, however, that a
candidate for judicial office must designate the particular office that he seeks, both in his petitions and declaration of candidacy.

(2) All filing fees shall be paid in cash, cashier's check, or postal money orders.

SECTION 3. That Section 106, House Bill 555, Second Regular Session of the Fortieth Idaho Legislature, be, and the same is hereby amended to read as follows:

Section 106. In addition to possessing all other qualifications, in order to become a candidate at the general election, those candidates whose names are written in at the primary election must receive at least as many write-in votes at the primary election as the minimum number of signatures required on the petition which must be attached to the declaration of candidacy for that office, and must pay the filing fee required for that office within ten (10) days following the primary election; provided, however, that no write-ins shall be allowed for judicial office.

SECTION 4. That Section 116, House Bill 555, Second Regular Session of the Fortieth Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 116. The secretary of state shall certify, within three (3) days after the filing deadline for such candidates, to the county clerks the names of the candidates who qualified under section 114 of this act which shall be placed upon the ballot.

The secretary shall then provide the sample form of the primary ballot to each of the county clerks no later than August 1, prior to the primary. The sample ballot shall contain the proper candidates to be voted upon within the county whose declarations or nominations were filed and certified in the office of the secretary of state with instructions for the placing of candidates seeking the nomination for county and precinct offices. If a county is within more than one legislative district, the secretary of state shall provide a sample ballot for each legislative district which includes part of the county.

The ballot for each judicial office shall contain the words: "To succeed (Judge, Justice) _________", inserting the name of the, or of each, incumbent, candidate, for re-election, or retiring justice, or judge, as the case may be, whose successor is to be elected in that year, followed by the words: "Vote for One", followed by the names of the candidates for that particular office.

SECTION 5. That Section 125, House Bill 555, Second Regular Session of the Fortieth Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 125. There shall be a single nonpartisan ballot for the
election of justices of the supreme court and district judges. The names of all candidates for each office shall be listed under the proper office title by the secretary of state. A similar ballot shall be prepared for any general election. whenever it shall be necessary to conduct an election for judicial office.

SECTION 6. Vacancies, after nomination of candidates for the office of justice of the supreme court and for the office of district judge, however caused, may be filled by the appointment in the manner provided of some person who possesses all the qualifications prescribed by law of candidates for such office.

SECTION 7. The commissioners of the Idaho state bar are directed to fill vacancies, however caused and occurring more than ten (10) days prior to the general election, in the office of nominated candidate for justice of the supreme court by naming and appointing the qualified person for whose appointment requests, by petitions or otherwise, signed by the greatest number of the members of the Idaho state bar residing in the state of Idaho are filed with the secretary of the Idaho state bar within fifteen (15) days after such vacancy occurs but not later in any event than five (5) days prior to such general election. In the event such vacancy occurs not more than ten (10) days but not less than three (3) days prior to such general election, said commissioners of the Idaho state bar are authorized and empowered to fill such vacancy by the appointment of some qualified person named by them. The president and secretary of the Idaho state bar shall make and file with the secretary of state certificate of appointment within the time and setting forth the information provided for in section 9 of this act; provided, however, that such vacancy shall not be filled if it occur within three (3) days of the general election or if petitions requesting that such vacancy be not filled signed by at least a majority of the members of the Idaho state bar residing in the state of Idaho be filed with the secretary of the Idaho state bar at any time before such certificate of appointment is filed with the secretary of state.

SECTION 8. In the event of vacancy, however caused, and occurring more than three (3) days prior to the general election, in the office of nominated candidate for the office of district judge, the commissioner of the Idaho state bar for the commissioner's district in which said judicial district is located shall name and appoint to fill such vacancy the qualified person for whose appointment petitions signed by at least a majority of the members of the Idaho state bar residing in such judicial district shall be filed with the secretary of the Idaho state bar within fifteen (15) days from the date upon which the vacancy occurred but not later in any event than ten (10) days prior to the general election. Said commissioner and said secretary
shall make and file with the secretary of state certificate of such appointment within the time and setting forth the information provided for in section 9 of this act.

If petition or petitions signed by a majority of the members of the Idaho state bar residing in said judicial district requesting the appointment of one (1) qualified person are not filed within the time hereinbefore fixed, the said commissioner shall call a convention of the licensed attorneys residing in such judicial district to be held at a place in such judicial district named by said commissioner and after notice for the period and in the manner fixed by him shall have been given, for the purpose of naming a person to fill such vacancy. At such convention no proxies shall be permitted except by and in favor of members of the same firm of attorneys or associates in the same office. Said convention shall by majority vote of those present and so represented name and appoint to fill such vacancy some qualified person residing in such judicial district. Said commissioner and the secretary of said convention shall make and file with the secretary of state certificate of such appointment within the time and setting forth the information provided for in section 9 of this act; provided, however, that if at any time before appointment is made by such convention, petitions signed by at least a majority of the members of the Idaho state bar residing in such judicial district, requesting that a particular qualified person be named to fill such vacancy be presented to said commissioner or filed with the secretary of the Idaho state bar, such convention shall not be held to fill such vacancy but said commissioner shall appoint such person to fill such vacancy, and, with the secretary of the said Idaho state bar, shall make and file with the secretary of state certificate of appointment within the time and setting forth the information provided for in section 9 of this act; provided further that such vacancy shall not be filled if it occur within three (3) days of the general election or if petitions requesting that such vacancy be not filled signed by at least a majority of the members of the Idaho state bar residing in such judicial district, be filed with the secretary of the Idaho state bar at any time before certificate of appointment is filed with the secretary of state.

SECTION 9. Any certificate of appointment to fill vacancy made pursuant to sections 7 and 8 of this act shall be filed in the office of the secretary of state on or before the expiration of thirty (30) days from the date on which the vacancy occurred but not later, in any event, than three (3) days immediately preceding the general election and shall set forth the name of the nominated candidate, the office for which he was nominated, including the name of the present or last incumbent whom he was
nominated to succeed, the cause of the vacancy and the name and address of
the person named to fill such vacancy.

SECTION 10. At the time of filing such certificate with the secretary of
state there shall be paid to him by or on behalf of the person so named to fill
such vacancy the same fees as are required of candidates for such office. The
filing of said certificate shall constitute an acceptance of the appointment by
the person named and shall have the same effect as certificate of nomination
following declaration of candidacy and nomination at nominating election.

SECTION 11. If at the time of filing any such certificate of
appointment to fill vacancy the secretary of state shall not have forwarded
to the various county clerks certified list of names of nominated candidates
to be certified by him, he shall insert in his certificate as the nominated
candidate the name of the person so appointed to fill vacancy. If at the time
of filing any such certificate of appointment the secretary of state shall have
theretofore certified to the various county clerks the names of the
nominated candidates to be certified by him, amendment to such certificate
shall be forwarded by him to the proper county clerks either by mail or
telegraph. If at the time such amendment is received by any county clerks,
the official ballots have been printed, he shall cause the name of the
candidate appointed to fill such vacancy to be printed on gummed paper
perforated so that slips fitting the space on the ballot and containing the
name of the appointed candidate may be detached readily from said sheets
and placed over the name of the nominated candidate. The clerk shall deliver
or cause to be delivered to the election officers of each election precinct in
his county such gummed sheets containing slips in number at least equal to
the number of registered voters in such precinct. The distributing clerk,
before delivering ballot to a voter shall place one (1) of such gummed slips
containing the name of the appointed candidate over the name of the
nominated candidate.

SECTION 12. The board of county commissioners shall canvass the
returns of the judicial nominating election at the time the returns of the
general nominating election are canvassed, shall determine, and cause the
county clerk to certify to the secretary of state, the result of said judicial
nominating election. In such certificate the clerk shall set forth, following
the name of each justice of the supreme court and each district judge for
whom a successor is to be elected at the general election in that year, the
vote received by each person who had declared himself to be, and who had
been voted for as, a candidate to succeed such justice or district judge.

The returns so made to the secretary of state by the county clerk shall
be canvassed by the state board of canvassers at the time the other returns of
said nominating election are canvassed.

If it appears to the state board of canvassers upon the official canvass that at such nominating election any candidate received a majority of all the votes cast for candidates to succeed a particular justice of the supreme court or district judge, said board shall certify to the secretary of state as duly elected to such office the name of the candidate who received such majority and such candidate whose name is so certified shall receive and the secretary of state shall issue and deliver to him a certificate of election to such office and he shall not be required to stand for election at the general election following.

In the event no candidate received a majority of all votes cast for candidates to succeed a particular justice of the supreme court or a particular district judge, the two (2) candidates receiving the greater number of votes cast for all candidates to succeed such justice of the supreme court or such district judge shall be and shall be declared to be nominees to succeed such justice or such district judge and their names as such nominees shall be placed on the official judicial ballot at the general election next following. The secretary of state shall certify the names of such nominees, including with each the name of the incumbent in office whom such candidates were nominated to succeed, to the county clerks at the time he certifies the names of candidates for other offices certified by him; provided, however, if another be appointed to succeed the incumbent person named on such judicial nominating ballot, the secretary of state shall insert in such certificate or in amendment thereto the name of the appointee in the place of the name of the incumbent person named on such judicial nominating ballot.

SECTION 13. This act shall be in full force and effect on and after January 1, 1971.

Approved March 17, 1970

CHAPTER 232
(H. B. No. 638)
AN ACT
RELATING TO ELECTIONS, ALLOWING ANY MUNICIPAL CORPORATION OR POLITICAL SUBDIVISION OF THE STATE TO CONFORM ITS REGISTRATION PROCEDURES TO THOSE OF THE STATE IN ORDER TO ACHIEVE JOINT REGISTRATION; AND PROVIDING AN EFFECTIVE DATE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Any municipal corporation or political subdivision of the state of Idaho which is, or may be, required to conduct elections may, upon resolution of its governing body, elect to conform its practices for registration of qualified electors to those contained in title 34, Idaho Code. If the governing body approves such a resolution, it shall conform its practices in such a way that registration for general elections shall be a sufficient registration for elections of the municipal corporation or political subdivision, and vice-versa. For the purposes of this act, registration forms may be expanded to include such information as may be required to establish qualifications of electors. The original of each registration form, when joint registration is adopted, shall be forwarded to the county clerk wherein the registrant resides, and a copy shall be retained by the municipal corporation or political subdivision conducting the registration.

SECTION 2. This act shall be in full force and effect on and after January 1, 1971.

Approved March 17, 1970

CHAPTER 233
(H. B. No. 639)

AN ACT
APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE DEPARTMENT OF AERONAUTICS FOR THE PAYMENT OF CONTRACT OBLIGATION BETWEEN THE STATE OF IDAHO AND THE AEROSPACE CORPORATION FOR THE PERIOD JULY 1, 1969, TO JUNE 30, 1971; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, for the period July 1, 1969, to June 30, 1971, to the department of aeronautics, to be expended pursuant to the terms of the contract entered into as of the 21st day of January, 1970, between the state of Idaho and the Aerospace Corporation.

FOR DISBURSEMENT PURSUANT TO CONTRACT TERMS $16,000
FROM THE GENERAL FUND $16,000

SECTION 2. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 17, 1970

CHAPTER 234
(H. B. No. 640)

AN ACT
CHANGING THE AUTHORIZATION EXPRESSED IN CHAPTER 422, LAWS OF 1967, RELATING TO EXPENDITURES OF PERMANENT BUILDING FUND MONEY AT STATE HOSPITAL NORTH; AND DECLARING AN EMERGENCY.

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

SECTION 1. Notwithstanding the provisions of subsection 7 of section 1 of chapter 422, laws of 1967, relating to constructing and equipping new staff housing at state hospital north, which constructing and equipping was found not necessary, the funds allocated therefor are hereby reallocated and this is authorization for their expenditure as follows: thirty thousand dollars ($30,000) for general purposes at state hospital north and thirty thousand dollars ($30,000) to be allocated to the consolidated health center in Coeur d'Alene and included in the total amount of authorized expenditure of subsection 8, section 1, of chapter 457, laws of 1969 as amended by the second regular session of the Fortieth Idaho Legislature.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, his act shall be in full force and effect on and after its passage and approval.

Approved March 17, 1970

CHAPTER 235
(H. B. No. 641)

AN ACT
AMENDING SECTION 1, CHAPTER 396, LAWS OF 1969, RELATING TO APPROPRIATION TO THE LEGISLATIVE COUNCIL, BY PROVIDING THAT THE APPROPRIATION SHALL BE TO THE
LEGISLATIVE BUDGET AND FISCAL COMMITTEE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 396, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the period from the approval of this act to June 30, 1971, to the Legislative Council for the Legislative Budget and Fiscal Committee.

FOR ALL MAJOR PROGRAMS $132,000
FROM
GENERAL FUND $132,000

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 17, 1970

CHAPTER 236
(H. B. No. 642)

AN ACT
AMENDING SECTION 63-105C, IDAHO CODE, TO CLARIFY THE EXEMPTIONS THEREIN GRANTED PROPERTY USED FOR FRATERNAL, BENEVOLENT, OR CHARITABLE PURPOSES, BY PROVIDING THAT IF SUCH PROPERTY IS USED BY A CHARITABLE ORGANIZATION FOR A PURPOSE WHICH PRODUCES REVENUE, SUCH EXEMPTION SHALL NOT BE DENIED IF REVENUE PRODUCTION IS DIRECTLY RELATED TO THE CHARITABLE PURPOSE FOR WHICH SUCH ORGANIZATION EXISTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-105C, Idaho Code, be, and the same is hereby amended to read as follows:

63-105C. PROPERTY EXEMPT FROM TAXATION — FRATERNAL, BENEVOLENT, OR CHARITABLE CORPORATIONS OR SOCIETIES. — The following property is exempt from taxation: Property belonging to any fraternal, benevolent, or charitable corporation or society, the World War veteran organization buildings and memorials of this state, used exclusively
for the purposes for which such corporation or society is organized; provided, that if any building or property belonging to any such corporation or society is leased by such owner or if such corporation or society uses such property for business purposes from which a revenue is derived which, in the case of a charitable organization, is not directly related to the charitable purposes for which such charitable organization exists, then the same shall be assessed and taxed as any other property, and if any such property is leased in part or used in part by such corporation or society for commercial such purposes the assessor shall determine the value of the entire building and assess such proportionate part of such building including the value of the real estate as is so leased or used for commercial such purposes, and shall assess all merchandise kept for sale, and the trade fixtures used in connection with the sale of such merchandise.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act, insofar as it amends chapter 1, title 63, Idaho Code, shall be in full force and effective immediately upon its passage and retroactively to January 1, 1970.

Approved March 17, 1970

CHAPTER 237
(H. B. No. 643)

AN ACT
RELATING TO DOMESTIC INSURANCE COMPANIES; AMENDING SECTION 41-403, IDAHO CODE, BY PROVIDING THAT THE COMMISSIONER OF INSURANCE MAY PROMULGATE REGULATIONS RESPECTING INSURANCE COMPANIES WHICH SEEK TO TAKE ADVANTAGE OF THE DOMESTIC INSURER PREMIUM TAX IN ORDER THAT THEY COMPLY WITH MINIMUM STANDARDS FOR CONDUCTING HOME OFFICE OPERATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 41-403, Idaho Code, be, and the same is hereby amended to read as follows:

41-403. REDUCED TAX BASED ON IDAHO INVESTMENTS. — Provided that it shall comply with rules and standards duly promulgated by the commissioner of insurance for the purpose of assuring the establishment and maintenance in this state of bona fide home office services and facilities
consistent with the nature and extent of its operations, any domestic insurer having at all times throughout the year with respect to which the tax is payable twenty-five per cent (25%) or more of its assets invested in the investments set forth below, shall, with respect to premiums on risks located in this state on which taxes are to be computed under section 41-402, Idaho Code, compute and pay such tax at the rate of one per cent (1%) instead of at any higher rate provided for under such section 41-402, Idaho Code:

(1) Bonds or warrants of this state, or of any county, city or incorporated town or district within this state authorized by law to be issued, or
(2) Taxable real estate within this state, or
(3) First mortgages upon improved, unencumbered real estate situated within this state, or
(4) Stocks or bonds of corporations organized under the laws of, or maintaining their home office and principal administrative records in this state if such stocks or bonds are lawful investments of the insurer under chapter 7 (investments) of this code, or
(5) Bonds authorized by law to be issued against the revenues derived from the operation in this state of domestic water and sewage systems or off-street parking facilities, or
(6) Time deposits with Idaho banks, or trust companies, or savings and loan associations, or building and loan associations or on deposit for interest income purposes with any legally organized and approved financial institution domiciled within this state and insured by any instrumentality of the United States government.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 17, 1970
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated from the general fund to be deposited in the junior college fund the sum of $64,000 to reimburse such fund for retirement benefit payments made on behalf of North Idaho Junior College in the amount of $26,000 and the College of Southern Idaho in the amount of $38,000.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 17, 1970

CHAPTER 239
(H. B. No. 658)

AN ACT
AMENDING CHAPTER 1 OF CHAPTER 447, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUNDS ENUMERATED TO THE STATE HIGHWAY BOARD OF DIRECTORS BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $3,661,609; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 447, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the State Highway Board of Directors.

FOR MAJOR AND MINOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
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<td>MAINTENANCE</td>
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<td>EQUIPMENTS - CAPITAL INVESTMENT</td>
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BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

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<th>Amount</th>
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<td>TRAVEL</td>
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<td>OTHER CURRENT EXPENSES</td>
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<tr>
<td>REFUND OF ERRONEOUS RECEIPTS</td>
<td>$200,000</td>
</tr>
<tr>
<td>CAPITAL OUTLAY</td>
<td>$93,473,000</td>
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</table>
FROM:

FEDERAL FUNDS $80,079,618
COUNTIES AND OTHERS 2,000,000
STATE HIGHWAY FUND 45,704,000 49,365,609
MISCELLANEOUS REVENUE 1,000,000

TOTAL $128,783,618 132,445,227

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 17, 1970

CHAPTER 240
(H. B. No. 662)

AN ACT
AMENDING SECTION 2, HOUSE BILL NO. 588, SECOND REGULAR SESSION, FORTIETH IDAHO LEGISLATURE, RELATING TO SALARIES OF PROSECUTING ATTORNEYS, BY PROVIDING THAT THE SALARY INCREASE FOR THE CASSIA COUNTY PROSECUTOR SHALL BE EFFECTIVE FROM AND AFTER JANUARY 1, 1970, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2 of House Bill No. 588, Second Regular Session, Fortieth Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 2. This act shall be in full force and effect on and after July 1, 1970, but insofar as this act affects the county of Cassia, state of Idaho, there is hereby declared to be an emergency, and shall be in full force and effect immediately upon its passage and approval and retroactively to January 1, 1970.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 17, 1970
AN ACT
AMENDING SECTION 63-625, IDAHO CODE, RELATING TO EQUALIZATION OF ASSESSMENTS BY PROVIDING THAT THE SUBSEQUENT PROPERTY ROLL FOR THE PRECEDING YEAR SHALL BE ADJUSTED TO REFLECT EXPECTED MAJOR ADJUSTMENTS IN SUCH ROLL FOR THE CURRENT TAX YEAR; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-625, Idaho Code, be, and the same is hereby amended to read as follows:

63-625. PURPOSE OF ACT. — It is the purpose of this act to change and amend the laws of all taxing districts as herein defined, with respect to the making of tax levies and the certification thereof to any board of county commissioners, or to any other county officer, so as to require the council, trustees, board, or other governing body of said districts to determine and certify to the boards of county commissioners of their respective counties, by the second Monday of September of each year, the total amount of money in dollars, and not in mills or a certain number of cents on each one hundred dollars ($100) of assessed valuation, that is necessary and required to meet the requirements of its budget which has been prepared and approved during the same year and to provide that the levy necessary to produce the requirements of the several budgets shall be determined by the county commissioners who, in fixing such levy, shall take into consideration the equalized assessed valuation as shown by the real property assessment roll and the personal property assessment roll of the current year and the subsequent personal property assessment roll for the preceding year adjusted to reflect expected major adjustment in such roll for the current tax year.

When the county commissioners shall fix and levy pursuant to this section, such levy will be made in mills and must be rounded off to the nearest one-hundredth (1/100th) of a cent per one hundred dollars ($100) of assessed valuation, so that when such levy is expressed in dollars per one hundred dollars ($100) of assessed valuation, it shall not be carried beyond the fourth digit to the right of the decimal point.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act, insofar as it amends chapter 6, title 63, Idaho Code, shall be in full force and effective immediately upon its passage and retroactively to January 1, 1970.

Approved March 17, 1970
AN ACT
APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE JUNIOR COLLEGE FUND TO BE EXPENDED FOR THE ESTABLISHMENT OF CERTAIN PROGRAMS AT NORTH IDAHO JUNIOR COLLEGE AND THE COLLEGE OF SOUTHERN IDAHO; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the general fund the sum of $100,000 to be deposited in the junior college fund for the purpose of establishing two-year registered nurses training programs at North Idaho Junior College in the amount of $50,000 and at the College of Southern Idaho in the amount of $50,000.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 17, 1970

AN ACT
AMENDING SECTION 1 OF CHAPTER 390, LAWS OF 1969, RELATING TO THE APPROPRIATION FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF CORRECTION, BY INCREASING THE AMOUNT OF THE APPROPRIATION; DISALLOWING ANY EXPENDITURES FOR THE CEDAR FLATS HONOR CAMP; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 390, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the State Board of Correction for the State Penitentiary.
FOR ALL MAJOR PROGRAMS: $2,526,000  3,345,000
FROM:
    GENERAL FUND  2,261,000  2,873,000
    ENDOWMENT FUNDS  195,000  365,000
    RECEIPTS TO APPROPRIATION  70,000  100,000
    FEDERAL FUNDS  7,000
TOTAL APPROPRIATION $2,526,000  3,345,000

Provided that none of the moneys appropriated herein are to be expended for the acquisition, operation or maintenance of the Cedar Flats Honor Camp.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970

CHAPTER 244
(S. B. No. 1466)

AN ACT
RELATING TO DREDGE MINING; AMENDING CHAPTER 13, TITLE 47, IDAHO CODE, BY ADDING A NEW SECTION 47-1323, IDAHO CODE, TO PROHIBIT DREDGE MINING ON RIVERS OR STREAMS DESIGNATED TO BE A PART OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM BY THE FEDERAL GOVERNMENT.

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

SECTION 1. That Chapter 13, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 47-1323, Idaho Code, and to read as follows:

47-1323. DREDGE MINING OF WATER BODIES MAKING UP THE NATIONAL WILD AND SCENIC RIVERS SYSTEM PROHIBITED. - Dredge mining in any form shall be prohibited on:

(1) The middle fork of the Clearwater river, from the town of Kooskia upstream to the town of Lowell; the Lochsa river from its junction with the Selway at Lowell forming the middle fork, upstream to the Powell ranger station; and the Selway river from Lowell upstream to its origin;

(2) The middle fork of the Salmon river, from its origin to its confluence with the main Salmon river.

Approved March 17, 1970
CHAPTER 245  
(S. B. No. 1605)

AN ACT

APPROPRIATING MONEY FROM THE GENERAL FUND TO THE STATE BOARD OF EDUCATION FOR MAINTENANCE OF JOB CORPS CENTERS, AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the general fund to the state board of education the sum of $50,000 for the maintenance and operation of the Job Corps Centers at Mountain Home and Cedar Flats for education purposes by Boise State College and Lewis-Clark Normal School.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 17, 1970

CHAPTER 246  
(S. B. No. 1609)

AN ACT

AMENDING SECTION 1 OF CHAPTER 349, LAWS OF 1969, RELATING TO THE APPROPRIATION FROM THE FUNDS ENUMERATED TO THE STATE LIBRARY BOARD, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $100,000 AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 349, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the State Library Board.

FOR MAJOR AND MINOR PROGRAMS:

LIBRARY SERVICES $ 792,038
LIBRARY DEVELOPMENT 373,500 473,500
C.247 '70  IDAHO SESSION LAWS  661

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

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<tr>
<th>Item</th>
<th>Amount</th>
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<tr>
<td>SALARIES AND WAGES</td>
<td>$332,736</td>
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<tr>
<td>TRAVEL</td>
<td>22,770</td>
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<tr>
<td>OTHER CURRENT EXPENSES</td>
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<td>CAPITAL OUTLAY</td>
<td>125,000</td>
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<td>PAYMENT AS AGENT</td>
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FROM:

<table>
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</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
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<tr>
<td>FEDERAL FUNDS</td>
<td>890,538</td>
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<td>RECEIPTS TO APPROPRIATIONS</td>
<td>15,000</td>
</tr>
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<td>TOTAL</td>
<td>$1,265,538</td>
</tr>
</tbody>
</table>

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 17, 1970

CHAPTER 247
(S. B. No. 1619)

AN ACT


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

SECTION 1. There is hereby appropriated out of the fund enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the department of health for the period from the approval of this bill until June 30, 1971. These moneys are to be expended in addition to sums allocated for these purposes by the board of health from the appropriation of the First Regular Session of the Fortieth Idaho Legislature:
FOR:

- MENTAL RETARDATION $520,000
- MENTAL HEALTH $520,000
- STATE HOSPITALS NORTH AND SOUTH $120,000
- PUBLIC HEALTH $34,000
- HEALTH LABORATORY EQUIPMENT $27,724

FROM:

- GENERAL FUND $1,221,724

SECTION 2. The state board of health shall operate the state tuberculosis and chest disease hospital until July 1, 1970, and so long thereafter as the board deems practical. The board shall immediately begin examining in detail the proposals for private operation of the hospital and the possibilities of leasing or selling the hospital to interested private organizations. The board shall also analyze the possibility of contracting tuberculosis patients to any private organization which might assume the operation of the hospital.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 17, 1970

CHAPTER 248
(S. B. No. 1592, As Amended)

AN ACT
APPROPRIATING MONEY FROM THE GENERAL FUND TO THE WATER RESOURCE BOARD FOR FUNDING A FEASIBILITY STUDY ON THE LOWER RAFT RIVER; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the general fund to the Water Resource Board the sum of $37,500 for funding a feasibility study on the Lower Raft River.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 16, 1970
AN ACT

AMENDING SECTION 14 OF HOUSE BILL 432, AS PASSED BY THE
SECOND REGULAR SESSION OF THE FORTIETH LEGISLATURE
OF THE STATE OF IDAHO BY PROVIDING THAT A REQUEST
FOR A SUBPOENA SHALL BE DIRECTED TO A DISTRICT
COURT; REPEALING SECTION 15 OF HOUSE BILL 432, AS
PASSED BY THE SECOND REGULAR SESSION OF THE
FORTIETH LEGISLATURE OF THE STATE OF IDAHO,
PROVIDING THE FIRE MARSHAL REQUEST THE DISTRICT
COURT TO ACT UPON A REFUSAL TO ACCEPT A SUBPOENA.

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

SECTION 1. That Section 14, of House Bill 432, as passed by the
Second Regular Session, Fortieth Idaho Legislature, be, and the same is
hereby amended to read as follows:

SECTION 14. The state fire marshal or his deputies shall have the
power to request the district court to subpoena witnesses and compel them
to attend before them, or either of them, and to testify in relation to any
matter which by the provisions of this act is subject to inquiry and
investigation, and may require the production of any book, paper or
document deemed pertinent or necessary to the inquiry, and shall have the
power to administer oaths and affirmations to any person appearing as a
witness before them. Any such hearing shall be held in the county where the
property is located.

Such examination may be public or private, as the officers conducting
the investigation may determine, and persons other than those required to be
present may be excluded from the place where such examination is held.

If, after such examination of witnesses or any investigation, the state
fire marshal or any of his deputies or assistants is of the opinion that the
facts in relation to such fire indicate that a crime has been committed, the
state fire marshal or any of his deputies or assistants shall present the
testimony taken on such examination, together with any other data in his
possession, to the prosecuting attorney of the proper county, with the
request that the prosecuting attorney institute such criminal proceedings as
such testimony or data may warrant.

SECTION 2. That Section 15, of House Bill 432, as passed by the
Second Regular Session, Fortieth Idaho Legislature, be, and the same is
hereby repealed.

Approved March 16, 1970
CHAPTER 250
(S. B. No. 1618)

AN ACT
AMENDING SECTION 36-5407, IDAHO CODE, AS AMENDED BY HOUSE BILL 532, SECOND REGULAR SESSION OF THE FORTIETH IDAHO LEGISLATURE, BY PROVIDING THAT A REQUEST FOR A SUBPOENA SHALL BE DIRECTED TO A DISTRICT COURT.

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

SECTION 1. That Section 36-5407, Idaho Code, as amended by Section 2 of House Bill 532, Second Regular Session, Fortieth Idaho Legislature, be, and the same is hereby amended to read as follows:

36-5407. POWERS AND DUTIES OF BOARD. — The board shall have the following duties and powers:

(1) To conduct examinations to ascertain the qualifications of applicants for outfitter's or guide's licenses, and to issue such licenses to qualified applicants, with such restrictions and limitations thereon as the board may find reasonable.

(2) To prescribe and establish rules of procedure and regulations to carry into effect the provisions of this act, including but not limited to regulations prescribing all requisite qualifications of training, experience, knowledge of rules and regulations of governmental bodies, condition and type of gear and equipment, examinations to be given applicants, whether oral, written or demonstrative, or a combination thereof.

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

(4) The board is expressly vested with the power and the authority to make and enforce any and all reasonable rules and regulations which shall by it be deemed necessary and which are not in conflict with the provisions of this act, for the express purpose of safeguarding the health, safety, welfare and freedom from injury or danger of those persons utilizing the services of outfitters and guides, and for the conservation of wildlife and range resources.

(5) The board shall have the power to cooperate with the federal government through its appropriate agency or instrumentality in matters of mutual concern regarding the business of outfitting and guiding in Idaho.

(6) The board shall have the power throughout the state of Idaho to request the attendance of witnesses and the production of such books, records and papers as may be required at any hearing before it, and
for that purpose the board may request a district court to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers. Subpoenas shall be directed to the sheriff of any county in the state of Idaho where such witness resides or may be found. Subpoenas shall be served and returned in the same manner as subpoenas in a criminal case. The fees and mileage of the sheriff and witnesses shall be the same as that allowed in district court criminal cases, which fees and mileage shall be paid from any funds in the state treasury available therefor in the same manner as other expenses of the board are paid. Disobedience of any subpoena issued by the district court or the refusal of any witness in failing to testify concerning any matter regarding which he may lawfully be interrogated, or the failure to produce any books, records or papers, shall constitute a contempt of the district court of any county where such disobedience or refusal occurs, and said court, or any judge thereof, by proceedings for contempt instituted by the board in said court, may, if such contempt be found, punish said witness as in any other the case of disobedience of a subpoena issued from such court or refusal to testify therein.

Approved March 16, 1970

CHAPTER 251
(S. B. No. 1526, As Amended)

AN ACT
AMENDING CHAPTER 32, TITLE 37, IDAHO CODE, BY ADDING A NEW SECTION 37-3206A, IDAHO CODE, PROVIDING THAT IT SHALL BE UNLAWFUL TO ASSOCIATE OR FREQUENT PLACES WHERE ILLEGAL NARCOTICS ARE KNOWN TO BE LOCATED, AND PROVIDING THAT A VIOLATION THEREOF SHALL BE A MISDEMEANOR; AMENDING CHAPTER 32, TITLE 37, IDAHO CODE, BY ADDING A NEW SECTION 37-3206B, IDAHO CODE, PROVIDING THAT ANY PERSON CHARGED WITH A VIOLATION OF THE NARCOTICS ACT SHALL BE REQUIRED TO SHOW PROOF OF LEGAL POSSESSION OF A NARCOTIC DRUG AND PROVIDING THAT FAILURE OF PROOF SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF GUILT; AMENDING CHAPTER 32, TITLE 37, IDAHO CODE, BY ADDING A NEW SECTION 37-3206C, IDAHO CODE, PROVIDING THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO SELL, OR OFFER FOR SALE ANY DRUG OR
SIMILARITY OF A NARCOTIC DRUG CLAIMING IT TO BE A
NARCOTIC DRUG, AND PROVIDING THAT A VIOLATION
THEREOF SHALL BE A MISDEMEANOR.

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

SECTION 1. That Chapter 32, Title 37, Idaho Code, be, and the same
is hereby amended by the addition thereto of a new section, to be known
and designated as Section 37-3206A, Idaho Code, and to read as follows:

37-3206A. UNLAWFUL TO ASSOCIATE OR FREQUENT PLACES
WHERE ILLEGAL NARCOTICS ARE KNOWN TO BE LOCATED. — It
shall be unlawful for any person to knowingly frequent places where illegal
narcotics are known to be held, held for sale, sold, dispensed, used,
administered, or given away. Violation of this section shall deem those
persons guilty of a misdemeanor and punishable by a fine of not more than
three hundred dollars ($300) and/or six (6) months in the county jail or
both fine and imprisonment.

SECTION 2. That Chapter 32, Title 37, Idaho Code, be, and the same
is hereby amended by the addition thereto of a new section, to be known
and designated as Section 37-3206B, Idaho Code, and to read as follows:

37-3206B. PROOF OF PRESCRIPTION FOR LEGAL POSSESSION
OF NARCOTICS. — It shall be required of any person charged with a
violation of any provision of this act, that he show proof of legal possession
of any narcotic drug by prescription or any record required by law. Failure
to show proof as required by this section shall constitute prima facie
evidence of guilt.

SECTION 3. That Chapter 32, Title 37, Idaho Code, be, and the same
is hereby amended by the addition thereto of a new section, to be known
and designated as Section 37-3206C, Idaho Code, and to read as follows:

37-3206C. MISREPRESENTATION OF ILLEGAL NARCOTIC
DRUG INTENDED FOR SALE. — It shall be unlawful for any person to
sell, or offer for sale any drug or similarity of a narcotic drug claiming it to
be a narcotic drug. Violation of this section shall deem those persons guilty
of a misdemeanor and punishable by a fine of not more than three hundred
dollars ($300) and/or six (6) months imprisonment in the county jail or both
fine and imprisonment.

Approved March 14, 1970
AN ACT
AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE A BASE FOR STATE AND COUNTY APPORTIONMENTS FOR THE FOUNDATION EDUCATION PROGRAM TO BE AT LEAST THE AMOUNT RECEIVED PER PUPIL IN AVERAGE DAILY ATTENDANCE FOR THE 1968-69 SCHOOL YEAR.

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

SECTION 1. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. FOUNDATION PROGRAM. — The foundation educational program is arrived at as follows:

(1) State Equalization Levy. — The state equalization levy shall be equal to twenty-two (22) mills times the total state adjusted assessed valuation and twenty-two (22) mills times the equivalent valuation as defined in section 33-1014, Idaho Code, as amended.

(2) Total Distribution Funds. — Add to the state equalization levy the eight (8) mill county levy and state appropriation including the moneys available from the public school income fund appropriation, together with all miscellaneous revenues and any balance or deficit in the county school fund, to secure total distribution funds.

(3) Foundation Transportation Program. — Determine the foundation transportation program for the state as provided in section 33-1006, Idaho Code, and deduct said foundation transportation program for the state from total distribution funds to obtain the figure to be used in determining state average cost per student under paragraph (5) of this section.

(4) a. Weighted State Average Daily Attendance and Sparsity Factors. — The total weighted state average daily attendance shall be determined by using the tables set out hereafter called the Elementary Grades Sparsity Factor and the Secondary Grades Sparsity Factor, together when applicable, with the Handicapped Child Factor provided for in paragraph (4)b of this section, and the Secondary School Cost Factor provided for in paragraph (4)c of this section. The sum of all of the total weighted average daily attendance of all the school districts of the state as computed under the provisions of paragraph (6)b of this section shall be the total weighted state average daily attendance.
### ELEMENTARY GRADES SPARSITY FACTOR

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</tr>
</thead>
<tbody>
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<td>300 and over</td>
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</tr>
<tr>
<td>200 to 299</td>
<td>1.10</td>
</tr>
<tr>
<td>150 to 199</td>
<td>1.15</td>
</tr>
<tr>
<td>100 to 149</td>
<td>1.20</td>
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<tr>
<td>50 to 99</td>
<td>1.25</td>
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<tr>
<td>20 to 49</td>
<td>1.25</td>
</tr>
<tr>
<td>5 to 19</td>
<td>1.25</td>
</tr>
</tbody>
</table>

To count as 25

### SECONDARY GRADES SPARSITY FACTOR

<table>
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<th>Average Daily Attendance</th>
<th>Factor</th>
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</thead>
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<tr>
<td>500 to 749</td>
<td>1.10</td>
</tr>
<tr>
<td>400 to 499</td>
<td>1.20</td>
</tr>
<tr>
<td>300 to 399</td>
<td>1.25</td>
</tr>
<tr>
<td>200 to 299</td>
<td>1.40</td>
</tr>
<tr>
<td>100 to 199</td>
<td>1.50</td>
</tr>
<tr>
<td>0 to 99</td>
<td>1.7</td>
</tr>
</tbody>
</table>

In applying these tables to any given separate attendance unit as defined in this act, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit.

b. Handicapped Child Factor. — A handicapped child factor shall be calculated for the state and also shall be calculated for each school district to provide for the education of handicapped pupils as set forth in sections 33-2001 — 33-2004, Idaho Code. To obtain said factor, multiply three hundred percent (300%) by the average daily attendance of handicapped children for either the state or school district as the case may be.

c. Secondary School Cost Factor. — In addition to the Secondary Grades Sparsity Factor provided in paragraph (4)a in this section, the actual unweighted average daily attendance of every separate attendance unit of secondary grade pupils shall be multiplied by a factor of .30 to be called the Secondary School Cost Factor.

(5) State Average Cost per Student. — Divide total distribution funds, after subtracting the foundation transportation program as provided in paragraph (3) of this section, by total weighted state average daily attendance to secure state average cost per student. On or before the 1st Tuesday of September of each school year, the state board of education shall certify to the individual school districts the state
average cost per student as herein determined, adjusting said average
cost per student as necessary to reflect the provisions of paragraph (7)a,
b, c of this section.

(6) District Share of State and County Funds. — Ascertain a district’s
share to state and county funds other than the foundation
transportation program as follows:

a. District Equalization Levy. — Multiply district’s adjusted
assessed valuation plus the equivalent valuation as defined in
section 33-1014, Idaho Code, as amended, by twenty-two (22)
mills.

b. District Weighted Average Daily Attendance. — The weighted
average daily attendance of each school district in the state shall
be determined as follows:

   (1) Multiply the actual unweighted average daily attendance
   of each elementary grade separate attendance unit of the
   district as defined in this act, excluding the average daily
   attendance of handicapped elementary grade pupils, by the
   appropriate elementary grades sparsity factor in paragraph
   (4)a, of this section; then add the products of the weighted
   average daily attendance of each such elementary grades
   separate attendance unit to obtain the district’s total
   elementary grades weighted average daily attendance.

   (2) Multiply the actual unweighted average daily attendance
   of each secondary grade separate attendance unit of the
   district as defined in this act, excluding the average daily
   attendance of handicapped secondary grade pupils, by the
   appropriate secondary grades sparsity factor in paragraph
   (4)a, of this section; then multiply the actual unweighted
   average daily attendance of each secondary grade’s
   attendance unit by the secondary school cost factor as
   provided in paragraph (4)c; then add the products obtained
   by applying the secondary grades sparsity factor and the
   secondary school cost factor; this sum is the district’s total
   secondary weighted average daily attendance.

   (3) Multiply the combined total of the actual unweighted
   averaged daily attendance of all the elementary and
   secondary grades handicapped pupils of the district by the
   handicapped child factor provided in paragraph (4)b of this
   section, to obtain the total handicapped weighted average
daily attendance of the district.
(4) The total weighted average daily attendance of the
district shall be the sum of products of the district’s total
elementary weighted average daily attendance, subparagraph
(1) herein, the total secondary weighted average daily
attendance, subparagraph (2) herein, and the total
handicapped child weighted average daily attendance,
subparagraph (3) herein.
c. Total District Cost. — Multiply total district weighted average
daily attendance by the state cost per student to secure total
district education cost.
d. District Share. — To secure district’s share of state and county
apportionment, subtract the amount of the local district
equalization levy (6)a, from the amount of the total district cost
(6)c.
(7) a. Every school district which has levied taxes for the maintenance
and operation of public schools for the 1967-68 1970-71 school year
and any subsequent school year, of at least twenty-five (25) mills on
the actual assessed valuation, or a mill levy which produces revenue at
least equal to that which would have accrued from a levy of twenty-five
(25) mills on the adjusted assessed valuation of the district, shall receive
at least as much state and county aid, under the foundation educational
program, for each pupil in average daily attendance as it did for the
preceding year 1968-69 school year. In order to implement this
 provision, the district, in the event of a reduced average daily
attendance, may multiply its average daily attendance of the current
year by the preceding year’s state and county aid per pupil in average
daily attendance.
 b. Those districts which do not levy at least twenty-five (25) mills,
on the actual assessed valuation for maintenance and operation of
public schools in any school year, or a mill levy which produces
revenue at least equal to that which would have accrued from a
levy of twenty-five (25) mills on the adjusted assessed valuation of
the district, shall not participate in the state or county foundation
program provided for by this chapter for any such school year.
c. Paragraph (7)a and paragraph (7)b herein are to be applied as
provided for in paragraphs 6 and 7 of section 33-1009 of this
chapter if the full amount of apportionments required by this act
cannot be made in any one (1) school year because of lack of
funds.
d. Paragraph (7)a and paragraph (7)b do not apply to the foundation transportation program.

Approved March 14, 1970

CHAPTER 253
(S. B. No. 1591)

AN ACT
REPEALING SECTION 26-603, IDAHO CODE; AMENDING CHAPTER 6, TITLE 26, IDAHO CODE, BY ADDING A NEW SECTION 26-603, IDAHO CODE, RELATING TO LIMITATIONS ON LOANS TO OFFICERS, BY PROVIDING THE GENERAL PROHIBITION, AUTHORIZATION FOR EXTENSION OF CREDIT, AND CONDITION FOR CREDIT; AMENDING CHAPTER 6, TITLE 26, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 26-609A, IDAHO CODE, PROVIDING THAT A STATE BANK MAY INVEST IN BANK PREMISES, OR IN THE STOCK, BONDS, DEBENTURES, OR OTHER SUCH OBLIGATIONS OF ANY CORPORATION HOLDING THE PREMISES OF SUCH BANK, OR MAKE LOANS TO OR UPON SECURITY OF THE STOCK OF ANY SUCH CORPORATION WITH THE APPROVAL OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM OR WITH THE APPROVAL OF THE FEDERAL DEPOSIT INSURANCE CORPORATION; AMENDING CHAPTER 7, TITLE 26, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 26-701A, IDAHO CODE, PROVIDING THAT THE COMMISSIONER OF FINANCE MAY PERMIT THE ISSUANCE OF CONVERTIBLE OR NONCONVERTIBLE CAPITAL DEBENTURES AND NOTES IN ACCORDANCE WITH NORMAL BUSINESS CONDITIONS IF APPROVED BY TWO-THIRDS OF THE STOCKHOLDERS OF THE BANK OR PROVIDED FOR AND AUTHORIZED BY THE ARTICLES OF INCORPORATION OF THE BANK; AMENDING CHAPTER 7, TITLE 26, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 26-706, IDAHO CODE, PROVIDING ITEMS THAT MAY BE DISREGARDED FOR THE PURPOSE OF COMPUTING A BANK'S INDEBTEDNESS OR LIABILITY; AMENDING CHAPTER 6, TITLE 26, IDAHO CODE,
BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 26-601A, IDAHO CODE, PROVIDING ITEMS THAT MAY BE DISREGARDED FOR THE PURPOSE OF DETERMINING LIMITATION ON LOANS AND INVESTMENTS; AMENDING CHAPTER 11, TITLE 26, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 26-1113, IDAHO CODE, PROVIDING THE COMMISSIONER OF FINANCE WITH CEASE AND DESIST POWERS; AMENDING CHAPTER 6, TITLE 26, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 26-613, IDAHO CODE, PROVIDING THAT A LOAN BASED UPON SUBSTANTIAL PRIVATE COMPANY MORTGAGE INSURANCE OR GUARANTY APPROVED BY THE COMMISSIONER OF FINANCE DOES NOT CONSTITUTE A REAL ESTATE LOAN; AMENDING CHAPTER 6, TITLE 26, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 26-602A, IDAHO CODE, PROVIDING EXCEPTIONS TO LIMITATIONS ON LOANS TO ONE PERSON; AMENDING CHAPTER 6, TITLE 26, IDAHO CODE, RELATING TO LIMITATION ON INVESTMENTS AND LOANS BY THE ADDITION OF A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 26-614, IDAHO CODE, PROVIDING THAT A BANK MAY BECOME OWNER OR LESSOR OF PERSONAL PROPERTY IN CERTAIN INSTANCES; AMENDING CHAPTER 4, TITLE 26, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 26-408, IDAHO CODE, PROVIDING FOR AN EMPLOYEE STOCK OPTION PLAN; AMENDING CHAPTER 6, TITLE 26, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 26-615, IDAHO CODE, PROVIDING THAT A BANK MAY OBLIGATE ITSELF IF IT HAS A SUBSTANTIAL INTEREST IN A TRANSACTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 26-603, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 6, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-603, Idaho Code, and to read as follows:

26-603. (1) Except as authorized under this section, no bank may extend credit in any manner to any of its own executive officers. An
executive officer of any bank may not become indebted to that bank except
by means of an extension of credit which the bank is authorized to make
pursuant to this section. Any extension of credit under this section shall be
promptly reported to the board of directors of the bank, and may be made
only if:

(a) the bank would be authorized to make it to borrowers other than
its officers;
(b) it is on terms not more favorable than those afforded other
borrowers;
(c) the officer has submitted a detailed current financial statement; and
(d) it is on condition that it shall become due and payable on demand
of the bank at any time when the officer is indebted to any other bank
or banks on account of extensions of credit of any one (1) of three (3)
categories respectively referred to in paragraphs (3), (4), and (5) of this
section in an aggregate amount greater than the amount of credit of the
same category that could be extended to him by the bank of which he
is an officer.

(2) The term “executive officer” means each officer of a bank who, by
virtue of his position, has both voice in the formulation of the policy of the
bank and responsibility for the implementation of such policy.

(3) With the specific prior approval of its board of directors a bank
may make a loan not exceeding thirty thousand dollars ($30,000) to any
executive officer of the bank if, at the time the loan is made:

(a) it is secured by a first lien on a dwelling which is after the making
of the loan, expected to be owned by the officer and used by him as his
residence; and
(b) no other loan by the bank to the officer under authority of this
paragraph is outstanding.

(4) A bank may make extensions of credit to any executive officer of
the bank, not exceeding the aggregate amount of ten thousand dollars
($10,000) outstanding at any one time, to finance the education of the
children of the officer.

(5) A bank may make extensions of credit to any executive officer of
the bank, not exceeding the aggregate amount of five thousand dollars
($5,000) outstanding at any one time.

(6) Except to the extent permitted under paragraph (5) of this section,
a bank may not extend credit to a partnership in which one (1) or more of
its executive officers are partners having either individually or together a
majority interest. For the purposes of paragraph (5), the full amount of any
credit so extended shall be considered to have been extended to each officer
of the bank who is a member of the partnership.

(7) Whenever an executive officer of a state bank becomes indebted to any bank or banks (other than the one of which he is an officer) on account of extensions of credit of any one (1) of the three (3) categories respectively referred to in paragraphs (3), (4), and (5) of this section in an aggregate amount greater than the aggregate amount of credit of same category that could lawfully be extended to him by the bank, he shall make a written report to the board of directors of the bank stating the date and amount of each such extension of credit, the security therefor, and the purposes for which the proceeds have been or are to be used.

(8) Each bank shall include with (but not as part of) each report of condition and copy thereof filed under section 26-806, Idaho Code, a report of all loans under authority of this section made by the bank since its previous report of condition.

SECTION 3. That Chapter 6, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-609A, Idaho Code, and to read as follows:

26-609A. A state bank may, with the approval of the board of governors of the federal reserve system or with the approval of the federal deposit insurance corporation, (1) invest in bank premises, or in the stock, bonds, debentures, or other such obligations of any corporation holding the premises of such bank, or (2) make loans to or upon the security of the stock of any such corporation, if the aggregate of all such investments and loans, together with the amount of any indebtedness incurred by any such corporation which is an affiliate of the bank, will exceed the amount of capital stock of such bank.

SECTION 4. That Chapter 7, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-701A, Idaho Code, and to read as follows:

26-701A. The issuance of convertible or nonconvertible capital debentures and notes by banks in accordance with normal business considerations is permissible.

A bank may, with the approval of stockholders owning two-thirds (2/3) of the stock of the bank, entitled to vote, or without such approval if authorized by its articles of incorporation, issue convertible or nonconvertible capital debentures and notes in such amounts and under such terms and conditions as shall be approved by the commissioner of finance.

SECTION 5. That Chapter 7, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-706, Idaho Code, and to read as follows:
26-706. For the purpose of computing a bank's indebtedness or liability, the following items are to be disregarded:

(1) Federal funds purchased, obligations to repurchase securities or mortgages sold, or bills payable to the federal reserve system.
(2) The purchase of federal reserve funds by one bank from another bank.
(3) The purchase or sale of securities by a bank, under an agreement to resell or repurchase at the end of a stated period.
(4) The purchase or sale of mortgaged loans by a bank, under agreement to resell or repurchase at the end of a stated period.

SECTION 6. That Chapter 6, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-601A, Idaho Code, and to read as follows:

26-601A. For the purpose of determining limitations on loans and investments, the following items are to be disregarded:

(1) Federal funds purchased, obligations to repurchase securities or mortgages sold, or bills payable to the federal reserve system.
(2) The purchase of federal reserve funds by one bank from another bank.
(3) The purchase or sale of securities by a bank, under an agreement to resell or repurchase at the end of a stated period.
(4) The purchase or sale of mortgaged loans by a bank, under agreement to resell or repurchase at the end of a stated period.

SECTION 7. That Chapter 6, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-1113, Idaho Code, and to read as follows:

26-1113. (1) If, in the opinion of the commissioner of finance, any bank which has insured deposits is engaging or has engaged, or the agency has reasonable cause to believe that the bank is about to engage, in an unsafe or unsound practice in conducting the business of such bank, or is violating or has violated, or the agency has reasonable cause to believe that the bank is about to violate a law, rule, or regulation, or any condition imposed in writing by the commissioner in connection with the granting of any application or other request by the bank, or any written agreement entered into with the commissioner, the commissioner may issue and serve upon the bank a notice of charges in respect thereof. The notice shall contain a statement of the facts constituting the alleged violation or violations or the unsafe or unsound practice or practices, and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the bank. Such hearing shall be fixed
for a date not earlier than twenty (20) days nor later than sixty (60) days after service of such notice unless an earlier or a later date is set by the agency at the request of the bank. Unless the bank shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease and desist order. In the event of such consent, or if upon the record made at the hearing, the commissioner shall find that any violation or unsafe or unsound practice specified in the notice of charges has been established, the commissioner may issue and serve upon the bank an order to cease and desist from any such violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the bank and its directors, officers, employees, and agents to cease and desist from the same and further to take affirmative action to correct the conditions resulting from any such violation or practice.

(2) A cease and desist order shall become effective at the expiration of thirty (30) days after the service of such order upon the bank concerned (except in the case of a cease and desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided therein, except to such extent as it is stayed, modified, terminated, or set aside by action of the commissioner or a reviewing court.

(3) Whenever the commissioner of finance shall determine that the violation or threatened violation or the unsafe or unsound practice or practices, specified in the notice of charges served upon the bank pursuant to paragraph (1) of this section, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely to otherwise seriously prejudice the interests of its depositors, the commissioner may issue a temporary order requiring the bank to cease and desist from any such violation or practice. Such order shall become effective upon service upon the bank and, unless set aside, limited, or suspended by a court in proceedings, authorized by paragraph (2) of this subsection, shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the commissioner shall dismiss the charges specified in such notice, or if a cease and desist order is issued against the bank, until the effective date of any such order.

(4) Within ten (10) days after the bank concerned has been served with a temporary cease and desist order, the bank may apply to the state district court for the judicial district in which the home office of the bank is located, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the
administrative proceedings pursuant to the notice of charges served upon the bank under paragraph (1) of this section, and such court shall have jurisdiction to issue such injunction.

(5) In the case of violation or threatened violation of, or failure to obey, a temporary cease and desist order issued pursuant to paragraph (1) of section 3 of this act, the commissioner of finance may apply to the state district court within the jurisdiction of which the home office of the bank is located, for an injunction to enforce such order, and, if the court shall determine that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue an injunction.

SECTION 8. That Chapter 6, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-613, Idaho Code, and to read as follows:

26-613. When a bank makes a loan in substantial reliance upon private company mortgage insurance or guaranty previously approved in writing by the commissioner of finance, the loan does not constitute a real estate loan within the meaning of section 26-601, Idaho Code.

SECTION 9. That Chapter 6, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-602A, Idaho Code, and to read as follows:

26-602A. The limitation of twenty per cent (20%) of the aggregate paid in capital and surplus of a bank for the purpose of limiting loans as stated in section 26-602, Idaho Code, shall be subject to the following exceptions:

(1) Obligations of any person, copartnership, association, or corporation, in the form of notes or drafts secured by shipping documents, warehouse receipts, or other such documents transferring or securing title covering readily marketable nonperishable staples when such property is fully covered by insurance, if it is customary to insure such staples, shall be subject under this section to a limitation of fifteen (15) per centum of such capital and surplus in addition to ten (10) per centum of such capital and surplus when the market value of such staples securing such obligation is not at any time less than one hundred fifteen (115) per centum of the face amount of such obligation, and to an additional increase of limitation of five (5) per centum of such capital and surplus in addition to such thirty (30) per centum of such capital surplus when the market value of such staples securing such additional obligation is not at any time less than one hundred twenty-five (125) per centum of the face amount of such additional obligation, and to a further additional increase of limitation of five (5) per centum of such capital and surplus in addition to such thirty-five (35) per
centum of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than one hundred thirty (130) per centum of the face amount of such additional obligation and to a further additional increase of limitation of five (5) per centum of such capital and surplus in addition to such forty (40) per centum of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than one hundred thirty-five (135) per centum of the face amount of such additional obligation, and to a further additional increase of limitation of five (5) per centum of such capital and surplus when the market value of such staples securing such forty-five (45) per centum of such capital and surplus is not at any time less than one hundred forty (140) per centum of the face amount of such additional obligation, but this exception shall not apply to obligations of any one (1) person, copartnership, association, or corporation arising from the same transactions and/or secured by the identical staples for more than ten (10) months. Obligations of any person, copartnership, association, or corporation in the form of notes or drafts secured by shipping documents, warehouse receipts, or other such documents transferring or securing title covering refrigerated or frozen readily marketable or securing title covering refrigerated or frozen readily marketable staples when such property is fully covered by insurance, shall be subject under this section to a limitation of fifteen (15) per centum of such capital and surplus in addition to such ten (10) per centum of such capital and surplus when the market value of such staples securing such obligation is not at any time less than one hundred fifteen (115) per centum of the face amount of such additional obligation, but this exception shall not apply to obligations of any one (1) person, copartnership, association, or corporation arising from the same transactions and/or secured by the identical staples for more than six (6) months.

(2) Obligations of any person, copartnership, association, or corporation in the form of notes or drafts secured by shipping documents or instruments transferring or securing title covering livestock or giving a lien on livestock when the market value of the livestock securing the obligation is not at any time less than one hundred fifteen (115) per centum of the face amount of the notes covered by such documents shall be subject under this section to a limitation of fifteen (15) per centum of such capital and surplus in addition to such ten (10) per centum of such capital and surplus. Obligations arising out of the discount by dealers in dairy cattle of paper given in payment for dairy cattle, which bear a full recourse endorsement or unconditional guarantee of the seller and are secured by the cattle being sold, shall be subject under this section to a limitation of fifteen (15) per
centum of such capital and surplus in addition to such ten (10) per centum of such capital and surplus.

SECTION 10. That Chapter 6, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-614, Idaho Code, and to read as follows:

26-614. A bank may become the owner or lessor of personal property acquired upon the specific request and for the use of a customer and may incur such additional obligations as may be incident to becoming an owner and lessor of such property. These transactions do not result in obligations for the purpose of section 26-602, Idaho Code.

SECTION 11. That Chapter 4, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-408, Idaho Code, and to read as follows:

26-408. (1) Any bank may grant options to purchase, sell, or enter into agreements to sell, shares of its capital stock to its employees whether or not such transactions qualify for special tax treatment under the Internal Revenue Code of 1954, as amended, and regulations promulgated thereunder, provided that the following conditions are met:

(a) application for approval shall be made to the commissioner of finance, Boise, Idaho, in the form of a letter accompanied by the following information;

1. Description of all material provisions of the plan.
2. Proposed notice of shareholder's meeting, proxy and proxy statement.
3. Number of shares authorized but unissued stock to be allocated to the plan.
4. Proposed amendments to articles of incorporation creating authorized but unissued stock and eliminating preemptive rights as to the shares reserved under the plan.

(b) the plan is administered by a committee, none of whose members may participate in the plan;

(c) the number of shares allocable to any person under the plan is reasonable in relation to the purpose of the plan and the needs of the bank; and

(d) in the case of a stock option plan, the number of shares subject to the plan is not unreasonable in relation to the bank's capital structure and anticipated growth.

(2) Shares issued to employees pursuant to this regulation may be authorized but unissued stock which has been authorized by stockholders in the following manner: any bank, with the approval of the commissioner of
finance and by vote of stockholders owning two-thirds (2/3) of the stock of the bank entitled to vote, now authorized an increase in the common stock of the bank in category of authorized but unissued stock. Such authorized but unissued stock may be issued from time to time to employees of the bank pursuant to a stock option or stock purchase plan adopted in accordance with this regulation, or in exchange for convertible preferred stock or convertible capital debentures in accordance with the terms and provisions of such securities.

(3) (a) Employees' stock option and stock purchase plans or agreements may provide that options may be exercisable or that shares may be purchased on any business day. Stock certificates representing the shares purchased pursuant to the exercise of options may be validly issued to such purchasers on receipt of the purchase price.

(b) The increase in capital represented by stock certificates issued pursuant to this section will not be applicable, however, for the purposes of permitted investment in banking premises; permitted indebtedness; lending limits; branches, and other like purposes, until notarized notice specifying the amount paid into the bank therefor, shall be executed by the president, vice president, or cashier of the bank and filed with the commissioner of finance, and until the commissioner of finance says approval has been obtained specifying the amount of such increased capital stock, and his approval thereof, and that it has been duly paid in as part of the capital of such association.

SECTION 12. That Chapter 6, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 26-615, Idaho Code, and to read as follows:

26-615. A bank may lend its credit, bind itself as a surety to indemnify another, or otherwise become a grantor, if it has a substantial interest in the performance of the transaction involved or has a segregated deposit sufficient in amount to cover the bank's total potential liability.

SECTION 13. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970
CHAPTER 254
(S. B. No. 1596)

AN ACT
RELATING TO STANDARDIZED ANNUAL FINANCIAL REPORTS OF TAXING UNITS, PROVIDING THAT THE PROVISIONS OF CHAPTER 402, LAWS OF 1969, AND SECTIONS 67-1019, 67-1020, AND 67-1021, IDAHO CODE, BE SUSPENDED UNTIL THE EFFECTIVE DATE OF JANUARY 1, 1972; AND DECLARING AN EMERGENCY.

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

SECTION 1. Chapter 402 of the Laws of 1969 and Sections 67-1019, 67-1020, and 67-1021, Idaho Code, as they relate to standardized financial reports of taxing units are hereby suspended until the effective date of January 1, 1972.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970

CHAPTER 255
(S. B. No. 1611)

AN ACT
AMENDING SECTION 1 OF CHAPTER 392, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUNDS ENUMERATED TO THE DIVISION OF COMMUNICATIONS, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $39,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 392, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the Division of Communications.
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BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

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SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1970

CHAPTER 256
(H. B. No. 456, As Amended)

AN ACT

PROVIDING THAT A TRAFFIC HAZARD WHICH RESULTS IN AN ACCIDENT CAUSING DEATH, INJURY OR PROPERTY DAMAGE SHALL BE INVESTIGATED BY THE HIGHWAY DEPARTMENT AND REPORTS ISSUED.

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

SECTION 1. Whenever any investigation or judicial action stemming from a traffic accident which resulted in death or injury to any person or damage to any property in an apparent extent of five hundred dollars ($500) or more results in a finding that a physical traffic hazard caused or was responsible for a traffic accident, the investigating traffic enforcement officer or presiding judicial officer shall submit a written statement of such finding to the safety engineer of the state highway department and to the board of county commissioners of the county in which the accident occurred. Within sixty (60) days, the highway department shall examine and report on the alleged traffic hazard. Copies of the report shall be sent to the reporting traffic enforcement officer or presiding judicial officer who
originated the action and the board of county commissioners of the county in which the accident occurred. Such report by the highway department shall contain the engineer's explanation of the hazard and shall propose what can be done to alleviate the hazard or what has been done to alleviate the hazard, or information to fully explain why no action has been taken or is anticipated.

Approved March 19, 1970

CHAPTER 257
(H. B. No. 570, As Amended)

AN ACT
PROVIDING A SHORT TITLE; PROVIDING A DECLARATION OF INTENT; CREATING AND ESTABLISHING A DEPARTMENT OF AERONAUTICS; CREATING AND ESTABLISHING A BOARD OF AERONAUTICAL DIRECTORS; PROVIDING FOR APPOINTMENT TO AND QUALIFICATIONS OF MEMBERS OF THE BOARD; PROVIDING FOR THE APPOINTMENT OF MEMBERS OF THE BOARD FROM REGIONS; PROVIDING FOR AN OATH OF OFFICE AND BOND; PROVIDING FOR REMOVAL OF MEMBERS; PROVIDING FOR COMPENSATION AND EXPENSES OF MEMBERS; PROVIDING FOR MEETINGS AND ORGANIZATION OF THE BOARD; PROVIDING FOR MEETINGS AND QUORUM OF THE BOARD; PROVIDING FOR THE DUTIES AND POWERS OF THE BOARD; CREATING THE OFFICE OF STATE DIRECTOR OF AERONAUTICS, PROVIDING FOR QUALIFICATIONS, PROVIDING FOR COMPENSATION AND EXPENSES OF THE DIRECTOR; PROVIDING FOR OATH AND BOND OF THE DIRECTOR; PROVIDING FOR THE POWERS AND DUTIES OF THE DIRECTOR; PROVIDING FOR THE TRANSFER AND CONTROL OF FUNDS; PROVIDING FOR REFERENCE TO EXISTING STATUTES; PROVIDING FOR RIGHTS OF PRESENT EMPLOYEES; PROVIDING THAT THIS ACT IS SUPERIOR; PROVIDING A SAVINGS CLAUSE FOR ACTS AND SUITS IN PROGRESS; PROVIDING PENALTIES; PROVIDING FOR REPEAL OF ACTS IN CONFLICT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. This act shall be known and cited as the "aeronautical administration act of 1970".

SECTION 2. It is hereby found and declared that there exists in the state of Idaho a need to improve and expand air service capabilities to meet the increased demands of air transportation. In view of the rapid growth of this mode of passenger transportation, faster and heavier aircraft, the anticipated use of this system by industry for moving high value goods and merchandise in a minimum of time, to save handling and warehousing, planning to meet future needs is imperative. Such planning must accommodate intra and interstate service for passengers and freight into the national system, with implementation as rapidly as possible. The efforts of both the public and private sectors must be combined to match the aviation program planned by congress for implementation in the early 1970's. To the end that the public interest in this service will best be served, the creation of an Idaho board of aeronautics to govern the department of aeronautics is hereby found and declared to be a necessity.

SECTION 3. There is hereby created and established a "department of aeronautics", which shall be a civil administrative department of state government. The department of aeronautics as established under chapter 1, title 21, Idaho Code, shall continue in operation and effect and all powers heretofore vested in the director of aeronautics, as provided by chapter 1, title 21, Idaho Code, and other relevant statutes shall be vested in the Idaho board of aeronautical directors as herein established, except in those instances wherein the provisions and powers contained therein may conflict with the provisions of this act, in which event the provisions of this act shall govern. All persons, records and property under the control of the present director of aeronautics or the present department of aeronautics having to do with or engaged with respect to, the administration, construction, maintenance and development of aeronautical facilities in the state are hereby transferred to and vested in the department of aeronautics as herein established. The department of aeronautics shall have, as its governing body, the Idaho board of aeronautical directors, created by this act.

SECTION 4. There is hereby created and established the Idaho board of aeronautical directors, hereinafter referred to as "board", which shall be vested with authority, control, supervision and administration of the department of aeronautics created and established by this act.

SECTION 5. The board shall be composed of five (5) members to be appointed by the governor. Not more than three (3) members thereof shall at any time belong to the same political party. Provided, however, two (2) members of the board shall be rated pilots. Members shall be successful
public spirited men of good character, well informed and interested in the construction and maintenance of aeronautical facilities. Selection and appointment shall be made solely with regard to the best interests of the various functions of the board. Each member at the time of his appointment shall be a citizen and resident taxpayer of the state of Idaho, of the district from which he is appointed for at least three (3) years, and during his tenure of office no member shall hold or occupy any elective or other appointive office, federal, state, county or municipal, or any office in any political party.

SECTION 6. For the purposes of selection of directors for the administration of this act, one (1) director shall be appointed from each of the five (5) regions as provided in section 21-802, Idaho Code.

Each of said enumerated districts shall, at all times, be represented by one (1) board member, appointed from said district. Within thirty (30) days after the passage and approval of this act, the governor shall appoint, subject to confirmation by the senate, the board members for terms as follows: One (1) for a term to expire January 31, 1972; one (1) for a term to expire January 31, 1973; one (1) for a term to expire January 31, 1974; one (1) for a term to expire January 31, 1975; and one (1) for a term to expire January 31, 1976. The term of each member shall begin immediately upon his appointment and qualification. Each member shall hold office after the expiration of his term until his successor has been appointed. Not less than fifteen (15) days before the expiration of the term of appointment of each member, the governor shall appoint a successor to serve for a term of five (5) years and submit such appointment to the senate for confirmation. Should any member of the board resign, die, remove from the district from which he was appointed, or otherwise be removed from office, a vacancy shall exist, and during the recess of the legislature, the governor shall within thirty (30) days appoint a successor with like qualifications, to serve for the remainder of the retiring member's unexpired term, provided however, that if a vacancy occurs within forty-five (45) days after the convening of the legislature and while it is still in session, the governor shall make and submit to the senate for its approval a nomination to fill such vacancy.

SECTION 7. Each member of the board shall receive a certificate of appointment from the governor, and before entering upon the discharge of his official duties, shall file with the secretary of state the constitutional oath of office, to which and as a part thereof shall be added a declaration of the political party to which said board member belongs. Each member shall be bonded in the time, form and manner prescribed in chapter 8, title 59, Idaho Code.
SECTION 8. Members shall serve at the pleasure of the governor.

SECTION 9. Each member shall receive compensation of twenty-five dollars ($25.00) per day, for each day while in attendance at official meetings of the board and while on official business authorized by said board. Each member shall be reimbursed for his travel, living and other expenses actually and necessarily incurred while in performance of his official duties. Compensation for such per diem and expense shall be allowed and paid from the state aeronautics fund, or from such other funds as are or may be created and/or appropriated for administration of the various functions, vested by law in the department of aeronautics and/or the Idaho board of aeronautical directors. This section is expressly exempted from the provisions of sections 67-2007 and 67-2008, Idaho Code, and acts supplementary thereto.

SECTION 10. The permanent office of the board shall be maintained at the state capitol at Boise City, Idaho, in suitable offices and quarters assigned to the board, in the absence of which the board shall provide suitable offices and quarters in Boise City, together with such equipment, records and supplies as may be necessary. Board members shall forthwith, upon their appointment meet in Boise City at a time and place to be designated by the governor, and organize by selecting a chairman and vice chairman. The board shall adopt a seal having upon it the words “Idaho Board of Aeronautical Directors — State of Idaho”.

SECTION 11. The board shall elect officers at the first meeting of each even numbered year. Additional regular meetings may be held as the board shall determine. Special meetings may be called at any time by the chairman or any three (3) members or upon the written request of the state director of aeronautics. The director shall cause due notice to be given each member, either personally or by telephone, mail or telegraph, of the time, place and purpose of all special and regular meetings, and upon his failure so to do, notice may be given either by the chairman or the three (3) members concurring in calling any meeting. Any meeting of the board at which all the members are present shall be as valid as if held pursuant to proper notice, and should a meeting be held without notice when all members are not present, if the absent member shall have signed a waiver, or shall thereafter sign the minutes of the meeting, the same shall be as valid and binding as though called upon due notice. A majority of the members shall constitute a quorum and a concurrence of a majority of the members shall be necessary for the authorization of any act by the board, except as herein otherwise provided.
SECTION 12. The board shall be vested with the functions, powers and duties relating to the provisions of this act and shall have power to:

(1) Contract in the name of the state with respect to the rights, powers and duties vested in the board by this act.

(2) Locate, design, construct, reconstruct, alter, extend, repair and maintain state aeronautical facilities when determined by the board to be in the public interest.

(3) Establish standards for the location, design, construction, reconstruction, alteration, extension, repair and maintenance of state aeronautical facilities.

(4) Make annually on or before the first day of December of each year, and at such other times as the governor may require, reports in writing to the governor concerning the condition, management and financial transactions of the department of aeronautics.

(5) Purchase, condemn or otherwise acquire, and exchange any real property, either in fee or in any lesser estate or interest, rights-of-way, easements and other rights together with rights of direct access from the property abutting aeronautical facilities, deemed necessary by the board for present or future aeronautical purposes. The order of the board that the land sought is necessary for such use shall be prima facie evidence of such fact.

(6) Cooperate with, receive and expend grants from the federal government, and receive and expend gifts and grants from other sources for the construction and improvement of any aeronautical facility and, when authorized or directed by any act of congress or any rule or regulation of any agency of the federal government, expend funds so donated or granted.

(7) Contract jointly with counties, municipalities and other public agencies for the improvement and construction of aeronautical facilities.

(8) Expend funds for the construction, maintenance and improvement of publicly owned aeronautical facilities.

(9) Prescribe rules and regulations affecting aeronautical facilities, and enforce compliance therewith.

(10) Cooperate financially or otherwise with any other state, county or city of any other state, or with any foreign country or any province or district of any foreign country, or with the government of the United States, or any agency thereof, or private agencies or persons, or with any or all thereof for the erecting, construction, reconstructing, and maintaining of any aeronautical facility between the state of Idaho and
any other state or foreign country, and for the purchase or
condemnation or other acquisition of right-of-way therefor.

(11) Close or restrict the use of any state aeronautical facility
whenever such closing or restricting of use is deemed necessary.

(12) Establish such departmental divisions as are necessary for the full
and efficient administration of this act.

(13) Employ such personnel as are necessary subject to the provisions
of the public employees retirement system (chapter 13, title 59, Idaho
Code), group insurance plan (chapter 12, title 59, Idaho Code), or
personnel system (chapter 53, title 67, Idaho Code).

(14) Sell, exchange, or otherwise dispose of and convey, in accordance
with law, any real or personal property, other than public lands which
by the constitution and laws of the state of Idaho are placed under the
jurisdiction of the state land board, or parts thereof, together with
appurtenances, when in the opinion of the board, said real property
and/or appurtenances are no longer needed for state aeronautical
purposes, and also dispose of any surplus materials and by-products
from such property and appurtenances.

(15) Establish rules and regulations, consistent with the laws of Idaho,
for the expenditure of all moneys appropriated and/or allotted by law
to the department of aeronautics or the board.

(16) Exercise such other powers and duties, including the adoption of
by-laws, rules and regulations, necessary to fully implement and carry
out the provisions of this act and the provisions of title 21, Idaho Code,
not inconsistent herewith.

SECTION 13. There is hereby created the office of the “state director
of aeronautics”, who shall be the administrative officer of the Idaho board
of aeronautics. The director shall administer the affairs of the department of
aeronautics subject to the by-laws, rules and regulations established by the
board. He shall serve at the pleasure of the board; shall hold a commercial
pilot rating certified by the Federal Aviation Administration; shall not hold
other political office; and shall devote his full time to the service of the state
in the discharge of his official duties. He shall receive such compensation and
reimbursement for travel and expense as may be established by the board.

SECTION 14. Before entering upon the duties of his office, the
director shall take and subscribe to the official oath of office as provided by
law and shall, in addition thereto, swear or affirm that he holds no other
public office. Such oath, or affirmation, shall be filed in the office of the
secretary of state. The director shall be bonded in the time, form and
manner prescribed in chapter 8, title 59, Idaho Code.
SECTION 15. The director shall be the technical and administrative officer of the board and under its control, supervision and direction. He shall have general supervision and control of all activities, functions and employees of the department of aeronautics, and shall enforce all laws of the state relating thereto together with the rules and regulations of the board.

SECTION 16. All funds, appropriations and other moneys from whatever source, now or hereafter appropriated and/or provided by law for the administration of the functions, powers and duties of the department of aeronautics and/or the board created by this act, including those of the state aeronautics fund, shall be and the same hereby are, respectively, transferred, made available to and placed under the control of the Idaho board of aeronautical directors and appropriated for expenditure by it and shall be paid out by the state treasurer in the manner provided by the constitution and the laws of the state of Idaho. The said "state aeronautics fund" shall be in all respects the same "state aeronautics fund" as hereafter provided by law, and which said fund shall be and remain in full force and effect.

SECTION 17. The statutes of the state of Idaho now governing the administration, construction, maintenance, development and regulation of aeronautical facilities within the state, except where the same conflict with or are superseded by this act, shall continue with full force and effect, except that wherever the words "department of aeronautics" and "director of aeronautics" are used in the statutes of the state with respect to the administration, construction, maintenance, development and regulation of aeronautical facilities, the same shall be read and construed to mean, respectively, the "Idaho board of aeronautical directors" and/or the "state director of aeronautics", created by this act, as the case may be.

SECTION 18. Nothing herein contained shall affect the rights or privileges of employees of the present department of aeronautics under the public employees retirement system (chapter 13, title 59, Idaho Code), group insurance plan (chapter 12, title 59, Idaho Code), or personnel system (chapter 53, title 67, Idaho Code).

SECTION 19. Wherever any provisions of the existing laws of the state or of any laws enacted at the fortieth session of the Idaho legislature, are in conflict with the provisions of this act, it is the declared intention of the legislature that the provisions of this act shall control and supersede all such laws.

SECTION 20. This act shall not affect any act done, ratified or confirmed, or any right accrued, or established or any action or proceeding had or commenced in a civil or criminal cause prior to the effective date of this act, but such actions or proceedings may be prosecuted and continued
by the department of aeronautics, and, when required, by the Idaho board of aeronautical directors and/or the state aeronautics director, as the case may be.

SECTION 21. Any person who shall violate or aid in the violation of any of the provisions of this act, unless a different penalty be prescribed by law, shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not more than three hundred dollars ($300) or imprisonment for a period not to exceed ninety (90) days or both such fine and imprisonment in the discretion of the court, and all fines collected for violation of this act shall be paid ten per cent (10%) into the state's general fund and ninety per cent (90%) into the state aeronautics fund.

SECTION 22. That any and all other sections of the Idaho Code in conflict herewith, be, and the same are hereby repealed.

SECTION 23. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 24. This act shall be in full force and effect on and after July 1, 1970.

Approved March 19, 1970

CHAPTER 258
(H. B. No. 635)

AN ACT
AMENDING SECTION 23-934A, IDAHO CODE, RELATING TO APPLICATIONS FOR A LIQUOR CATERING PERMIT, BY STRIKING THEREFROM THE REQUIREMENT THAT SAID APPLICATION MUST BE MADE NO MORE THAN FOUR MONTHS NOR LESS THAN TWENTY DAYS BEFORE THE EFFECTIVE DATE OF THE PERMIT; AMENDING SECTION 23-934B, IDAHO CODE, RELATING TO THE FILING OF APPLICATIONS FOR LIQUOR CATERING PERMITS, BY STRIKING THEREFROM ANY REQUIREMENT THAT THE GRANTING BODY SHALL ACT UPON SAID APPLICATION WITHIN SEVEN DAYS OF ITS RECEIPT, AND FURTHER STRIKING THEREFROM THE REQUIREMENT THAT NOTICE OF DISAPPROVAL SHALL BE SERVED ON THE APPLICANT WITHIN FIFTEEN DAYS AFTER THE DATE OF
FILING SAID APPLICATION; AMENDING SECTION 23-935, IDAHO CODE, RELATING TO VIOLATIONS BY LIQUOR CATERING LICENSEES, BY STRIKING THEREFROM THE PROVISIONS THAT UPON CONVICTION SAID LICENSEES' BOND SHALL BE FORFEITED TO THE STATE OF IDAHO AT THE TIME OF LICENSE REVOCATION.

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

SECTION 1. That Section 23-934A, Idaho Code, be, and the same is hereby amended to read as follows:

23-934A. LIQUOR CATERING PERMIT — APPLICATION. — Any person holding an Idaho retail liquor license may serve and sell liquor retail by the drink at a private party or convention, and not to exceed three (3) consecutive days, upon obtaining a liquor catering permit. Applications for such permit shall be made to the city or village within which the liquor is to be served, or if not within a city or village, then to the county, on such form as prescribed by the commissioner of law enforcement which shall contain the following information:

1. The name and address of the applicant and the number of his state liquor license.
2. The dates and hours during which the permit is to be effective, not to exceed three (3) consecutive days.
3. The names of the organizations, groups, or persons sponsoring the event.
4. The address at which the liquor is to be served, and if a public building, the rooms in which the liquor is to be served.
5. A statement that the event at which the liquor is to be served will be open to the sponsoring organizations and their guests.

The application shall be verified by the applicant and filed with the appropriate governing body not more than four (4) months nor less than twenty (20) days before the effective date of the permit. A filing fee in the amount of twenty dollars ($20.00) for each day the permit is to be effective shall be paid to the treasury of the governing body which shall not be refunded in any event.

SECTION 2. That Section 23-934B, Idaho Code, be, and the same is hereby amended to read as follows:

23-934B. FILING OF APPLICATION — APPROVAL — DISAPPROVAL BY COMMISSIONER. — Upon the filing of an application for a liquor catering permit, the city council, board of trustees, or county commissioners receiving the application shall within seven (7) days, upon the advice and recommendation of the chief of police or sheriff, approve or
disapprove the application and indicate the determination on the face of the
application by indorsement signed by clerk of the city or county. Copies of
the application with signed indorsements thereon shall be mailed or delivered
immediately to the chief of police or sheriff, the commissioner of law
enforcement and the applicant, and a signed copy retained by the clerk. An
application approved in this manner shall constitute a permit unless
disapproved by the commissioner of law enforcement by notice served upon
the applicant not later than fifteen (15) days after the date of filing of the
application.

SECTION 3. That Section 23-935, Idaho Code, be, and the same is
hereby amended to read as follows:

23-935. VIOLATION — MISDEMEANORS. — A violation of any of
the provisions of this act by any agent, employee, servant, or other person in
any way acting in behalf of the licensee shall be presumed to be a violation
by the licensee. Any person violating any of the provisions of this act, except
where a specific penalty is provided, shall be guilty of a misdemeanor and
upon conviction thereof shall be fined not less than the sum of one hundred
dollars ($100) nor more than the sum of three hundred dollars ($300) or be
imprisoned in the county jail for not less than thirty (30) days nor more
than six (6) months, or both such fine and imprisonment. Any court in
which a judgment of conviction against any licensee shall be entered shall
forthwith certify a copy thereof to the commissioner and the commissioner
shall thereupon give intended notice of revocation of any license to such
convicted person. If any licensee is convicted of any offense under this act,
his bond provided herein shall be forfeited to the state of Idaho at the time
of revocation of such license.

Approved March 19, 1970

CHAPTER 259
(H. B. No. 644)

AN ACT
AMENDING SECTION 63-117, IDAHO CODE, RELATING TO
EXEMPTIONS FOR RETIRED PERSONS, BY PROVIDING FOR AN
EXEMPTION OF DWELLING HOUSES AND TRAILER HOUSES
UNDER CERTAIN CONDITIONS; AMENDING SECTION 63-118,
IDAHO CODE, RELATING TO DEFINITIONS, BY DEFINING
"RETIRED" AND "DWELLING HOUSE" AND REQUIRING A
MAXIMUM INCOME OF FORTY-EIGHT HUNDRED DOLLARS PER YEAR TO QUALIFY; AMENDING SECTIONS 63-119 AND 63-120, IDAHO CODE, RELATING TO DATES FOR EXEMPTIONS BY CHANGING REFERENCE TO DATES; AMENDING SECTION 63-121, IDAHO CODE, RELATING TO APPROVAL OF APPLICATION, BY PROVIDING THAT THE BOARD OF EQUALIZATION SHALL ALLOW THE EXEMPTION; AMENDING SECTION 63-123, IDAHO CODE, RELATING TO TITLE HELD JOINTLY OR IN COMMON, BY PROVIDING FOR ONE EXEMPTION FOR PROPERTY HELD AS TENANTS IN COMMUNITY; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-117, Idaho Code, be, and the same is hereby amended to read as follows:

63-117. EXEMPTIONS FOR RETIRED PERSONS. — Every retired person, a citizen and resident of this state of the age of sixty-five (65) or more years, residing in a dwelling house owned by him which is a constituent part of his real property and the full cash value of which is not in excess of $15,000, or a trailer house owned by him and located upon real property leased or owned by him, shall be entitled, on proper claim being made therefore, to exemption from taxation on such property in the amount that set forth below if the full cash value of such property owned by him is not in excess of fifteen thousand dollars ($15,000) and he makes a proper claim for such exemption:

1. The actual dollar amount of taxes levied on such property in the tax year exceeds the actual dollar amount of taxes levied on such property in the tax year 1966; or,

2. The actual dollar amount of taxes levied on such property in the tax year exceeds the actual dollar amount of taxes that would have been levied on such property had such property existed in 1966; or,

3. The actual dollar amount of taxes levied on such property in the tax year exceeds the actual dollar amount of taxes that were levied on such property in the tax year in which the claimant becomes eligible to claim such exemption.

In an amount equal to that percentage of the assessed value of such dwelling house or trailer house by which the ratio of assessed value of real property in the county in which such property is located exceeds the ratio of assessment of real property in such county for the calendar year 1966.
SECTION 2. That Section 63-118, Idaho Code, be, and the same is hereby amended to read as follows:

63-118. DEFINITIONS. -- As used in this act:

"Pretax year" means the calendar year immediately preceding the "tax year."

"Tax year" means the calendar year in which the tax is due and payable.

"Resident" means one legally domiciled within the state for a period of fifteen (15) years immediately preceding November of the pretax January 1 of the tax year. Mere seasonal or temporary residence within the state, of whatever duration, shall not constitute domicile within the state for the purposes of this act. Absence from this state for a period of twelve (12) months shall be prima facie evidence of abandonment of domicile in this state. The burden of establishing legal domicile within this state shall be upon the claimant.

"Retired" means a person who is no longer gainfully employed, and whose primary source of income is from social security, pension or retirement total income from all sources shall not exceed forty-eight hundred dollars ($4,800) per annum.

"Dwelling house" means the house in which a man lives with his family.

"Taxes" means taxes levied upon the assessed value of property in the usual and ordinary sense.

SECTION 3. That Section 63-119, Idaho Code, be, and the same is hereby amended to read as follows:

63-119. APPLICATION FOR EXEMPTION -- FILING. -- No exemption from taxation as provided by section 63-117, Idaho Code, shall be allowed except upon written application therefor on a form prescribed by the county assessor and provided by and filed with the county assessor of the county in which the claim is filed.

An application for exemption under this act shall be filed with the county assessor on or before November 30 of the pretax year.

Application must be made in the assessor's office each tax year by May 15.

SECTION 4. That Section 63-120, Idaho Code, be, and the same is hereby amended to read as follows:

63-120. TIME REQUIREMENTS FOR EXEMPTION MUST EXIST. -- Every fact essential to support a claim for exemption under this act shall exist on November 1 January 1 of the pretax tax year. Every application by a claimant therefor shall establish that he was, on November 1 January 1 of the pretax tax year, (a) a citizen and resident of this state for the period
required, (b) of the age of sixty-five (65) or more years, (c) the owner of a
dwelling house or trailer house which is a constituent part of the real
property for which the exemption is claimed, pursuant to section 63-117,
Idaho Code and (d) residing in said dwelling house.

SECTION 5. That Section 63-121, Idaho Code, be, and the same is
hereby amended to read as follows:

63-121. APPROVAL BY COUNTY ASSESSOR. — If an application is
approved by the county assessor, the board of equalization shall allow an
exemption from taxation as provided in section 63-117, Idaho Code.

SECTION 6. That Section 63-123, Idaho Code, be, and the same is
hereby amended to read as follows:

63-123. TITLE HELD JOINTLY OR IN COMMON. (1) Where title
to property on which an exemption is claimed is held by claimant and
another or others, either as tenants in common or as joint tenants, claimant
shall not be allowed an exemption against his interest in said property in
excess of his proportionate share in said property, which proportionate
share, for the purposes of this act, shall be deemed to be equal to that of
each of the other tenants, unless it is shown that the interests in question are
not equal, in which event claimant's proportionate share shall be as shown.

(2) Nothing in this act shall preclude more than one (1) tenant,
whether title be held in common or joint tenancy, from claiming exemption
against the property so held, but not more than the equivalent of one (1) full
exemption in regard to such property shall be allowed in any one (1) year,
and in any case in which the claimants cannot agree as to the apportionment
thereof, the exemption shall be apportioned between or among them in
proportion to their interest. Property held by husband and wife, as tenants
in community, shall be deemed wholly owned by each tenant, but not more
than one (1) exemption in regard to such property shall be allowed in any
year.

(3) Right to claim exemption under this act shall extend to property
the title to which is held by a partnership to the extent of the claimant's
interest as a partner therein, and by a guardian, trustee, committee,
conservator or other fiduciary for any person who would otherwise be
entitled to claim exemption under this act, but not to property the title to
which is held by a corporation.

SECTION 7. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect on and after
its passage and approval, and retroactively to January 1, 1970.

Approved March 19, 1970
AN ACT
AMENDING SECTION 67-5324, IDAHO CODE, RELATING TO EXEMPTION OF CERTAIN STATE EMPLOYEES FROM BEING SUBJECT TO THE WORK DAY, WORK WEEK AND COMPENSATION PROVISIONS OF SECTION 67-5317, 67-5319, 67-5320, 67-5321 AND 67-5322, IDAHO CODE, BY EXEMPTING LAW ENFORCEMENT PERSONNEL OF THE IDAHO FISH AND GAME DEPARTMENT FROM SAID PROVISIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-5324, Idaho Code, be, and the same is hereby amended to read as follows:

67-5324. EXCEPTIONS FOR SUPERVISORY AND/OR ADMINISTRATIVE POSITIONS. — Each appointing authority, with the concurrence of the Idaho personnel commission and the director of administration, may designate such positions and classes of positions in his department as are supervisory and/or administrative functions, and the employees in such designated positions and classes of positions shall not be subject to the work day or work week provisions contained herein and shall not be eligible to receive cash compensation for overtime work as herein provided. Provided further, that all classified field employees of the department of fish and game shall not be subject to the work day or work week provisions contained in sections 67-5317 and 67-5319, Idaho Code, and shall not be eligible to receive payment for overtime work as provided for in sections 67-5319, 67-5320, 67-5321 or 67-5322, Idaho Code, but shall be eligible to receive compensatory time under rules and regulations as established by the Idaho fish and game commission.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 19, 1970
CHAPTER 261  
(S. B. No. 1603)  
AN ACT  
AMENDING SECTION 1 OF CHAPTER 449, LAWS OF 1969, RELATING TO THE APPROPRIATIONS FROM THE FUNDS ENUMERATED TO THE UNIVERSITY OF IDAHO AGRICULTURAL EXTENSION SERVICE, BY INCREASING THE AMOUNT OF THE APPROPRIATION BY $24,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 449, Laws of 1969, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the following moneys, to be expended as indicated, for the operating costs and expenses of the programs proposed, unless specifically excepted, in the Executive Budget for 1969-1971, for the period July 1, 1969, to June 30, 1971, of the University of Idaho Agricultural Extension Service.

FOR MAJOR AND MINOR PROGRAMS:

ADMINISTRATION $408,784  
EDUCATION AND CONSULTIVE 1,057,449  
COUNTY EXTENSION SERVICE 2,117,659

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

SALARIES AND WAGES $3,125,000  
TRAVEL 140,422 164,422  
OTHER CURRENT EXPENSES 283,974  
CAPITAL OUTLAY 10,496

FROM:

GENERAL FUND $2,059,948 2,083,948  
FEDERAL FUNDS 1,494,944  
LOCAL FUNDS 5,000

TOTAL APPROPRIATION 3,583,892 3,583,892

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 19, 1970
CHAPTER 262
(S. B. No. 1604)

AN ACT
APPROPRIATING MONEY FROM THE GENERAL FUND TO THE
STATE AUDITOR FOR THE PURPOSE OF PAYING ATTORNEY
FEES, COSTS AND OTHER LEGAL EXPENDITURES ARISING
FROM THE OPERATION OF HIS OFFICE; AND DECLARING AN
EMERGENCY.

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

SECTION 1. There is hereby appropriated to the state auditor from
the general fund the sum of $10,000 to be utilized to pay attorney fees,
costs and other legal expenditures arising from the operation of his office.

SECTION 2. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect on and after
its passage and approval.

This bill became a law without the signature of the Governor on March
17, 1970.

CHAPTER 263
(H. B. No. 458, As Amended, As Amended in the Senate)

AN ACT
AMENDING SECTION 59-501, IDAHO CODE, RELATING TO SALARIES
OF ELECTIVE OFFICERS, BY ESTABLISHING THE SALARIES OF
ELECTIVE OFFICERS COMMENCING JANUARY, 1971.

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

SECTION 1. That Section 59-501, Idaho Code, be, and the same is
hereby amended to read as follows:

59-501. SALARIES OF STATE ELECTIVE OFFICERS — MONTHLY
PAYMENT — TRAVELING EXPENSES — FEES PROPERTY OF STATE.
— The governor, lieutenant governor, secretary of state, state auditor, state
treasurer, attorney-general and superintendent of public instruction shall,
during their continuance in office, and commencing on the first Monday in
January, 1967 1971 receive for their services compensation as follows:

Governor, $17,500 $30,000 per annum;
Lieutenant Governor, $2,000 $7,000 per annum;
Secretary of State, $12,500 $17,000 per annum;
State Auditor, $12,500 $17,000 per annum; said salary to be audited by the State Treasurer;
Attorney General, $12,500 $18,000 per annum;
State Treasurer, $12,500 $17,000 per annum; and
State Superintendent of Public Instruction, $12,500 $18,000 per annum.

Such compensation shall be paid monthly as due out of the state treasury, and shall be in full for all services by said officers respectively rendered in any official capacity or employment whatever during their respective terms of office; but no increase of compensation shall affect the salaries of such officers during their present terms of office; provided, however, that the actual and necessary expenses of the governor, lieutenant governor, secretary of state, attorney-general, state auditor, state treasurer, and superintendent of public instruction while traveling within the state, or between points within the state, in the performance of official duties, shall be allowed and paid by the state; not however, exceeding such sum as shall be appropriated for such purpose.


No officer named in this section shall receive, for the performance of any official duty, any fee for his own use, but all fees fixed by law for the performance by either of them, of any official duty, shall be collected in advance and deposited with the state treasurer to the credit of the state.

This bill became a law without the signature of the Governor on March 17, 1970.

CHAPTER 264
(H. B. No. 556)

AN ACT
AMENDING SECTION 2 OF SENATE BILL NO. 1430, SECOND REGULAR SESSION, FORTIETH IDAHO LEGISLATURE, RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS, BY PROVIDING THAT PERSONS CONVICTED UNDER THIS SECTION SHALL SERVE TEN DAYS IN JAIL AND LIMITING JUDICIAL DISCRETION;
Providing for severability; and declaring an emergency.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2 of Senate Bill No. 1430, Second Regular Session, Fortieth Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 2. That Chapter 11, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 49-1102, Idaho Code, and to read as follows:

49-1102. Persons under the influence of intoxicating liquor or of drugs. — (a) It is unlawful and punishable as provided in paragraph (d) of this section for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any motor vehicle within this state.

(b) In any criminal prosecution for a violation of paragraph (a) of this section relating to driving a motor vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time of the alleged offense as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

1. If there was at that time 0.10 per cent or less by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;
2. If there was at that time more than 0.10 per cent by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor;
3. Per cent by weight of alcohol in blood shall be based upon grams of alcohol per 100 cubic centimeters of blood;
4. The foregoing provisions of paragraph (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

(c) It is unlawful and punishable as provided in paragraph (d) of this section for any person who is a habitual user of, or under the influence of any narcotic drug, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle to drive a motor vehicle within this state. The fact that any person charged with a
violation of this paragraph is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this paragraph.

(d) Every person who is convicted of a violation of this section shall be punished by imprisonment in the county or municipal jail for not more than six (6) months or by fine of not more than three hundred dollars ($300) or by both such fine and imprisonment. Every person convicted under this section shall serve at least ten (10) days in the county or municipal jail and this sentence shall be mandatory on every judge of every court of the state of Idaho without any right to exercise judicial discretion in said matter, except that the judge may allow said jail sentence to be served within a six (6) week period from the date of conviction in segments of time not less than one (1) day consisting of twenty-four (24) hours at each time. On a second or subsequent conviction he shall be imprisoned in the state penitentiary for not more than five (5) years.

The commissioner shall suspend the Idaho operator’s license or permit to drive and any nonresident’s driving privileges in the state of Idaho of any person convicted of a violation of this section for a period of ninety (90) days upon the first conviction, six (6) months upon the second conviction occurring within a two (2) year period from the time of the first conviction, and a one (1) year suspension upon a third conviction occurring within a three (3) year period of the time from the first conviction.

SECTION 2. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist; this act shall be in full force and effect on and after its passage and approval.

This bill became a law without the signature of the Governor on March 17, 1970.
SENATE CONCURRENT RESOLUTIONS

(S. C. R. No. 127)

A CONCURRENT RESOLUTION

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

WHEREAS, the Legislature of the state of Idaho recognizes the inadequacy of Idaho's laws of decedents' estates, the inequities and expense involved in the probate of estates, the problems inherent in succession of property, and the need for revision of the laws of the state of Idaho to conform with court modernization; and

WHEREAS, the National Conference of Commissioners on Uniform State Laws have promulgated a Uniform Probate Code as a result of lengthy study by some of the most learned members of the bar in this field of the law, which code would streamline, clarify and unify the laws dealing with the estates of decedents; and
WHEREAS, dedicated study and deliberation will be necessary, and extensive revision of existing statutes and detailed adaptation of the Uniform Probate Code will be required before legislation can be submitted to the Legislature of the state of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that it is in the best interests of the Legislature of the state of Idaho that the Uniform Probate Code be studied and the necessary steps be taken to prepare for its possible enactment.

BE IT FURTHER RESOLVED that the Legislative Council of the state of Idaho is hereby empowered, authorized and directed to exercise such authority as to it shall appear proper, necessary and desirable to carry out the purposes of this resolution, which shall be to undertake and make a complete study of the laws of the state of Idaho on the estates of decedents, to determine what laws need to be repealed or amended if the Uniform Probate Code is to be adopted, and to prepare, for introduction and submission to the First Regular Session of the Forty-first Idaho Legislature, proposed legislation as required to make such changes in existing laws and to enact the Uniform Probate Code.

BE IT FURTHER RESOLVED by the Senate, the House of Representatives concurring therein, that the President of the Senate and the Speaker of the House of Representatives be, and they are hereby authorized to allocate, not to exceed $15,000, to the Legislative Council for the purposes of this resolution out of funds appropriated generally for legislative expenses of the Fortieth Idaho Legislature.

Passed by the Senate February 12, 1970
Passed by the House February 24, 1970

(S. C. R. 130)


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

WHEREAS, the Senate and the House of Representatives of the state of Idaho recognize the worthwhile activities of the interim fire study committee and the submission of comprehensive recommendations on all problems confronting said committee is in the best interests of the people of the state of Idaho; and,

WHEREAS, many of the problems confronting said committee were and remain expansive necessitating considerable study and research, and comprehensive recommendations and proposals are not yet possible.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives of the Second Regular Session of the Fortieth Idaho Legislature concurring, that the terms and provisions of Senate Concurrent Resolution No. 6 of the First Extraordinary Session of the Thirty-ninth Legislature of the state of Idaho and supplemented by Senate Concurrent Resolution No. 9 of the Second Extraordinary Session of the Thirty-ninth Legislature and Senate Concurrent Resolution No. 109 of the First Regular Session of the Fortieth Legislature of the state of Idaho, be continued, maintained and extended until the study is completed.

BE IT FURTHER RESOLVED that the President of the Senate and the Speaker of the House of Representatives be and they are hereby authorized to pay, from legislative funds, to individual members of the committee the cost of travel, food, lodging and twenty five dollars a day expenses incurred in furtherance of committee business.

BE IT FURTHER RESOLVED that the immediately preceding provision of this resolution will have a retroactive effect to the 18th day of February, 1969.

BE IT FURTHER RESOLVED that the committee review and study all existing statutes and law relating to fire prevention and services connected therewith and those other laws and statutes which relate to fires and fire prevention and submit to the Legislature its suggestions for amendments or additions to the laws and statutes.

Passed by the Senate February 18, 1970
Passed by the House February 24, 1970
A CONCURRENT RESOLUTION
CONTINUING THE FIRE NEGOTIATION COMMITTEE CREATED BY SENATE CONCURRENT RESOLUTION NUMBER 4, FIRST REGULAR SESSION OF THE FORTIETH IDAHO LEGISLATURE; MAINTAINING THE COMMITTEE'S STATUS, COMPOSITION, POWERS AND DUTIES AND PERMITTING THE COMMITTEE TO SETTLE AND PAY FINAL SETTLEMENT CLAIMS.

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

WHEREAS, the Senate and the House of Representatives of the state of Idaho recognize the worthwhile activities of the Fire Negotiation Committee and its impending settlement of all fire claims; and

WHEREAS, the legislature is aware of the impracticability of expecting that all fire claims will be settled simultaneously but rather they will more likely reach settlement individually or on a piecemeal basis; and

WHEREAS, it is in the best interests of the citizens of the state of Idaho and in keeping with the dignity of a sovereign to assume its fiscal responsibilities at the earliest possible time.

NOW, THEREFORE, BE IT RESOLVED by the Senate of the state of Idaho, the House of Representatives of the Second Regular Session of the Fortieth Idaho Legislature concurring, that the terms and provisions of Senate Concurrent Resolution No. 4, First Regular Session of the Fortieth Idaho Legislature, be continued and maintained until all fire claims are settled.

BE IT FURTHER RESOLVED that the committee's powers be extended to allow negotiation to final settlement all such fire claims and pay from the funds available all just final settlements, on an individual or piecemeal basis or in a total amount, whichever in their judgment is deemed most appropriate.

BE IT FURTHER RESOLVED that the President of the Senate may, and is hereby authorized to pay, from legislative funds, to individual members of the committee the cost of travel, food, lodging and twenty-five dollars ($25.00) a day expenses incurred in furtherance of committee business.

BE IT FURTHER RESOLVED that the immediately preceding provision of this resolution will have a retroactive effect to the 22nd day of January, 1969.

Passed by the Senate February 18, 1970
Passed by the House February 24, 1970
A CONCURRENT RESOLUTION
EXPRESSING APPRECIATION TO THE MAYOR, THE CHIEF OF
POLICE AND THE POLICE DEPARTMENT OF THE CITY OF BOISE
FOR PROVIDING FREE AUTOMOBILE PARKING PRIVILEGES TO
MEMBERS AND ATTACHES OF THE SECOND REGULAR SESSION
OF THE FORTIETH IDAHO LEGISLATURE.
Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the police department of the City of Boise has graciously
provided free parking privileges for the automobiles of the members and
attaches throughout the Second Regular Session of the Fortieth Idaho
Legislature.
NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of
Representatives concurring therein, that we express our sincere appreciation
to Jay Amyx, Mayor, to John Church, Chief of Police, and to the police
department of the City of Boise, for their kindness and hospitality in making
free parking privileges available to the members and attaches throughout the
Second Regular Session of the Fortieth Idaho Legislature.
BE IT FURTHER RESOLVED that the Secretary of the Senate be, and
he is hereby authorized and directed, to forward copies of this resolution to
Jay Amyx, Mayor, to John Church, Chief of Police, and to the police
department of the City of Boise, Idaho.
Passed by the Senate March 6, 1970
Passed by the House March 7, 1970

A CONCURRENT RESOLUTION
PROVIDING FOR THE LEASING OF MAGNETIC TAPE SELECTRIC
TYPEWRITER EQUIPMENT TO STATE AGENCIES AND FOR THE
SUPERVISION AND ADMINISTRATION OF THE MAGNETIC TAPE
SELECTRIC TYPEWRITER EQUIPMENT CENTER.
Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Senate and the House of Representatives of the Second
Regular Session of the Fortieth Idaho Legislature have approved, by the
passage of House Concurrent Resolution No. 43, the purchase of Magnetic
Tape Selectric Typewriter equipment; and
WHEREAS, state agencies have expressed need for the services offered by the use of Magnetic Tape Selectric Typewriter equipment.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session, Fortieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the services offered by the use of Magnetic Tape Selectric Typewriter equipment be offered to all state agencies, when the Legislature is not in session, on a lease basis, with the cost for such services being set by the President of the Senate and the Speaker of the House of Representatives.

BE IT FURTHER RESOLVED that the President of the Senate and the Speaker of the House of Representatives provide for the supervision and administration of the Magnetic Tape Selectric Typewriter equipment center and related services on a year round basis, the cost for such administration and supervision to be paid out of Legislative funds.

Passed by the Senate March 7, 1970
Passed by the House March 7, 1970

(S. C. R. No. 140)

A CONCURRENT RESOLUTION
CONTINUING THE STUDY COMMITTEE CREATED BY SENATE CONCURRENT RESOLUTION NO. 118, FIRST REGULAR SESSION, FORTIETH IDAHO LEGISLATURE, TO COMPLETE A STUDY OF THE LAWS OF THE STATE OF IDAHO AND THE POLICIES OF THE STATE EXECUTIVE DEPARTMENTS RELATING TO MANAGEMENT, LEASING, SALE AND CONTROL OF STATE LAND, AND THE TAXATION AND INTEREST THEREIN, AND FURTHER DIRECTING THE COMMITTEE TO COMPLETE A STUDY OF THE MEASURES NECESSARY TO INSURE PROPER LAND MANAGEMENT IN AREAS AFFECTED BY SURFACE MINING WITHIN IDAHO.

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

WHEREAS, the First Regular Session, Fortieth Idaho Legislature, authorized and directed, by Senate Concurrent Resolution No. 118, the Legislative Council to undertake and complete a study of the laws of the state of Idaho and policies of the executive departments of the state of Idaho relating to use, management, leasing, sale and control of state lands and the taxation and interest therein; and
WHEREAS, the study committee appointed by the Legislative Council has made progress in its study, and has filed a report thereof with the Legislative Council, but has not had sufficient time to investigate carefully all areas of great concern to the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session, Fortieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the study authorized by Senate Concurrent Resolution No. 118, First Regular Session, Fortieth Idaho Legislature, be continued, and the results and recommendations of such continued study be reported to the First Regular Session, Forty-first Idaho Legislature.

BE IT FURTHER RESOLVED that the committee shall further complete a study of the measures necessary to insure proper land management in areas affected by surface mining within Idaho, and shall report the results and recommendations of such study to the First Regular Session of the Forty-first Idaho Legislature.

Passed by the Senate March 6, 1970
Passed by the House March 7, 1970

(S. C. R. No. 141)

A CONCURRENT RESOLUTION


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

WHEREAS, throughout the Second Regular Session of the Fortieth Idaho Legislature, the Mountain States Telephone Company, to supplement the WATS lines rented by the state during the session of the Legislature, has gratuitously provided for the personal use and benefit of the members of the Legislature complete telephone equipment, including a PBX switchboard and a number of private telephone booths in both houses of the Legislature and in the rotunda of the third floor of the Statehouse; and
WHEREAS, the Mountain States Telephone Company has further gratuitously provided for the exclusive use and benefit of the Second Regular Session of the Fortieth Idaho Legislature complete telephone service and personnel, consisting of a supervisory Chief Operator and a full force of expertly trained operators, together with the full time services of a public affairs man; and

WHEREAS, the General Telephone Company of the Northwest, which provides telephone service to the Panhandle District of Idaho, has gratuitously provided for said Legislature a full time public relations man, and has cooperated with the Mountain States Telephone Company in the compilation, printing and delivery to each member of the Legislature and attaches and offices connected therewith a copy of the Legislative Telephone Directory for 1970.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring, that we express our sincere appreciation to the Mountain States Telephone Company and to the General Telephone Company of the Northwest for their generous and splendid contribution to the convenience and function of this Legislature.

BE IT FURTHER RESOLVED that we express our appreciation and commendation to Dick Moon of the Mountain States Telephone Company and to Roy Lewis of the General Telephone Company of the Northwest, and to the personnel responsible for the operation of the facilities, for their faithful performance and the scrupulous acquittal of their responsibilities.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and he is hereby directed to transmit suitable copies of this Resolution to the Mountain States Telephone Company headquarters at Denver, Colorado, to the Mountain States Telephone Company District Office at Boise, Idaho, and to the General Telephone Company of the Northwest at Coeur d'Alene, Idaho.

Passed by the Senate March 6, 1970
Passed by the House March 7, 1970

(S. C. R. No. 142)

A CONCURRENT RESOLUTION
EXPRESSING APPRECIATION TO THE IDAHO MEDICAL ASSOCIATION AND TO DOCTOR JOHN A. EDWARDS, FOR
FURNISHING MEDICAL DISPENSARY SERVICES TO THE IDAHO LEGISLATURE.

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

WHEREAS, the Idaho Medical Association has established and provided for the members of the Senate and House of Representatives a medical dispensary in the House Chamber of the Idaho Statehouse to provide medical care and attendance for all members and employees of the Legislature; and

WHEREAS, the Idaho Medical Association has provided all necessary medical supplies and made all arrangements to provide the necessary medical equipment; and

WHEREAS, Doctor John A. Edwards, practicing physician of the city of Council, Idaho, and member of the House of Representatives of the Second Regular Session of the Fortieth Idaho Legislature, has gratuitously given his services to care for those persons requesting medical dispensary attention; and

WHEREAS, it is our desire to express our appreciation and gratitude to the Idaho Medical Association and to Doctor John A. Edwards.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that we express our sincere appreciation and gratitude to the Idaho Medical Association and to Doctor John A. Edwards for making this highly beneficial service available to us.

BE IT FURTHER RESOLVED that this Resolution be spread upon the Journal of the Senate and the Journal of the House of Representatives, and that the Secretary of the Senate be, and he hereby is, instructed to forward copies thereof to the Idaho Medical Association, 407 West Bannock Street, Boise, Idaho, and to Doctor John A. Edwards, Council, Idaho.

Passed by the Senate March 6, 1970
Passed by the House March 7, 1970

(S. C. R. No. 143)

A CONCURRENT RESOLUTION

EXPRESSING APPRECIATION TO ASSOCIATED INDUSTRIES OF IDAHO FOR FURNISHING THE LEGISLATIVE DIGEST TO THE STATE LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Associated Industries of Idaho has prepared and distributed to the members of the Senate and the House of Representatives, each day of the Second Regular Session of the Fortieth Idaho Legislature, a legislative digest of bills introduced in each chamber, together with an attractive personalized binder for same; and

WHEREAS, the objective analyses of the bills digested therein have been of considerable assistance and a real benefit to the members of the legislature; and

WHEREAS, it is our desire to express our gratitude to Associated Industries of Idaho for this fine service;

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that we express our sincere appreciation to the members of the Associated Industries of Idaho and to Bart A. Brassey, as manager, for making this highly beneficial service available to us.

BE IT FURTHER RESOLVED that this Resolution be spread upon the Journal of the Senate and the Journal of the House, and that the Secretary of the Senate be, and he hereby is, instructed to forward a copy thereof to Bart A. Brassey, Managing Director, Associated Industries of Idaho, 306 Simplot Building, Boise, Idaho.

Passed by the Senate March 6, 1970
Passed by the House March 7, 1970

(S. C. R. No. 145)

A CONCURRENT RESOLUTION
EXPRESSING APPRECIATION TO JUDGE RAYMOND L. GIVENS FOR HIS YEARS OF DEVOTED SERVICE TO THE CITIZENS OF THE STATE OF IDAHO.

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

WHEREAS, through a singular life in public service, Raymond L. Givens has contributed to the progress of the state of Idaho throughout the years of the twentieth century; and

WHEREAS, Judge Givens has devoted a lifetime to a variety of positions of public trust, including prosecuting attorney, 1912-1916; state legislator, 1919; assistant attorney general, 1920; district judge, 1921-1924; and supreme court justice from 1925 to 1954, including eight terms as chief justice; and
WHEREAS, in his most recent service to the state, Judge Givens has guided the deliberations of the Constitutional Revision Commission and contributed a wealth of information from his resources in state service; and

WHEREAS, Judge Givens possesses the admirable personal characteristics of incisive intelligence and subtle good humor;

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the Second Regular Session of the Fortieth Idaho Legislature extend its warmest appreciation to Judge Raymond L. Givens for his unique and untiring efforts on behalf of the state of Idaho and her citizens.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and he is hereby authorized and directed to prepare a statement of legislative appreciation to be presented to Judge Raymond L. Givens.

Passed by the Senate March 6, 1970
Passed by the House March 6, 1970

(S. C. R. No. 146)

A CONCURRENT RESOLUTION
AUTHORIZING THE EXPENDITURE OF $4,000 FROM THE LEGISLATIVE FUND AND DIRECTING THAT THE LIEUTENANT GOVERNOR DISTRIBUTE SUCH MONEYS BY PAYMENT AS AGENT AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, the Legislature of the state of Idaho recognizes that certain long standing obligations remain unattended and unpaid; and

WHEREAS, it is in the best interest that these obligations be met and the dignity of the state of Idaho be maintained and enhanced.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the Lieutenant Governor is hereby authorized to meet the obligations set forth above by distribution of $4,000 from the Legislative Fund by payment as agent.

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect immediately upon approval of both houses of the Legislature.

Passed by the Senate March 7, 1970
Passed by the House March 7, 1970
A CONCURRENT RESOLUTION
PROVIDING FOR THE ADJOURNMENT OF THE SECOND REGULAR SESSION OF THE FORTIETH LEGISLATURE OF THE STATE OF IDAHO AND FIXING THE TIME FOR ADJOURNMENT SINE DIE.

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

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that at the hour of 5:00 p.m. on March 7, 1970, the Senate and the House of Representatives of the Second Regular Session of the Fortieth Idaho Legislature adjourn Sine Die.

Passed by the Senate March 7, 1970
Passed by the House March 7, 1970
HOUSE CONCURRENT RESOLUTIONS

(H. C. R. No. 33)

A CONCURRENT RESOLUTION


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

WHEREAS, the governor has informed the House of Representatives and the Senate that he desires to deliver a message to a joint session of the House of Representatives and the Senate in the chamber of the House of Representatives at 1:00 P.M. on Monday, January 12, 1970;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the Senate and the House of Representatives meet in joint session on Monday, January 12, 1970, at 1:00 P.M., for the purpose of hearing the message from the governor.

Passed by the House January 12, 1970
Passed by the Senate January 12, 1970

(H. C. R. No. 34)

A CONCURRENT RESOLUTION

CONTINUING THE AUTHORIZATION CREATED AND ESTABLISHED BY HOUSE CONCURRENT RESOLUTION NO. 6 OF THE FIRST REGULAR SESSION OF THE FORTIETH IDAHO LEGISLATURE TO STUDY AND TAKE THE NECESSARY STEPS TO PREPARE

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

WHEREAS, House Concurrent Resolution No. 6 of the Fortieth Legislature authorized the study of the Uniform Consumer Credit Code because of the generally erratic and unreasoned nature of present usury statutes; because of the need for debtor protection against certain unconscionable conduct, and because of the control which will be imposed upon the state by the Federal Truth-In-Lending Act unless state legislation is adopted; and

WHEREAS, many of the provisions of the Uniform Consumer Credit Code would have extensive impact upon numerous areas of the Idaho economy and the time allotted to study was not sufficient to prepare possible revisions and modifications of the code to adapt it to these unique Idaho situations; and

WHEREAS, funds will be required to obtain the expertise essential to making modifications in the Uniform Consumer Credit Code,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the state of Idaho, the Senate concurring therein, that the legislative council is directed to continue the study of the Uniform Consumer Credit Code, and the provisions of House Concurrent Resolution No. 6 of the First Regular Session of the Fortieth Idaho Legislature are hereby continued in full force and effect.

Passed by the House January 22, 1970
Passed by the Senate January 23, 1970

(H. C. R. No. 35)

A CONCURRENT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A SPECIAL JOINT COMMITTEE COMPOSED OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE SECOND
REGULAR SESSION OF THE FORTIETH IDAHO LEGISLATURE
TO STUDY AND MAKE RECOMMENDATIONS TO THE
LEGISLATURE AND MAKE ARRANGEMENTS FOR THE
DRAFTING OF NECESSARY LEGISLATION CONCERNING THE
IMPLEMENTATION OF SECTION 8, ARTICLE III, OF THE
CONSTITUTION OF THE STATE OF IDAHO PROVIDING FOR
ANNUAL SESSION OF THE LEGISLATURE.

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

WHEREAS, Section 8, Article III of the Constitution of the State of
Idaho provides for sessions of the legislature to be held annually and it is
necessary to provide rules and statutes to fully implement said constitutional
provisions,

NOW, THEREFORE, BE IT RESOLVED by the House of
Representatives, the Senate concurring therein, that a special committee
consisting of two members of the Senate, to be appointed by the President
of the Senate, and two members of the House of Representatives, to be
appointed by the Speaker of the House, be established to study and make
recommendations to the legislature concerning all rules, statutes, and further
constitutional amendments necessary to fully implement the provisions of
Section 8, Article III of the Constitution of the State of Idaho. The
committee shall also cause all necessary legislation concerning their
recommendations and proposals to be prepared and submitted to the
legislature for its consideration.

Passed by the House January 13, 1970
Passed by the Senate January 14, 1970

(H. C. R. No. 36)

A CONCURRENT RESOLUTION
FIXING THE SALARIES OF THE EMPLOYEES OF THE SECOND
REGULAR SESSION OF THE FORTIETH IDAHO LEGISLATURE.

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

WHEREAS, Sections 67-601, 67-602 and 67-608 of the Idaho Code
provide that the compensation of the employees of the Senate and the
House of Representatives shall be fixed by concurrent resolution of the
Senate and House; and

WHEREAS, it is the desire of the Senate and the House of
Representatives, by this concurrent resolution, to fix the compensation of
the employees of the Second Regular Session of the Fortieth Idaho Legislature.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the compensation of the various officers of the Senate and House of Representatives of the Second Regular Session of the Fortieth Idaho Legislature be fixed as follows:

Secretary of the Senate ................................................. $35.00
Chief Clerk and Parliamentarian (House) ............................................. $35.00
Assistant Secretary of the Senate .............................................. $30.00
Assistant Chief Clerk (House) .............................................. $30.00
Assistants to the President and Speaker ............................................. $30.00
Assistant to the President Pro Tem ............................................. $30.00
Secretary to the Speaker .............................................. $25.00
Secretary to the Majority Leader ............................................. $25.00
Secretary to the Minority Leader ............................................. $25.00
Sergeant-at-Arms .............................................. $27.50
Assistant Sergeant-at-Arms ............................................. $22.50
Docket Clerks .............................................. $27.50
Journal Clerks .............................................. $27.50
Secretaries to Chief Clerk and Secretary of the Senate ............................................. $22.50
Chaplains .............................................. $10.00
Attorneys .............................................. $35.00
Payroll Clerks .............................................. $25.00
Secretary to Revenue & Taxation ............................................. $27.50
Secretaries to Appropriations & Finance Committees ............................................. $27.50
Secretaries to Attorneys ............................................. $22.50
Committee Secretaries ............................................. $22.50
Secretaries to the Minority Party ............................................. $22.50
Bill Center Administrator ............................................. $30.00
Assistant Bill Center Administrator ............................................. $27.50
Machine Operators ............................................. $25.00
Daily Data Clerks ............................................. $22.50
Index Clerk ............................................. $25.00
Copy Supervisor ............................................. $17.50
Xerox Operators ............................................. $17.50
Proof Readers ............................................. $22.50
Mail Clerks ............................................. $15.00
Information Clerks ............................................. $15.00
A CONCURRENT RESOLUTION

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

WHEREAS, through his life and works, David O. McKay offered an example of Christian principles to all Americans; and

WHEREAS, David O. McKay served the members of the Church of Jesus Christ of Latter-Day Saints throughout his many years, and for nineteen years provided guidance and counsel as the President of the Church, expanding its membership, carrying word of its teachings to many millions, and supervising continued construction and dedication of buildings to its work; and

WHEREAS, all people of the world will mark with sorrow the passing of this great leader and inspirational individual, so too will the people of the state of Idaho join in acknowledging with sadness the death of David O. McKay.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the state of Idaho, the Senate concurring therein, that the members of the Fortieth Idaho Legislature take this opportunity to recognize and memorialize the contribution to the quality of our lives made by President David O. McKay, and urge that all citizens of this state and the United States join in observances to commemorate this contribution.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives of the state of Idaho be, and she is hereby authorized and directed to transmit suitable copies of this resolution to Emma Ray McKay,
A CONCURRENT RESOLUTION
PROVIDING FOR PRINTING THE SESSION LAWS, FIXING THE PRICE
FOR PRINTING THE SAME, AND THE PRICE WHICH THE PUBLIC
SHALL BE CHARGED FOR COPIES OF SAID SESSION LAWS.

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

WHEREAS, Section 67-904, Idaho Code, has made provisions for the
printing of the Session Laws;

NOW, THEREFORE, in accordance with a written contract duly made
and entered into by the Joint Printing Committee of the Senate Judiciary
and Legislative Administration Committee and the House Printing and
Legislative Expense Committee,

BE IT RESOLVED by the House of Representatives, the Senate
concurring, that the contract for the printing of the Session Laws, in
accordance with the provisions of law and in accordance with the written
contract between the Joint Printing Committee as party of the first part, and
CAXTON PRINTERS, LTD., of Caldwell, Idaho, as party of the second part,
be, and the same is hereby ratified, confirmed and concurred in, and is
incorporated herein and made a part of this resolution, in words and figures
following, to wit:

PRINTING CONTRACT

THIS AGREEMENT, made and entered into this 20th day of January,
1970, by and between the Joint Printing Committee of the Senate Judiciary
and Legislative Administration Committee and the House Printing and
Legislative Expense Committee of the legislature of the state of Idaho,
hereinafter mentioned as party of the first part, and THE CAXTON
PRINTERS, LTD., of Caldwell, Idaho, hereinafter mentioned as party of the
second part;

WITNESSETH:

That pursuant to a resolution of said committee and written bids
submitted to the said committee by the party of the second part, contract
for legislative printing is hereby awarded to said CAXTON PRINTERS, LTD., as follows:

SESSION LAWS

For printing and binding 1200 copies of the Session Laws of the Second Regular Session of the Fortieth Legislature of the State of Idaho: $11.85 per page, f.o.b. Boise, Idaho, if produced by offset lithography with camera-ready copy being furnished party of the second part; an additional quantity to be made available to the general public at $14.50 per volume. An additional rate of $1.40 per second volume may be charged if a second volume is required. No charge for proofreading or blank pages.

IT IS AGREED between the parties hereto that all of said printing shall be done in the form and manner as submitted in written bid by party of the second part, and in compliance with the statutes of the state of Idaho; where not otherwise provided such statutes shall be controlling.

IT IS FURTHER AGREED that said Session Laws shall be printed and ready for distribution in conformity with the provisions of Section 67-904, Idaho Code, which section is hereby referred to and by such reference made a part of this contract as though set forth at length herein, and particularly as follows:

1. A sufficient number of volumes to supply all state, county and precinct officials must be printed and ready for distribution to such officials within ninety (90) days after the last day on which the governor may sign or approve bills following the adjournment of this session of the legislature.

2. A sufficient number of volumes of such Session Laws shall be printed and ready for distribution to lawyers and the general public to supply their needs within sixty (60) days after the last day on which the governor may sign or approve bills following the adjournment of this session of the legislature.

3. That the remaining number of volumes contracted for shall be printed and ready for delivery within sixty (60) days after the adjournment of the legislature.

Such printing and the delivery of said Session Laws are to be made to the Secretary of State as provided by law; that for each day's failure to so deliver volumes of such Session Laws as herein provided, there shall be deducted from the contract price for printing said Session Laws the sum of $50.00 per day for each day's delay; provided, however, that the party of the second part shall not be held responsible for delay occasioned by failure to furnish copy for such printing to the party of the second part and such delay shall, to the same extent, extend the time for the performance of this agreement.
IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper officials, and the party of the first part, by concurrent resolution, has caused these presents to be executed by its proper officials.

SENATE JUDICIARY AND LEGISLATIVE ADMINISTRATION COMMITTEE
By Robert M. Rowett, Chairman

HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE
By Aden Hyde, Chairman
Party of the First Part

THE CAXTON PRINTERS, LTD.
By Jim Gipson
Party of the Second Part

Passed by the House January 27, 1970
Passed by the Senate January 28, 1970

(H. C. R. No. 39)

A CONCURRENT RESOLUTION
RECOGNIZING THE COURAGE AND STRENGTH OF ALL ASTRONAUTS IN THEIR VARIOUS EXPRESSIONS OF FAITH IN ALMIGHTY GOD ON THEIR MOON–CIRCLING MISSIONS, MOON LANDING MISSIONS, AND ALL OTHER FLIGHTS LEADING TOWARD AND DESIGNED TO EFFECTUATE SUCCESSFUL MOON LANDINGS; ENCOURAGING THE PRESIDENT OF THE UNITED STATES AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TO ALLOW SIMILAR FREEDOMS ON FUTURE SPACE FLIGHTS; AND DIRECTING THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES TO TRANSMIT A COPY OF THIS RESOLUTION.

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

WHEREAS, references made by astronauts to the creation of this universe, their individual faiths in a Creator, renews memories of the faith of those who founded our Nation; and

WHEREAS, there are those who would attempt to ignore the existence
of Almighty God and thus make an effort to deny man such expressions of gratefulness on future missions; and

WHEREAS, from the great northwest of our Nation, the heartbeat of mankind overwhelmingly accords, as does our Constitution, appropriate and rightful recognition of our Supreme Being.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate of the Second Regular Session of the Fortieth Idaho Legislature concurring therein, that President Richard M. Nixon, the National Aeronautics and Space Administration, and future astronauts be encouraged to continue expressions on earth and throughout the universe of our hope for Peace on Earth, Good Will to Men.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and is hereby authorized and directed to forward copies of this resolution to the President of the United States, the National Aeronautics and Space Administration, and all astronauts, in care of the National Aeronautics and Space Administration, Houston, Texas.

Passed by the House January 31, 1970
Passed by the Senate February 3, 1970

(H. C. R. No. 42)

A CONCURRENT RESOLUTION PROVIDING FOR THE ADOPTION OF THE PERMANENT JOINT RULES OF THE IDAHO LEGISLATURE.

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

WHEREAS, it is the desire of the House and Senate by this Concurrent Resolution to adopt permanent Joint Rules governing the operation of the Idaho Legislature.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the following be adopted as the permanent Joint Rules of the Idaho Legislature:

JOINT RULE 1

These Joint Rules, upon adoption by both the Senate and House of Representatives, shall be the permanent Joint Rules of the Legislature.

These Joint Rules shall take precedence over special rules of either the Senate or House which may be in conflict therewith and may be amended
only by the concurrence of two-thirds of the members voting of both houses.

JOINT RULE 2

DEFINITIONS. — As used in these Joint Rules, unless the context clearly requires otherwise, the following terms shall have the meanings hereinafter respectively ascribed to them.

RESOLUTION. — This term denotes the adoption of a motion, the subject matter of which would not properly constitute a statute. EXAMPLES: An alteration of the rules, a vote of thanks, a vote of censure, etc.

CONCURRENT RESOLUTION. — This term denotes a resolution that originates in one house of the legislature where it is passed and is then sent to the other house for passage. It is signed by the presiding officers of both houses.

JOINT RESOLUTION. — A joint resolution is a resolution passed by both houses of the legislature proposing an amendment to the constitution of the state of Idaho.

BILL. — This term denotes the draft of a law or amendment thereto submitted to the legislature for its approval or rejection. Bills may be originated in either house and may be amended or rejected in the other, except that bills for raising revenue must originate in the House of Representatives and a bill originating in one house and amended in the other may not again be amended in the house of origin except pursuant to report of a conference committee.

The enacting clause of every bill must read "Be It Enacted by the Legislature of the State of Idaho". All bills must be signed by the presiding officers of the respective houses. Every act or joint resolution shall be plainly worded avoiding as far as practicable the use of technical terms.

JOINT MEMORIAL. — A petition or representation made by the House of Representatives and concurred in by the Senate, or vice versa, addressed to whoever can effectuate the request of the memorial.

ENGROSSED BILL. — An amended bill with the amendments correctly drafted and before the house of origin for further action.

ENROLLED BILL. — A bill that has passed both houses and awaits only the signatures of the presiding officers thereof.

JOINT RULE 3

REPORT OF ACTION TAKEN AND TRANSMITTAL OF BILLS, JOINT AND CONCURRENT RESOLUTIONS AND MEMORIALS. — When
final action shall have been taken on any bill, joint or concurrent resolution or memorial in the house in which it originates, it shall be transmitted to the other house on or before the first order of business of the receiving house on the next succeeding legislative day with an endorsement thereon by the secretary or chief clerk, as the case may be, showing a complete record of all action taken thereon. When final action shall have been taken on any bill, joint or concurrent resolution which has been passed in one house, it shall be returned to the house in which it originated on or before the first order of business of the receiving house on the next succeeding legislative day with an endorsement thereon by the secretary or chief clerk, as the case may be, showing a complete record of all action taken thereon.

JOINT RULE 4

ENROLLING AND ENGROSSING. — After a bill shall have passed both houses, it shall be enrolled by the enrolling clerk of the house from which it originated not later than 48 hours after the time of passage. All bills, memorials and resolutions shall be engrossed only in the house in which they originated.

JOINT RULE 5

PROCEDURE AFTER ENROLLMENT. — After being enrolled each bill shall be examined by the committee on enrolling of the house in which it originated, and after being reported, shall be signed first by the presiding officer of the house in which it originated, then by the presiding officer of the other house, and lastly be submitted to the governor for his consideration. All bills shall be so signed and delivered to the governor for his consideration within 72 hours after final passage. The date and hour of submission of a bill to the governor shall be entered on the journal of the house in which it originated. There shall be endorsed on each bill, memorial or resolution the certificate of the secretary or chief clerk, as the case may be, as to the house of its origin. The date and hour of passage in the respective houses shall also be shown.

JOINT RULE 6

RESOLUTIONS AND MEMORIALS. — Joint resolutions shall be treated in every respect as are bills except that they shall be passed only by 2/3 majority of the membership of each house. Concurrent resolutions and memorials shall be printed as are bills and also be printed in the journal. When passed in one house and transmitted to the other, they shall be accepted or rejected only and shall not be subject to amendment. Joint
resolutions, concurrent resolutions and memorials shall, after being passed, be filed with the secretary of state, rather than being submitted to the governor for consideration.

JOINT RULE 7

MESSAGES FROM ONE HOUSE TO OTHER. — When a message shall be sent by either house to the other, the same shall be reduced to writing and transmitted to the desk of the secretary or chief clerk, as the case may be, by the person to whom such message or communication shall be taken up at the proper order of business as may be provided by the rules of the house to which said message is sent. Such messages shall be transmitted by the officers or employees provided by each house for such purpose or by such other person as the presiding officer may select.

JOINT RULE 8

MESSAGES TO BE SIGNED BY SECRETARY OR CHIEF CLERK. — Notice to either house of action by the other house shall be in writing and be signed by the secretary or chief clerk, as the case may be, of the house from which such notice or message is conveyed.

JOINT RULE 9

BILL PASSED BY ONE HOUSE AND REJECTED BY THE OTHER MAY NOT BE INTRODUCED IN HOUSE OF ORIGIN. — When a bill or joint resolution (except in matters pertaining to revenue or finance) shall have been passed by one house, and rejected by the other, it cannot be again introduced in the house in which it originated during the term of the regular annual or special session in which originally introduced, but may be again introduced in a special session or in the next regular annual session.

JOINT RULE 10

CONFERENCE COMMITTEES. — When a bill or joint resolution passed by one house shall have been amended in the other, upon its return to the house of origin, that house may request that a conference committee be appointed to confer with a similar committee from the other house, which shall be appointed upon request directed to the presiding officer thereof. If both houses adhere to their disagreement after vote of the joint committees of conference, the bill or joint resolution shall be considered lost and report thereof made to the presiding officer of each house. If, by vote of the joint committees of conference, agreement can be reached on the amendments in controversy, the same shall be returned to the house wherein the bill or joint
resolution was amended with the recommendation that it be further amended in accordance with the agreement of the committees of conference. Upon such further amendment, the bill shall be returned to the house of its origin for final action.

JOINT RULE 11
CHAIRMAN OF JOINT COMMITTEE. — The chairman of the Senate committee shall be chairman of all committees or meetings where committees of both houses sit jointly.

In absence of the chairman of the Senate committee, the chairman of the House committee shall act as chairman of the meeting.

JOINT RULE 12
JOINT SESSIONS. — When the two houses meet in joint session, the speaker of the House shall preside. Such sessions shall be held in the Chamber of the House of Representatives. The secretary of the Senate and the chief clerk of the House shall be the clerks of such session and the record of the proceedings shall be entered on the journals of the respective houses. The chief clerk shall be the reading clerk of such session.

JOINT RULE 13
DUTIES OF SERGEANT-AT-ARMS. — It shall be the duty of the sergeant-at-arms to announce to the presiding officer of his house all committees sent to it by the other house. The sergeant-at-arms of the House shall be the sergeant-at-arms of all joint sessions.

JOINT RULE 14
PRESS ACCREDITATION. — The Capitol Correspondents Association shall be recognized as the accrediting agency for newsmen and newssrophotographers covering either house of this legislature.

JOINT RULE 15
MISTAKEN TRANSMITTALS. — In event any bill, resolution or memorial or other document shall, by mistake, have been transmitted from one house to the other, it shall, upon request of the presiding officer of the house from whence it came, be immediately returned thereto unless substantive action of amendment or vote shall have already been taken thereon. The request shall clearly outline the mistake requiring the request.
JOINT RULE 16

HOURS CHAMBER OPEN. — The Chamber of the Senate and House of Representatives shall be open, during any regular or special session, during the hours of 7:00 A.M. to 11:00 P.M., Monday through Friday; 7:00 A.M. to 5:00 P.M. Saturdays; and 10:00 A.M. to 5:00 P.M. on Sundays, and all other times that the Senate or House shall be in session.

JOINT RULE 17

NUMBERING. — (a) All bills, joint resolutions, joint memorials and concurrent resolutions in the Senate and House of Representatives shall be numbered consecutively, commencing with numbers as follows:

- Bills introduced in the Senate shall commence with the number 1001.
- Bills introduced in the House shall commence with the number 1.
- Senate joint resolutions, joint memorials and concurrent resolutions, respectively, shall commence with the number 101.
- House joint resolutions, joint memorials and concurrent resolutions, respectively, shall commence with the number 1.

(b) With the exception of extraordinary sessions, bills, resolutions and memorials shall be numbered consecutively from the first through the second regular sessions of the legislature. Bills, resolutions and memorials introduced during any extraordinary session shall be numbered without regard to the numbering system used in any regular session.

Passed by the House January 31, 1970
Passed by the Senate February 3, 1970

(H. C. R. No. 43)

A CONCURRENT RESOLUTION

AUTHORIZING AND DIRECTING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE TO EXPEND MONEYS TO PURCHASE MAGNETIC TAPE SELECTRIC TYPEWRITERS, COMPOSERS, AND RELATED EQUIPMENT OUT OF FUNDS APPROPRIATED GENERALLY FOR LEGISLATIVE EXPENSES.

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

WHEREAS, the Legislature has adopted a system for machine processing of legislative instruments, and
WHEREAS, it is the sense of the Legislature that it is more advantageous to the state of Idaho to purchase the machines necessary to perfect this system.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the Speaker of the House of Representatives and the President of the Senate, be, and they are hereby authorized and directed to purchase the magnetic tape selectric typewriters, composers and related equipment to perfect the system out of funds appropriated generally for legislative expenses, in the following amounts:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>3 MT SELECTRIC TYPEWRITERS AND CONSOLES</td>
<td>$24,948.93</td>
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<tr>
<td>3 REVERSE SEARCH</td>
<td>535.41</td>
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<tr>
<td>3 CODE CONVERSION</td>
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<td>3 COMPOSER COMPATIBILITY</td>
<td>1,315.02</td>
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<tr>
<td>3 DESKS</td>
<td>646.68</td>
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<tr>
<td>1 MT SELECTRIC COMPOSER</td>
<td>3,760.00</td>
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<tr>
<td>1 2500 MODIFICATION</td>
<td>307.33</td>
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<tr>
<td>1 MT READER</td>
<td>1,755.00</td>
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<tr>
<td>1 MT COMPOSER CONSOLE</td>
<td>5,670.33</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$39,902.45</strong></td>
</tr>
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Passed by the House February 18, 1970
Passed by the Senate February 21, 1970

(H. C. R. No. 45)

A CONCURRENT RESOLUTION

PROVIDING FOR OFFSET PRINTING SENATE AND HOUSE BILLS, AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, the Joint Printing Committee of the Senate Judiciary and Legislative Administration Committee and the House Printing and Legislative Expense Committee has, according to law, made provisions for the offset printing of the House and Senate Bills;

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Joint Printing Committee of the Senate Judiciary and Legislative Administration Committee and the House Printing and Legislative Expense Committee,
BE IT RESOLVED by the House of Representatives, the Senate concurring, that the contract for the offset printing of the Senate and House Bills, in accordance with the provisions of law and in accordance with the written contract between the Joint Printing Committee as party of the first part, and SYMS-YORK COMPANY, Boise, Idaho, as party of the second part, be, and the same is hereby ratified, confirmed and concurred in, and is incorporated herein and made a part of this resolution, in words and figures following, to wit:

PRINTING CONTRACT

THIS AGREEMENT, made and entered into this 30th day of January, 1970, by and between the Joint Printing Committee of the Senate Judiciary and Legislative Administration Committee and the House Printing and Legislative Expense Committee of the Legislature of the State of Idaho, hereinafter mentioned as party of the first part, and SYMS-YORK COMPANY, Boise, Idaho, hereinafter mentioned as party of the second part; WITNESSETH:

That pursuant to a resolution of said committee and written bids submitted to the said committee by the party of the second part, contract for legislative printing is hereby awarded to said SYMS-YORK COMPANY, as follows:

SENATE AND HOUSE BILLS

1000 copies .................................. $13.25 per printed page.
Additional 100 copies .......................... $.75 per printed page.

IT IS AGREED between the parties hereto that all of said printing shall be done in the form and manner as submitted in written bid by party of the second part, and in compliance with the statutes of the state of Idaho; where not otherwise provided such statutes shall be controlling.

IT IS AGREED between the parties hereto that in the printing of Senate and House Bills, the same shall be delivered daily on the desk of the Secretary of the Senate and Chief Clerk of the House of Representatives not later than the hour of 9:00 o'clock a.m. on each day; provided, that the party of the second part shall not be responsible in this respect, in cases of unreasonable delay in furnishing copy for such printing to the party of the second part.

IT IS FURTHER AGREED, that the number of copies of Senate and House Bills to be supplied under this contract may from time to time be determined by the party of the first part; and that all other terms of specifications for Senate and House Bills of the first party shall be complied with as though set forth herein at length.
The party of the second part further covenants and agrees, immediately upon the execution of this agreement to deliver to the party of the first part good and sufficient surety bond in the manner and form, and with a surety acceptable to party of the first part, in the sum of $5,000.00, guaranteeing the satisfactory and faithful performance by the party of the second part of all the conditions and covenants of this contract.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper official, and the party of the first part, by concurrent resolution, has caused these presents to be executed by its proper officials.

JOINT PRINTING COMMITTEE of the
Senate Judiciary and Legislative Administration Committee

By: ROBERT ROWETT, Chairman
House Printing and Legislative Expense Committee

By: ADEN HYDE, Chairman

Party of the first part
SYMS-YORK COMPANY

By: KARL W. BONHAM

Party of the second part
Passed by the House February 13, 1970
Passed by the Senate February 17, 1970

(H. C. R. No. 46)

A CONCURRENT RESOLUTION
DIRECTING THE LEGISLATIVE COUNCIL TO CONDUCT A STUDY
AND REVIEW OF THE POSSIBILITY OF INCLUDING CERTAIN
POLICEMEN'S RETIREMENT FUNDS WITHIN THE PUBLIC
EMPLOYEE RETIREMENT SYSTEM, AND TO CONDUCT A
REVIEW OF MATTERS RELATED TO THE SYSTEM.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, there are several cities in the state of Idaho which have established and are maintaining policemen's retirement funds; and
WHEREAS, there are several cities in the state of Idaho which have included their policemen within the public employee retirement system of Idaho; and
WHEREAS, there are other areas of the public employee retirement system which continually need impartial reevaluation in light of current economic and social conditions.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the Legislative Council is hereby authorized and directed to undertake a study and review of the possibility of including certain policemen's retirement funds within the public employee retirement system, and to review related matters to the public employee retirement system as recommended for review by the retirement board.

BE IT FURTHER RESOLVED that the results and recommendations of this study shall be reported to the First Regular Session of the Forty-first Idaho Legislature.

BE IT FURTHER RESOLVED that the Legislative Council shall assign this study authorization to the same committee currently functioning under the provisions of Senate Concurrent Resolution Number 112 of the First Regular Session of the Fortieth Idaho Legislature.

Passed by the House February 18, 1970
Passed by the Senate February 23, 1970

(H. C. R. No. 48)

A CONCURRENT RESOLUTION
REQUESTING THE STATE BOARD OF HEALTH TO NAME THE HOSPITAL AT THE IDAHO STATE SCHOOL AND HOSPITAL THE ERWIN C. SAGE MEMORIAL HOSPITAL.

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

WHEREAS, the state of Idaho has among its distinguished citizens Dr. Erwin C. Sage; and

WHEREAS, Dr. Erwin C. Sage contributed greatly to the development of the Idaho State School and Hospital at Nampa; and

WHEREAS, it is only fitting that the state pay tribute to this esteemed citizen.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate of the Second Regular Session of the Fortieth Idaho Legislature concurring therein, that we express our sincere appreciation for the services performed by Dr. Erwin C. Sage, and that we
hereby request the State Board of Health to designate the hospital facility at the Idaho State School and Hospital as the ERWIN C. SAGE MEMORIAL HOSPITAL.

BE IT FURTHER RESOLVED that this resolution be spread upon the journal of the House of Representatives and the Senate and that the Chief Clerk of the House be, and she is hereby instructed to forward a copy of this resolution to each member of the State Board of Health and to Dr. Erwin C. Sage.

Passed by the House February 19, 1970
Passed by the Senate March 6, 1970

(H. C. R. No. 49)

A CONCURRENT RESOLUTION
AUTHORIZING THE SPEAKER OF THE HOUSE AND THE PRESIDENT OF THE SENATE TO COMPLETE NECESSARY WORK AFTER THE ADJOURNMENT OF THE LEGISLATURE.

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

WHEREAS, it is necessary that certain legislative matters must be completed upon the adjournment of the Legislature, and

WHEREAS, it is the responsibility of the presiding officers of the House and Senate to see that these legislative matters are properly and expeditiously carried on.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the Speaker of the House and the President of the Senate be, and they are hereby empowered and directed to retain the Chief Clerk of the House and the Secretary of the Senate and a sufficient number of the employees of both houses for the period of time after adjournment of the Legislature necessary to complete, correct, index, transcribe, arrange, compare and file the records and papers of the House of Representatives and the Senate and to make final and lawful disposition of such records and papers, of the Second Regular Session of the Fortieth Idaho Legislature; that the compensation for the Chief Clerk and the Secretary and the employees retained by the Speaker and the President shall be at the rate per day now received by said Chief Clerk, Secretary or employees, and the Speaker and the President are hereby authorized to certify the same to the state Auditor for payment.
BE IT FURTHER RESOLVED that during the time necessary to make final disposition of the records and papers of the House and the Senate, the Chief Clerk and the Secretary and other employees as the Speaker and the President may require shall perform such duties as may be directed by the Speaker or the President.

BE IT FURTHER RESOLVED that the Speaker be, and he is hereby instructed to have prepared under his direction an index to the House Journal to be printed in the Journal.

BE IT FURTHER RESOLVED that the President be, and he is hereby instructed to have prepared under his direction an index to the Senate Journal to be printed in the Journal.

BE IT FURTHER RESOLVED that the Speaker and the President are authorized to prepare for the organizational session of the Legislature in 1970 and are authorized to retain the necessary personnel for such purposes.

BE IT FURTHER RESOLVED that the Speaker and the President are authorized to provide for the meetings and payment of expenses of standing committees found necessary prior to the convening of the First Regular Session of the Forty-first Legislature, and are hereby authorized to certify the same to the state Auditor for payment.

BE IT FURTHER RESOLVED that the Speaker is hereby authorized to maintain a staff in the office of the Speaker during the time when the House is not in session.

BE IT FURTHER RESOLVED that the Speaker and the President are authorized to direct such work after adjournment and for such shall receive as expenses the same amount of total remuneration as they receive as Speaker of the House and President of the Senate while the Legislature is in session.

Passed by the House February 25, 1970
Passed by the Senate March 5, 1970

(H. C. R. No. 50)

A CONCURRENT RESOLUTION
EXPRESSING APPRECIATION TO THE UNIVERSITY OF IDAHO FOR ITS RELEASE OF PROFESSOR PHILIP E. PETERSON FOR THE PURPOSE OF AIDING THE SECOND REGULAR SESSION OF THE FORTIETH IDAHO LEGISLATURE BY HIS PROFESSIONAL
ADVICE IN THE FIELD OF TAXATION.
Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Second Regular Session of the Fortieth Idaho Legislature was faced with many difficult problems in the field of taxation; and

WHEREAS, it was necessary that the House of Representatives seek the most competent help available in solving these problems; and

WHEREAS, the House of Representatives requested the counsel of Philip E. Peterson to aid them in their deliberations;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that we express our deep gratitude and appreciation to the University of Idaho for allowing Professor Peterson to be absent from the University to serve as counsel to the Revenue and Taxation Committee of the House of Representatives.

Passed by the House February 27, 1970
Passed by the Senate March 5, 1970

(H. C. R. No. 51)

A CONCURRENT RESOLUTION
PROVIDING FOR ALTERING HCR 7, FIRST REGULAR SESSION, FORTIETH IDAHO LEGISLATURE, TO DELETE PRINTING A DAILY HOUSE JOURNAL AND TO CHANGE THE PRICE FOR PRINTING THE PERMANENT HOUSE JOURNAL.
Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, HCR 7 of the First Regular Session of the Fortieth Idaho Legislature provided for the printing of Legislative Journals pursuant to Section 67-509, Idaho Code; and

WHEREAS, pursuant to said Section 67-509, the House Printing and Legislative Expense Committee has subsequently entered into a new contract for the Second Regular Session of the Fortieth Idaho Legislature to print no daily House Journal and to print the permanent House Journal at a different price:

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the House Printing and Legislative Expense Committee,

BE IT RESOLVED by the House of Representatives, the Senate concurring, that HCR 7 be hereby altered to provide that no daily House
Journal be printed and that the contract for printing of the permanent House Journal, in accordance with the provisions of law and in accordance with the written contract between the House Printing and Legislative Expense Committee as party of the first part and SYMS-YORK COMPANY, of Boise, Idaho, as party of the second part, be and the same is hereby ratified, confirmed and concurred in, and is incorporated herein and made a part of this resolution, in words and figures following:

PRINTING CONTRACT

THIS AGREEMENT, made and entered into this 30th day of January, 1970, by and between the House Printing and Legislative Expense Committee of the Second Regular Session of the Fortieth Idaho Legislature, hereinafter mentioned as party of the first part and SYMS-YORK COMPANY, of Boise, Idaho, hereinafter mentioned as party of the second part;

WITNESSETH: That pursuant to a resolution of said party of the first part and written bids submitted to the said committee by party of the second part, contract for legislative printing is hereby awarded to the said SYMS-YORK COMPANY, as follows:

PERMANENT JOURNAL

275 copies of the Permanent House Journal $21.70 per column
Index Pages $20.35 per page

IT IS AGREED, by the parties hereto that all of said printing shall be done in the form and manner, and upon such suitable material as is now required by the statutes of the state of Idaho; where not otherwise herein provided, such statutes shall be controlling, and particularly as to the printing of the Legislative Journal, the same shall be printed in conformity with Section 67-509, Idaho Code, which section is hereby referred to and by reference made a part of this contract as though set forth herein at length; and that all other terms of the specifications for the House Journal of the first party shall be complied with as though set forth herein at length.

IT IS FURTHER AGREED, that the final page proof of the permanent printed journal shall be delivered to the Chief Clerk of the House of Representatives not later than twenty days from date of receipt of the approved proof of the permanent journal index, and that for each day's failure to so deliver, there shall be deducted from the contract price for printing said journal the sum of $50.00 per day for each day's delay.

The party of the second part further covenants and agrees, immediately upon the execution of this agreement, to deliver to party of the first part good and sufficient surety bond in the manner and form, and with a surety acceptable to party of the first part, in the sum of $5,000.00, guaranteeing
the satisfactory and faithful performance by the party of the second part of all the conditions and covenants of this contract.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper official and the said party of the first part, by House resolution, has caused these presents to be executed by its proper officials.

House Printing and Legislative Expense Committee
By: ADEN HYDE, Chairman

Party of the first part
SYMS-YORK COMPANY
By: KARL W. BONHAM

Party of the second part
AND BE IT FURTHER RESOLVED that, except as hereinabove specifically altered, HCR 7 is in all respects reaffirmed and shall remain in full force and effect for the Second Regular Session of the Fortieth Idaho Legislature.

Passed by the House February 25, 1970
Passed by the Senate February 27, 1970

(H. C. R. No. 54)

A CONCURRENT RESOLUTION
AUTHORIZING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE TO ALLOCATE MONEYS FOR THE USE OF THE LEGISLATIVE COUNCIL OUT OF MONEYS APPROPRIATED GENERALLY FOR LEGISLATIVE EXPENSES.

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

WHEREAS, the Legislature has authorized and directed that the legislative council shall undertake and complete various studies during the interim between sessions of the Legislature; and

WHEREAS, the appropriations made by law to the legislative council do not include moneys for the payment of legislators’ allowances and travel expenses or consultant fees or expenses.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the Speaker of the
House of Representatives and the President of the Senate be, and they are hereby authorized to allocate $5,500 to the legislative council out of funds appropriated generally for legislative expenses.

Passed by the House March 7, 1970
Passed by the Senate March 7, 1970
SENATE JOINT RESOLUTIONS

(S. J. R. No. 121)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 6, ARTICLE XVIII, OF THE CONSTITUTION OF THE STATE OF IDAHO RELATING TO THE TERMS OF COUNTY TREASURERS, BY PROVIDING THAT COUNTY TREASURERS BE ELECTED EVERY FOUR YEARS COMMENCING WITH THE GENERAL ELECTION HELD IN 1970; PROVIDING FOR SUBMISSION TO THE ELECTORATE OF THE STATE OF IDAHO FOR THEIR APPROVAL OR REJECTION THE QUESTION OF WHETHER OR NOT SAID SECTION 6, ARTICLE XVIII, SHALL BE SO AMENDED; DIRECTING THE ATTORNEY GENERAL TO PREPARE A STATEMENT CONCERNING THIS PROPOSED CONSTITUTIONAL AMENDMENT; AND DIRECTING THE SECRETARY OF STATE TO GIVE LEGAL NOTICE THEREOF.

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

SECTION 1. That Section 6, Article XVIII of the Constitution of the state of Idaho, be amended to read as follows:

SECTION 6. COUNTY OFFICERS. — The legislature by general and uniform laws shall, commencing with the general election in 1964 1970, provide for the election biennially, in each of the several counties of the state, of county commissionners, a county treasurer, who is ex-officio public administrator, a probate judge, until otherwise provided by the legislature, a county assessor and a coroner and for the election of a sheriff and, a county treasurer, who is ex-officio public administrator, every four years in each of the several counties of the state. A probate or other county judge may be a county officer if provided for by law. All taxes shall be collected by the officer or officers designated by law. The clerk of the district court shall be ex-officio auditor and recorder. No other county officers shall be
established, but the legislature by general and uniform laws shall provide for such township, precinct and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. The legislature shall provide for the strict accountability of county, township, precinct and municipal officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. The county commissioners may employ counsel when necessary. The sheriff, county assessor, county treasurer, and ex-officio tax collector, auditor and recorder and clerk of the district court shall be empowered by the county commissioners to appoint such deputies and clerical assistants as the business of their office may require, said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners.

SECTION 2. The question to be submitted to the electors of the state of Idaho at the next general election shall be as follows:

"Shall Section 6, Article XVIII of the Constitution of the state of Idaho be amended to provide for the election of county treasurers every four years commencing with the general election of 1970, rather than every two years as presently required?"

SECTION 3. The Attorney General is directed to prepare the statement required by Section 67-507a, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment for six consecutive weeks prior to the next general election, in one newspaper of general circulation published in each county of the state of Idaho.

Passed by the Senate February 21, 1970
Passed by the House March 7, 1970

(S. J. R. No. 122, As Amended)

A JOINT RESOLUTION
PROPOSING A REVISED CONSTITUTION FOR THE STATE OF IDAHO;
STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; AND DIRECTING THE SECRETARY OF STATE TO GIVE LEGAL NOTICE THEREOF.

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

SECTION 1. The Legislature of the state of Idaho does not deem it
necessary to call a Constitutional Convention for the purpose of submitting a revised Constitution to the electors. This revised Constitution shall be submitted for adoption or rejection, by majority vote of the electors voting on this proposal, at the next general election to be held on the Tuesday after the first Monday in November, 1970. The Constitution of the state of Idaho shall read as follows:

**THE CONSTITUTION OF THE STATE OF IDAHO**

**PREAMBLE**

We, the people of the state of Idaho, grateful to almighty God for our freedom, to secure its blessings and promote our common welfare do establish this constitution, mindful of the concern of all good government for the virtue and sobriety of the people, purity of the home, and of the need to further all wise and well directed efforts for the promotion of temperance and morality.

**ARTICLE I DECLARATION OF RIGHTS**

**SECTION 1. INALIENABLE RIGHTS OF MAN.** — All men are by nature free and equal and have certain inalienable rights, among them to enjoy and defend life and liberty; to acquire, possess, and protect property; and enjoy the right of privacy; to have the quality of their environment preserved and enhanced; to pursue happiness and secure safety.

**SECTION 2. INHERENT POLITICAL POWER OF THE PEOPLE.** — All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish it whenever they may deem it necessary; and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the legislature.

**SECTION 3. INSEPARABILITY OF THE STATE FROM THE UNITED STATES OF AMERICA.** — The state of Idaho is an inseparable part of the United States of America, and the constitution of the United States is the supreme law of the land.

**SECTION 4. RIGHT OF TRIAL BY JURY IN CIVIL AND CRIMINAL CASES.** — The right of trial by jury shall remain inviolate, except that

(a) in civil cases, a jury trial may be waived by consent of the parties, signified in such manner as prescribed by law; the jury shall consist of a number not less than six nor more than twelve persons as prescribed by law,
or of any number upon which the parties may agree in open court; and
three-fourths of the jury may render a verdict;

(b) in criminal cases, a jury shall be waived at the request of the
defendant or of the defendants if there be more than one, made in open
court. In misdemeanor cases, the legislature may provide that the jury shall
consist of any number not less than six nor more than twelve persons, and
that five-sixths of such jury may render a verdict. In felony cases, the verdict
must be unanimous.

SECTION 5. GUARANTEE AGAINST PROSECUTION EXCEPT BY
INDICTMENT OR INFORMATION. — No person shall be held to answer
for any criminal offense except upon indictment by a grand jury or on
information of the public prosecutor, except in cases of misdemeanor. No
information shall be filed by the public prosecutor after a charge has been
ignored by a grand jury, nor until after a commitment by a magistrate,
except that such commitment shall not be required in cases of impeachment,
in cases arising in the militia during its actual service in time of war or public
danger, and in cases of misdemeanor punishable by a prison sentence of six
months or less, or by a fine of one thousand dollars or less, or by both such
prison sentence and fine.

SECTION 6. GUARANTEE OF RIGHT TO BAIL. — All persons shall
be bailable by sufficient sureties, except for capital offenses where the proof
is evident or the presumption great. Excessive bail shall not be required.

SECTION 7. GUARANTEE OF RIGHTS OF DEFENDANT IN
CRIMINAL TRIALS. — In all criminal proceedings the party accused shall
have the right to a speedy and public trial; to have the process of the court
to compel the attendance of witnesses in his behalf, and to appear and
defend in person and with counsel.

SECTION 8. GUARANTEE OF RIGHT NOT TO INCriminate
ONESELF. — No person shall be compelled in any criminal case to be a
witness against himself.

SECTION 9. GUARANTEE AGAINST CRUEL AND UNUSUAL
PUNISHMENTS. — Excessive fines shall not be imposed, nor cruel and
unusual punishments be inflicted upon any person.

SECTION 10. GUARANTEE AGAINST DOUBLE JEOPARDY. — No
person shall be twice put in jeopardy for the same offense.

SECTION 11. RIGHT OF EMINENT DOMAIN; AND PUBLIC USE
DEFINED. — (a) The necessary use of property for reservoirs or storage
basins for irrigation, or for rights of way for canals, ditches, flumes, or pipes
to convey water to the place of beneficial use or for drainage; or for the
drainage of mines, or the working thereof, by means of roads, railroads,
tramways, cuts, tunnels, shafts, hoisting works, dumps, or other means for their complete development; or for any other purpose necessary for the complete development of the material resources of the state, or for the preservation or enhancement of the health and the general welfare of its inhabitants, is hereby declared to be a public use and subject to regulation and control by the state.

(b) Private property may not be taken for public use until a just compensation, to be ascertained in the manner prescribed by law, shall have been paid.

SECTION 12. GUARANTEE OF RIGHT TO BEAR ARMS. — The people have the right to keep and bear arms, but the legislature shall regulate the exercise of this right by law.

SECTION 13. GUARANTEE AGAINST BILLS OF ATTAINDER AND EX POST FACTO LAWS. — No bill of attainder or ex post facto law shall ever be passed.

SECTION 14. GUARANTEE AGAINST IMPRISONMENT FOR DEBT. — There shall be no imprisonment for debt in this state except in cases of fraud.

SECTION 15. GUARANTEE AGAINST THE IMPAIRMENT OF CONTRACTS. — No law impairing the obligations of contracts shall ever be passed.

SECTION 16. GUARANTEE AGAINST UNREASONABLE SEARCHES AND SEIZURES. — The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue without probable cause shown by affidavit, particularly describing the place to be searched and the person or thing to be seized.

SECTION 17. GUARANTEE OF RIGHT OF ASSEMBLY. — The people shall have the right to assemble in a peaceable manner, to consult for their common good, to instruct their representatives, and to petition the legislature for the redress of grievances.

SECTION 18. GUARANTEE OF FREEDOM OF SPEECH. — Every person may freely speak, write, and publish on all subjects, but is responsible for the abuse of that liberty.

SECTION 19. GUARANTEE OF RIGHT OF RELIGIOUS FREEDOM. — The exercise and enjoyment of religious faith and worship shall forever be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity because of his religious opinions. The legislature shall make no law respecting an establishment of religion.
SECTION 20. GUARANTEE OF RIGHT OF HABEAS CORPUS. — The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety requires it, and then only in the manner prescribed by law.

SECTION 21. GUARANTEE OF RIGHT OF DUE PROCESS AND EQUAL PROTECTION. — No person shall be deprived of life, liberty, or property without due process of law nor denied the equal protection of the laws.

SECTION 22. SUBORDINATION OF MILITARY TO CIVIL POWER. — The military shall be subordinate to the civil power; and no soldier in time of peace shall be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

SECTION 23. GUARANTEE OF REMEDY FOR ANY INJURY. — Courts of justice shall be open to every person, and a speedy remedy afforded for every injury of person, property, or character, and right and justice shall be administered without sale, denial, delay, or prejudice.

SECTION 24. GUARANTEE OF RIGHT OF SUFFRAGE. — No power, civil or military, shall at any time interfere with or prevent the free and lawful exercise of the right of suffrage.

SECTION 25. GUARANTEE AGAINST PROPERTY QUALIFICATIONS FOR HOLDING OFFICE OR VOTING. — No property qualifications shall be required to hold office or to vote in any election except in elections for directors of irrigation districts and except as provided in article VIII, sections 4 and 5.

SECTION 26. RESERVATION OF RIGHTS NOT HEREIN ENUMERATED. — This enumeration of rights shall not be construed to impair or deny other rights retained by the people.

ARTICLE II

DISTRIBUTION OF POWERS OF THE GOVERNMENT OF THE STATE

The powers of the government of this state are divided into three distinct departments, the legislative, the executive, and the judicial; and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted.

ARTICLE III

THE LEGISLATIVE DEPARTMENT

SECTION 1. LEGISLATIVE POWER. — The legislative power of the state shall be vested in the legislature, except as provided in section 2 of this article.
SECTION 2. RESERVATION OF POWER OF INITIATIVE AND REFERENDUM. — The people reserve to themselves the power of referendum, that is, the power to approve or reject any act passed by the legislature; and also the power of initiative, that is, the power to propose laws to the same extent as the legislature and enact them independent of the legislature if consistent with this constitution. The conditions and manner in which the powers of initiative and referendum may be exercised shall be prescribed by law, provided that the number of signatures required to petition for initiative and referendum questions shall be equal to ten percent of the total vote cast for governor in the preceding gubernatorial election. A majority of the votes on any such proposal shall decide the question.

SECTION 3. COMPOSITION OF THE LEGISLATURE. — The legislature shall be composed of a senate and a house of representatives. The number of members of each chamber shall be prescribed by law, provided that the number of representatives shall not exceed twice the number of senators.

SECTION 4. DEFINITION OF ELECTIVE DISTRICTS. — The legislature shall define the districts from which the members of the legislature are elected. Such districts shall be compact and contiguous, and shall be apportioned on a population basis to provide equal representation. Whenever the statute materially fails to meet the requirements for the districts the supreme court shall have original jurisdiction to enforce compliance with this section.

SECTION 5. QUALIFICATION OF LEGISLATORS. — Members of the legislature shall be qualified electors.

SECTION 6. TERMS OF OFFICE OF LEGISLATORS. — Representatives shall be elected for a term of two years and senators for a term of four years. The term of office of members of the legislature shall begin at noon of the first Monday in December following their election. One-half of the senators shall be elected every two years.

SECTION 7. MANNER OF FILLING VACANCIES IN THE LEGISLATURE. — When a vacancy occurs in either chamber of the legislature, it shall be filled as prescribed by law; except that any unexpired senate term caused by a vacancy shall be filled at the next legislative election if no special election has been provided for by statute.

SECTION 8. OATH OF OFFICE FOR LEGISLATORS. — Before the legislators enter upon the duties of their respective offices, they shall take or subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Idaho, and that I will faithfully discharge the
duties of senator (or representative) according to the best of my ability." Such oath may be administered by the governor, or a justice of the supreme court, or by the presiding officer of either house.

SECTION 9. COMPENSATION OF LEGISLATORS. — Legislators shall receive the salary and allowances prescribed by law, except that any change in the amounts thereof shall not apply to the legislature that enacted it.

SECTION 10. IMMUNITY OF LEGISLATORS. — Members of the legislature shall not in any case, except for treason or felony, be subject to arrest during any session of the legislature, or in going to and returning from any session; nor shall they be liable to any civil process during or for ten days prior to any session; nor shall members, for words uttered in speech or debate in either chamber, be questioned in any other place.

SECTION 11. SESSIONS OF THE LEGISLATURE. — The legislature shall be a continuous body during the term for which the members of the house of representatives are elected. The legislature shall meet in regular session annually. Special sessions of the legislature may be called by the governor and shall be called by him when a majority of the members of the senate and a majority of the members of the house request him to do so. Neither house shall adjourn for more than three days without the permission of the other house except when the senate is in session for the sole and separate purpose of considering confirmation of appointments.

SECTION 12. ORGANIZATION AND PROCEDURE IN THE LEGISLATURE. — Each chamber of the legislature shall be the final judge of whether a member has been elected and is otherwise qualified. Each chamber shall determine its organization and rules of procedure. The house of representatives shall choose its presiding officer from among its members.

SECTION 13. PROHIBITION OF SECRET SESSIONS OF THE LEGISLATURE. — The business of each house of the legislature and of the committee of the whole shall be transacted openly and not in secret session.

SECTION 14. ORIGIN AND AMENDMENT OF BILLS. — Bills may originate in either house, and may be amended or rejected in the other.

SECTION 15. MANNER OF PASSING BILLS. — No law shall be passed except by bill nor shall any bill be put upon its final passage until the same with the amendments thereto shall have been printed or reproduced in writing for the use of the members; nor shall any bill become a law unless the same shall have been read by title on three several days in each house previous to the final vote thereon: provided, in case of urgency, two-thirds of the house where such bill may be pending upon a vote of ayes and nays may dispense with this provision. On final passage of all bills the vote shall
be ayes and nays upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members present.

SECTION 16. SIGNATURE REQUIREMENT ON BILLS AND RESOLUTIONS. — All bills or joint resolutions passed shall be signed by the presiding officers of both the house and senate.

SECTION 17. VETO BY THE GOVERNOR. — (a) When a bill is passed by the legislature it shall be forthwith presented to the governor. It shall become law if the governor either signs or fails to veto it within seven days, Sundays excepted, of presentation if the legislature is then in session. If the legislature is not in session at the expiration of such seven day period, the bill shall become law if the governor signs it or fails to veto it within fourteen days, Sundays excepted, of its presentation. The governor shall return to the house in which it originated the bill which he has vetoed together with his objections, within seven days of presentation if the legislature is then in session, or if it is not, at the commencement of the next session of the same legislature. The house to which the bill has been returned shall reconsider the bill. If upon reconsideration two-thirds of the members present agree to pass the bill, it shall be sent together with the governor's objections to the other house where it shall likewise be reconsidered, and if then approved by two-thirds of the members present in that house it shall become law.

(b) The time periods in which the governor is permitted to strike out any item or items in appropriation bills passed by the legislature shall be the same as provided in the preceding paragraph with respect to the veto of entire bills, and the item or items struck shall be void unless again passed according to the rules and limitations prescribed for the passage of entire bills over the governor's veto.

SECTION 18. RESTRICTION OF SUBJECTS IN BILLS. — Every bill shall be confined to one subject and properly associated matters, and all appropriation bills shall be confined to the subject of appropriations, except that recodification and other comprehensive revisions of the statutes for a specific purpose may be considered.

SECTION 19. PROHIBITION OF SPECIAL AND LOCAL LAWS. — The legislature shall pass no special or local act when a general act is, or can be made, applicable.

SECTION 20. PROHIBITION OF LOTTERIES. — The legislature shall not authorize any lottery or gift enterprise under any pretense or for any purpose whatever.

SECTION 21. APPOINTMENT, QUALIFICATIONS, AND DUTIES
OF AUDITOR. — The legislature shall appoint an auditor to serve at its pleasure. The auditor, in the manner prescribed by law, shall have the power and duty to conduct postaudits of all state agencies, and of the use of state appropriated or state allocated moneys by political subdivisions of the state. He shall report to the governor and the legislature.

SECTION 22. EFFECTIVE DATE OF ACTS. — Every act will take effect sixty days from the end of the session at which it was passed, unless a later date shall be specified in the law, but an act may take effect at an earlier date in case of emergency which shall be declared in the law.

SECTION 23. SENTENCES, PROBATION, PAROLE, AND RELEASE PROCEDURES. — Maximum sentences or maximum and minimum sentences, and probation, parole, and release procedures shall be prescribed by law for persons either convicted of offenses against the state or any political subdivision, or convicted of such offenses and confined to penal or correctional institutions. The legislature shall designate or establish an agency or agencies to administer such laws.

SECTION 24. IMPEACHMENT. — (a) The elected officials of the executive department, justices of the supreme court and judges of all courts may be impeached for misconduct in office.

(b) The house of representatives, by vote of a majority of its members then in office, shall have the sole power to charge misconduct and thereby initiate impeachment proceedings.

(c) The senate shall try all such charges of misconduct, and select the presiding officer. No one may be convicted of such charges unless two-thirds of the senators then in office concur, as determined by roll call vote entered in the journal.

(d) The effect of a judgment of conviction shall be limited to removing the convicted official from office and disqualifying him from holding any state office for a period prescribed by law; but such official, whether convicted or acquitted, remains subject to criminal prosecution according to law.

SECTION 25. CONTINUITY OF OPERATIONS OF THE STATE AND LOCAL GOVERNMENTS. — In order to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack or in periods of emergency resulting from the imminent threat of such disasters, the legislature shall have the power and the immediate duty (a) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which become unavailable to carry on the powers and duties of such offices, and (b) to
adopt such other measures as may be necessary and proper. In the exercise of the powers here conferred, the legislature shall in all respect conform to the requirements of this constitution except to the extent that, in its judgment, to do so would be impracticable or would admit of undue delay.

ARTICLE IV

THE EXECUTIVE DEPARTMENT

SECTION 1. ELECTED OFFICIALS AND TERMS OF OFFICE.

(a) The elected officials of the executive department shall consist of a governor, lieutenant-governor, secretary of state, state auditor, state treasurer, attorney-general and superintendent of public instruction.

(b) The terms of office of such officials shall be four years beginning at noon of the first Monday in December following their election.

(c) The governor and lieutenant-governor shall belong to the same political party and shall be elected jointly.

SECTION 2. QUALIFICATIONS OF ELECTED OFFICIALS. The elected officials of the executive department shall be at least twenty-five years of age, citizens of the United States, and residents of the state for two years immediately preceding their filing for office. During their terms of office, the elected officials of the executive department shall not hold any other office or employment for profit in the government of the United States, the state, or a political subdivision. No person shall be elected to the office of attorney-general who is not an attorney admitted to practice before the supreme court of the state.

SECTION 3. COMPENSATION OF ELECTED OFFICIALS. The compensation of the elected officials of the executive department shall be prescribed by law, but shall not be diminished during their respective terms of office.

SECTION 4. EXECUTIVE POWERS OF THE GOVERNOR.

(a) The executive powers of the state shall be vested in the governor. He shall be responsible for the faithful execution of the laws. By appropriate action in the name of the state, he may enforce compliance with or restrain violations of the constitution or the statutes of the state by any agency, officer, or employee of the state or any political subdivision but this power shall not authorize any action or proceeding against the legislature.

(b) The governor may at any time require information in writing or otherwise from the officers of any executive department or agency upon any subject relating to their respective offices.

(c) The governor shall be the commander-in-chief of the armed forces of the state, except when they shall be called into the service of the United States, and he may call upon them to execute the laws, to preserve order, to
suppress insurrection, to repel invasion, or to serve in time of public emergency.

(d) The governor shall appoint and may remove the heads of all executive departments.

(e) The governor shall appoint all members of boards and commissions, except as provided in (f) herein, in the manner and for the terms prescribed by law, subject to such requirements as to confirmation, and restrictions on removal, as may be prescribed by law.

(f) The provisions of (e) above shall not apply to members of the State Bar Commission; provided that members of any commission which participates in the selection of or recommends the selection of judges shall be appointed in the manner prescribed by law.

SECTION 5. ALLOCATION OF OFFICES AND AGENCIES. —

(a) All executive and administrative offices and agencies of the state and their respective functions, powers, and duties shall be allocated by law among the principal executive departments so as to group them, as far as practicable, according to major functions.

(b) Regulatory, quasi-judicial, and temporary agencies established by law may, but need not, be allocated within principal executive departments.

(c) The legislature shall prescribe the powers and duties of the principal executive departments and of all other agencies of the state; and may from time to time reallocate offices and agencies among the principal executive departments; and may increase, modify, diminish, eliminate, or change their powers and duties; except that the legislature shall not abolish any office or agency created by this constitution, nor shall it abrogate or curtail any power, function, or duty herein conferred upon an office or agency.

(d) The governor may make such changes in the allocation of the executive offices and agencies and of their powers, functions, and duties as he considers necessary for efficient administration. If such changes affect existing law, they shall be set forth in executive orders which shall be submitted to the legislature within the first ten days of a regular session and shall become effective and of the force of law sixty days after submission or at the close of the session, whichever is sooner, unless disapproved by a resolution concurred in by both houses by a majority of members voting in each house.

SECTION 6. LEGISLATIVE POWERS OF THE GOVERNOR. —

(a) The governor shall at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the state and recommend measures he considers necessary or desirable.

(b) At a time fixed by law, the governor shall submit to the legislature
a budget for the next fiscal period, setting forth all proposed expenditures and anticipated income of all offices and agencies of the state.

(c) The governor may convene the legislature in special session, and shall do so when a majority of the members of the senate and a majority of the members of the house both request him to do so.

(d) The governor may veto bills passed by the legislature, and may by veto, strike items in appropriation bills. He shall have no power to veto initiative or referendum measures. The veto power of the governor shall be subject to the limitations and exercised in the manner provided in section 17 of article III of this constitution.

SECTION 7. POWER OF EXECUTIVE CLEMENCY. — In all cases other than impeachment and treason, the governor may commute sentences, suspend and remit fines and forfeitures, and grant pardons and reprieves. An agency may be established or designated by law to aid and advise the governor in the exercise of executive clemency.

SECTION 8. POWERS OF THE LIEUTENANT-GOVERNOR. — The lieutenant-governor shall have duties assigned by the governor and duties prescribed by law. He shall be president of the senate, but shall vote only when the senate is equally divided. He shall serve as acting governor in the case of the governor's temporary absence from the state, and when so directed by the governor.

SECTION 9. SUCCESSION TO THE OFFICES AND POWERS OF GOVERNOR AND LIEUTENANT-GOVERNOR. — (a) If the governor-elect dies, resigns, or is disqualified, the lieutenant-governor-elect shall succeed to the office of governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant-governor shall serve as acting governor; and he shall succeed to the office of governor if the governor-elect does not assume his office within six months of the beginning of the term.

(b) In case of the removal of the governor from office or his death or resignation, the lieutenant-governor shall become governor for the remainder of the term.

(c) Whenever the governor transmits to the presiding officers of the house and senate his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be exercised by the lieutenant-governor as acting governor.

(d) Whenever the lieutenant-governor and a majority of either the heads of the executive departments or of the members of such other body as the legislature may provide transmit to the house and senate their written
declaration that the governor is unable to discharge the powers and duties of his office, the lieutenant-governor shall immediately become acting governor. Thereafter, when the governor transmits to the house and senate his written declaration that no inability exists he shall resume his powers and duties unless the lieutenant-governor and a majority of either the heads of the executive departments or of the members of such other body as the legislature may provide transmit within four days to the house and senate their written declaration that the governor is unable to discharge the powers and duties of his office.

Thereupon the legislature shall assemble within forty-eight hours if not in session, and shall decide the issue. If the legislature, within ten days after the receipt of the latter written declaration or, if not in session, within ten days after the legislature is required to assemble, determines by two-thirds vote of the members voting in both houses that the governor is unable to discharge the powers and duties of his office, the lieutenant-governor shall continue to discharge the duties of acting governor; otherwise, the governor shall resume the powers and duties of his office.

(e) The acting governor shall have all the powers and duties of the governor.

(f) Whenever there is a vacancy in the office of lieutenant-governor, the governor shall nominate a lieutenant-governor who shall take office upon confirmation by each house of the legislature by a majority of the members voting.

(g) The legislature, in cases not herein provided for, may enact laws for succession to the office of governor and lieutenant-governor.

ARTICLE V

THE JUDICIAL DEPARTMENT

SECTION 1. ESTABLISHMENT OF A SINGLE FORM OF ACTION.

— Distinctions between actions at law and suits in equity, and the forms of all such actions and suits, are prohibited and a civil action shall be the only form of action for the enforcement or protection of private rights or the redress for private wrongs.

SECTION 2. TREASON AGAINST THE STATE. — Treason against the state shall consist only in levying war against it or in adhering to its enemies or giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court. The legislature shall have the power to declare the punishment for treason.

SECTION 3. EXERCISE OF SOVEREIGN IMMUNITY. — The defense of sovereign immunity shall not be raised by the state or any
political subdivision, except to the extent and in the manner prescribed by
the legislature subsequent to the adoption of this constitution.

SECTION 4. DELEGATION OF JUDICIAL POWER OF THE STATE.
- (a) Except for the power to try impeachments set forth in section 24 of
article III, the judicial power of the state shall be vested in a supreme court,
a district court, and such other courts inferior to the supreme court as may
be established by the legislature.

(b) The legislature may provide that awards in arbitration may be
entered as judgments in courts.

SECTION 5. CREATION OF AN INTEGRATED JUDICIAL
SYSTEM. - The courts shall constitute a unified and integrated judicial
system administered and supervised by the supreme court.

SECTION 6. APPROPRIATIONS FOR THE JUDICIAL
DEPARTMENT. - The chief justice shall submit requests for appropriations
for the judicial department to the governor and to the legislature. These
appropriations shall provide for compensation for the justices and judges,
salaries for the personnel, and other expenses of the supreme court, the
district court, and inferior courts; the money necessary for the
administration of the integrated court system; and all other expenses of the
judicial department.

SECTION 7. THE SUPREME COURT OF THE STATE. - (a) The
supreme court shall be the highest court of the state and shall consist of five
justices, one of whom shall be the chief justice. The legislature may increase
the number of justices to seven.

(b) Any district court judge or any retired supreme court justice or any
retired district court judge may sit with the supreme court, at its request, in
place of and with the authority of a justice in the cause specified.

(c) The supreme court may sit en banc or in divisions of not less than
three justices. In case the court shall sit in divisions, each division shall have
the power and authority of the full court in the determination of causes, the
issuing of writs, and the exercise of powers vested in the court by this
constitution or by statute, subject to the general control, and to the rules
and regulations, of the court sitting en banc; but all capital cases and cases
involving the constitutions of the United States or of the state shall be
decided only by the court en banc.

(d) The salary of the justices shall be fixed by the legislature, but no
justice’s salary shall be diminished during his term of office.

(e) A vacancy in the office of justice of the supreme court shall be
filled by the governor in the manner prescribed by law, with the advice and
consent of the senate. The term of office of a justice of the supreme court
shall expire at midnight of the thirty-first day of December following the election herein required, unless his retention in office is approved at such election. At the first general election held after the expiration of two years from the date of his assumption of office and every six years thereafter so long as he retains his office, every justice of the supreme court shall be subject to approval or rejection by the electors of the state.

(f) The justices of the supreme court shall by majority vote designate one of the justices to serve as chief justice for the remainder of his term. He may be chosen as chief justice for additional terms. During a vacancy in the office of chief justice, all the powers and duties of that office shall devolve on the justice of the supreme court who is senior in length of service on that court.

(g) The supreme court shall sit at places prescribed by law.

SECTION 8. JURISDICTION OF THE SUPREME COURT. — (a) The supreme court shall be the highest court in the state and shall have appellate jurisdiction to review such orders or judgments of courts inferior to the supreme court, and of regulatory and quasi-judicial boards, commissions, and offices as shall be prescribed by law.

(b) The supreme court shall have the original jurisdiction prescribed by this constitution and by statute enacted subsequent to the ratification of this constitution.

(c) The supreme court shall have power to issue all writs necessary or proper for the full exercise of its original or appellate jurisdiction.

(d) The practice and procedure for the prosecution of all appeals and methods of appeal shall be regulated by rule of the supreme court. The scope and condition of all appeals shall be regulated by the legislature.


(b) The chief justice shall be the administrative head of the unified judicial system.

(c) When requested by the chief justice, retired justices and retired judges shall perform such duties for the judicial department as directed and in return shall receive compensation provided by law.

SECTION 10. THE DISTRICT COURT OF THE STATE. — (a) The district court shall be divided into judicial districts, the number and boundaries of which shall be determined by the legislature.

(b) The legislature shall determine the number of judges for each district.

(c) The location of chambers of judges of the district court shall be
prescribed by the legislature.

(d) Each judge of the district court shall reside in the district in which he was elected or to which he was appointed.

(e) The salary of judges of the district court shall be fixed by the legislature, except that the salary of such a judge shall not be diminished during his term of office.

(f) The judges within each district shall select personnel for court positions authorized by law.

(g) The manner of selection and tenure of judges of the district court shall be prescribed by law.

SECTION 11. AUTHORITY OF A JUDGE OF THE DISTRICT COURT, A RETIRED JUSTICE, OR A RETIRED JUDGE TO HOLD A DISTRICT COURT IN ANY JUDICIAL DISTRICT. - When requested by the chief justice to do so, a judge of any district court, a retired justice of the supreme court, or a retired judge of any district court may hold a district court in any judicial district designated in such a request. It shall be the duty of a judge of the district court to comply with any such requests.

SECTION 12. JURISDICTION OF THE DISTRICT COURT. - The district court shall have original jurisdiction in all criminal and civil actions and such appellate jurisdiction as prescribed by law.

SECTION 13. QUALIFICATIONS OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE DISTRICT COURT. - Justices of the supreme court and judges of the district court shall be citizens of the United States, residents of the state, and shall have been admitted to practice before the supreme court of the state for five years. The selection of justices and judges shall be non-partisan.

SECTION 14. RESTRICTIONS ON JUSTICES AND JUDGES. - A justice of the supreme court or judge of the district court shall not engage in the practice of law, hold office in any political party or partisan organization, or be a candidate for or hold any other public office.

SECTION 15. THE INFERIOR COURTS. - The inferior courts which the legislature is authorized to establish in section 4 of this article shall have the original and appellate jurisdiction prescribed by law. The term of office, compensation, qualifications, and manner of selection of judges of such inferior courts shall be prescribed by law.

SECTION 16. RETIREMENT, DISCIPLINE, AND REMOVAL OF JUSTICES AND JUDGES. - In addition to the impeachment procedure in this constitution, the legislature shall provide by law for the removal or discipline of justices and judges for wilful misconduct in office, or wilful or persistent failure to perform their duties, or habitual intemperance; and shall
provide by law for the retirement of justices and judges for age, or for
disability that seriously interferes with the performance of their duties and
which is or is likely to become permanent.

SECTION 17. GENERAL AND UNIFORM OPERATION OF LAWS
AND RULES. — All laws relating to the courts and all rules of pleading,
practice, and procedure made by the supreme court shall be general and
uniform throughout the state.

ARTICLE VI
THE ELECTIVE PROCESS

SECTION 1. GUARANTEE OF SECRET BALLOT. — All elections by
the people shall be by absolutely secret ballot, which the legislature must
guarantee by law.

SECTION 2. QUALIFICATIONS OF ELECTORS. — Every citizen of
the United States who meets the requirements prescribed by law as to age
and residence in the state and political subdivision shall be a qualified
elector, except that no person shall be permitted to vote who is in prison or
other penal institution serving a sentence for a felony or who is proven to be
of unsound mind by a judgment of a court. The legislature may require
qualified electors to register as a prerequisite to voting.

SECTION 3. AUTHORIZATION FOR RECALL. — Elected public
officials of the state and political subdivisions, except judicial officers are
subject to recall, in the manner prescribed by law, by the qualified electors
of the state, electoral district, or political subdivision from which they were
elected.

ARTICLE VII
TAXES

SECTION 1. LIMITATIONS ON THE TAXING POWER. — (a) No tax
shall be imposed except for a public purpose.
(b) No tax shall be imposed except by the elected representatives of
the people exercising the legislative power of the state or a political
subdivision, or by initiative or by referendum. The legislature shall prescribe
the kinds and limit the amount of taxes that may be imposed by a political
subdivision.

SECTION 2. UNIFORM TAXATION AND EXEMPTIONS. — All ad
valorem taxes shall be uniform upon all real and personal property located
within the territorial limits of the authority levying the tax, and shall be
levied, assessed and collected under general laws, which shall prescribe such
regulations as shall secure just and uniform valuation for assessments of taxes
upon all property, real and personal, located within the territorial limits of
the authority levying the tax; provided that the legislature may allow such
exemptions from taxation from time to time as shall seem necessary and just.

SECTION 3. RESTRICTION ON USE OF GASOLINE TAXES AND MOTOR VEHICLE REGISTRATION FEES. — The proceeds from the imposition of any tax on gasoline and motor vehicle fuels sold or used to propel motor vehicles upon the highways of this state and from any tax or fee for the registration of motor vehicles, in excess of the necessary costs of collection and administration and any refund or credits authorized by law, shall be used exclusively for the construction, repair, maintenance, and traffic supervision of the public highways of the state and for the payment of the interest and principal of obligations incurred for said purposes; and no part of such revenues shall be diverted by transfer of funds or otherwise, to any other purposes whatsoever.

ARTICLE VIII
PUBLIC INDEBTEDNESS, RESERVES, AND APPROPRIATIONS

SECTION 1. LIMIT ON APPROPRIATIONS. — Neither the legislature nor the legislative body of a political subdivision shall appropriate monies in excess of revenues for the period for which the appropriations are made.

SECTION 2. LIMITS ON INDEBTEDNESS OF THE STATE AND OF POLITICAL SUBDIVISIONS. — (a) No debt shall be incurred by a political subdivision unless the purposes of such debt are within a classification previously authorized by the legislature.

(b) No debt, other than one repayable within its fiscal period, shall be incurred by or in behalf of the state or a political subdivision except for projects or acquisitions distinctly specified.

(c) No debt to finance current obligations shall be incurred by the state or a political subdivision in violation of section 1 of this article.

(d) Limits on the amount of indebtedness by the state or a political subdivision shall be set by the legislature, but state indebtedness shall never exceed in the aggregate the sum of two million dollars. Limits on the amounts of general obligation bonds shall be expressed as a fraction of the assessed valuation of property within the taxing unit. General obligation bonds are those secured by a pledge of any part of the taxing power of the state or political subdivision.

SECTION 3. LIMITS ON ACCUMULATION OF FUNDS BY THE STATE AND BY POLITICAL SUBDIVISIONS. — Except for sinking funds required to retire bonded indebtedness, the state and political subdivisions may accumulate funds from one fiscal period to another only for the purpose of capital improvements upon terms and conditions prescribed by the legislature.
SECTION 4. LIMITS ON THE CREATION OF CERTAIN CAPITAL RESERVE FUNDS AND ON THE ISSUANCE OF GENERAL OBLIGATION BONDS BY POLITICAL SUBDIVISIONS. — No political subdivision shall accumulate capital reserves solely from revenues derived from taxes on real property or issue general obligation bonds unless the qualified electors approve; provided, however, that the vote for those general obligation bonds and capital reserves that are payable or accumulated solely from revenues derived from taxes on real property may be restricted by the legislature to landowners.

SECTION 5. PERCENTAGE OF VOTE REQUIRED IN BOND AND CAPITAL RESERVE ELECTIONS. — (a) If the legislature restricts the vote to landowners under section 4 of this article, no less than a majority, but no more than sixty-six and two-thirds percent of the votes cast shall be required to carry the question.

(b) In all other elections required by law for the issuance of bonds or the creation of capital reserves, a majority of the votes cast shall carry the question.

SECTION 6. OTHER RESTRICTIONS ON THE ISSUANCE OF BONDS BY POLITICAL SUBDIVISIONS. — Bonds payable from special assessments on property benefited thereby, revenue bonds, and all other bonds, except general obligation bonds, shall be issued only on terms and conditions prescribed by the legislature consistent with section 2 of this article.

ARTICLE IX
EDUCATION AND PUBLIC SCHOOL FUNDS

SECTION 1. ESTABLISHMENT AND MAINTENANCE OF A SYSTEM OF FREE SCHOOLS. — The legislature shall establish and maintain a general, uniform and thorough system of public, free common schools, open to all persons of school age, and may provide for other public educational institutions.

SECTION 2. INVIOLABILITY OF PUBLIC-SCHOOL FUND. — The public-school fund of the state shall forever remain inviolate and intact; the interest and income from it shall be expended in the maintenance of the schools of the state, and shall be distributed among the statewide system of free public education in the manner prescribed by law. No part of this fund, principal or interest, shall ever be transferred to any other fund or used or appropriated except as herein provided. The custodian of this fund shall be designated by law. The fund shall be securely and profitably invested as directed by law. The legislature shall repair by appropriations all losses suffered by the fund.
SECTION 3. DEFINITION OF PUBLIC-SCHOOL FUND. — The public-school fund of the state shall consist of the proceeds of such lands as have heretofore been granted, or may hereafter be granted, to the state by the national government, known as school lands, and those granted in lieu of such; lands acquired by gift or grant from any person or corporation under any law or grant of the national government; and all other grants of land made to the state from the national government for general educational purposes, or for no specified purpose; all escheats to the state; and all other land grants, gifts, devises, or bequests made to the state for general educational purposes.

SECTION 4. GUARANTEE AGAINST SECTARIAN CONTROL, RELIGIOUS TEACHING, AND SEGREGATION IN PUBLIC EDUCATIONAL INSTITUTIONS. There shall be no sectarian control over public educational institutions and no money appropriated for sectarian schools or for sectarian purposes. There shall be no segregation in public educational institutions because of race, religion, or ancestry. No sectarian or religious test shall ever be required of any person as a condition of admission or employment in any public educational institution. The principle of separation of church and state shall be maintained.

SECTION 5. ESTABLISHMENT OF THE STATE BOARD OF EDUCATION. — The formulation of policy for, and the general supervision of, the state educational institutions and the public school system of the state shall be vested in a state board of education consisting of not more than fifteen or fewer than nine members. The powers and duties of the board and the exact number and term of office of the members shall be prescribed by law. Members of the board of education shall be appointed by the governor, subject to confirmation by the senate.

SECTION 6. CORPORATE POWERS OF STATE INSTITUTIONS OF HIGHER LEARNING. — The state institutions of higher learning, including those now located at Boise, Lewiston, and Pocatello and such other institutions of higher learning as may hereafter be created by the legislature, shall have the same corporate powers as now or hereafter possessed by the University of Idaho at Moscow.

ARTICLE X
PUBLIC INSTITUTIONS

SECTION 1. SEAT OF STATE GOVERNMENT. — The seat of government of the state shall be located at Boise.

SECTION 2. ESTABLISHMENT AND SUPPORT OF PENAL AND CORRECTIONAL INSTITUTIONS. (a) The legislature shall provide for the establishment and support of penal and other institutions of correction
and rehabilitation, and shall also provide an agency to administer all such institutions as a unified penal and correctional system.

(b) The agency shall appoint the wardens and other principal officers of all of the above institutions who shall serve at the pleasure of the agency.

(c) The agency shall have authority to enter into agreements, which may be reciprocal in nature, with political subdivisions, the federal government, and other states, for the care, custody, and treatment of persons under confinement.

SECTION 3. ESTABLISHMENT AND SUPPORT OF OTHER STATE INSTITUTIONS. — Other institutions required for the public good shall be established, located, changed, and supported by the state as prescribed by law.

ARTICLE XI
CORPORATIONS AND PUBLIC UTILITIES

SECTION 1. PROVISION FOR CORPORATIONS. — The legislature shall provide for the organization and regulation of corporations and prescribe the powers, rights, duties, and liabilities of their officers and stockholders or members.

SECTION 2. GUARANTEE AGAINST FICTITIOUS INCREASE IN CAPITAL STOCK. — No corporation shall issue stock or bonds except for labor done, service performed, or money or property actually received; and all fictitious increase of stock or of indebtedness shall be void.

SECTION 3. LIABILITY OF STOCKHOLDERS. — Amounts due from stockholders to private corporations may be secured by means prescribed by law, but a stockholder shall be liable only for the unpaid balance due the corporation for stock purchased and owned by him.

SECTION 4. CUMULATIVE VOTING OF SHARES OF STOCK. — Every holder of shares of voting stock in any corporation other than a cooperative or membership corporation shall have the right of cumulative voting of such shares for the election of directors or managers of the corporation.

SECTION 5. REGULATION OF PUBLIC UTILITIES. — The power of the legislature to regulate and control public utilities shall never be abridged. No public utility shall ever discriminate unduly in the services supplied or rates charged.

SECTION 6. GUARANTEE AGAINST CONTRACTS AND COMBINATIONS IN RESTRAINT OF TRADE. — Every contract, combination, or conspiracy in restraint of trade or commerce is hereby prohibited. To assure compliance with this section, the legislature shall impose adequate penalties for its violation, including if necessary the
forfeiture of property and franchise.

ARTICLE XII
POLITICAL SUBDIVISIONS

SECTION 1. DEFINITION OF POLITICAL SUBDIVISION. — As used in this and other articles of this constitution, the term political subdivision shall mean any public entity organized in the manner prescribed by law, with boundaries in some defined portion of the state and with officials who are elected by voters residing or owning land within such boundaries or who are appointed by officials so elected. Such a subdivision shall include but not be limited to cities, counties, municipal and quasi-municipal corporations; and school, road, local improvement and other types of districts.

SECTION 2. POWERS AND DUTIES OF POLITICAL SUBDIVISIONS, AND THEIR ORGANIZATION, MERGER, DIVISION AND DISSOLUTION. — The legislature shall prescribe the powers and duties of political subdivisions, and shall also provide for their incorporation, organization, classification, consolidation, merger, division, and dissolution; provided that no existing county may be divided or dissolved or consolidated with any other county or counties except upon approval of a majority vote in each county of the qualified electors voting on the question.

SECTION 3. ALLOCATION OF INDEBTEDNESS WHEN A POLITICAL SUBDIVISION IS MERGED, CONSOLIDATED, DIVIDED, OR DISSOLVED. — The legislature may provide that when a political subdivision is merged, consolidated, divided, or dissolved, its existing indebtedness or the burden of such indebtedness shall be allocated equitably, in a manner and by an agency or agencies to be prescribed by law; provided, however, that the contractual rights of the owners of such indebtedness shall not be impaired in any way. The provisions of article VIII shall not apply to any such allocation.

SECTION 4. COOPERATION OF POLITICAL SUBDIVISIONS. — The legislature may authorize any two or more political subdivisions to agree to do singly for all, or jointly, that which each is empowered or required to do.

SECTION 5. COOPERATION OF THE STATE AND OF POLITICAL SUBDIVISIONS WITH OTHER POLITICAL UNITS. — To the extent permitted by the Constitution of the United States, the legislature may authorize the state and political subdivisions to cooperate in the administration of their functions and powers with other states or governments or their political subdivisions.
ARTICLE XIII
PUBLIC LANDS AND PERMANENT ENDOWMENT FUNDS
SECTION 1. CONTROL AND ADMINISTRATION OF PUBLIC LANDS. — The location, protection, acquisition, sale, exchange, rental, improvement, direction, and control of the public lands of the state shall be determined and administered as provided by law consistent with sections 2 and 3 of article IX and section 7 of article XV of this constitution.

SECTION 2. INVESTMENT OF STATE PERMANENT ENDOWMENT FUNDS. — The permanent endowment funds other than funds arising from the disposition of university lands shall be invested, under terms and conditions, if any, prescribed by the legislature, in bonds or obligations of the United States, states, counties, municipalities, or school districts, or otherwise prudently invested as permitted by law.

ARTICLE XIV
THE STATE MILITIA
SECTION 1. PROVISION FOR ORGANIZATION AND EQUIPMENT OF MILITIA. — The state militia shall be organized, manned, equipped, and disciplined as provided by law.

SECTION 2. CONDITIONS FOR EXEMPTION FROM SERVICE. — Exemptions from duty in the state militia shall only be under conditions set forth by the legislature of the state of Idaho and the Congress of the United States.

ARTICLE XV
WATER RIGHTS
SECTION 1. ESTABLISHMENT OF THE SALE OF APPROPRIATED WATERS AS A PUBLIC USE. — The use of all waters now appropriated or that may hereafter be appropriated for sale, rental, or distribution; and of all water originally appropriated for private use, but which after such appropriation has heretofore been or may hereafter be sold, rented, or distributed, is hereby declared to be a public use, and subject to the regulation and control of the state in the manner prescribed by law.

SECTION 2. REGULATION OF RATES FOR WATER SOLD. — The right to collect rates or compensation for the use of water supplied to any county, city, town, or water district, or the inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in the manner prescribed by law.

SECTION 3. GUARANTEE OF RIGHT TO APPROPRIATE WATER AND ESTABLISHMENT OF PRIORITIES FOR ITS USE. — The right to divert and appropriate the unappropriated natural surface or subsurface waters to beneficial or public uses shall never be denied, except that the state
may regulate and limit the use thereof for power purposes. Priority of appropriation shall give the better right as between those using the water; but when such waters are not sufficient for the service of all those desiring their use, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purpose; and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district those using the water for mining purposes or milling purposes connected with mining shall have preference over those using the same for manufacturing or agricultural purposes. But the usage by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use as referred to in section 11 of article I of this constitution.

SECTION 4. GUARANTEE OF CONTINUING RIGHTS TO WATER. — Whenever any waters have been or shall be appropriated or used for agricultural purposes, under a sale, rental, or distribution thereof, such sale, rental, or distribution shall be deemed an exclusive dedication to such use; and whenever such waters so dedicated shall have once been sold, rented, or distributed to any person who has settled upon or improved land for agricultural purposes with the view of receiving the benefit of such water under such dedication, such person, his heirs, executors, administrators, successors, or assigns, shall not thereafter without his consent be deprived of the annual use of that water when needed for domestic purposes or to irrigate the land so settled upon or improved, upon payment therefor and compliance with such equitable terms and conditions as to the quantity used and times of use as may be prescribed by law.

SECTION 5. PRIORITIES AND LIMITATIONS ON USE OF WATER. — Whenever more than one person has settled upon or improved land with the view of receiving water for agricultural purposes under a sale, rental, or distribution thereof, as provided for in section 4 of this article, priority in time among such persons shall give superiority of right to the use of such water in the numerical order of such settlements or improvements; but whenever the supply of such water shall not be sufficient to meet the demands of all those desiring to use it, such priority of right shall be subject to reasonable limitations regarding the quantity of water used and times of use as the legislature, having due regard both to such priority of right and the necessities of those subsequent in time of settlement or improvement, may by law prescribe.

SECTION 6. REGULATION OF RATES FOR USE OF WATER. — The legislature shall provide by law the manner in which reasonable
maximum rates may be established for the use of water sold, rented, or distributed for any useful or beneficial purpose.

SECTION 7. ESTABLISHMENT OF A STATE WATER RESOURCE AGENCY. — There shall be constituted a water resource agency, composed as the legislature may now or hereafter prescribe, which shall have the power to formulate and implement a state water plan for optimum development of water resources in the public interest; to construct and operate water projects; to issue bonds, without state obligation, to be repaid from revenues of projects; to generate and wholesale hydroelectric power at the site of production; to appropriate public waters as trustee for agency projects; to acquire, transfer, and encumber title to real property for water projects and to have control and administrative authority over state lands required for water projects; all under such laws as may be prescribed by the legislature.

ARTICLE XVI
STATE NAME AND BOUNDARIES

The name of this state is Idaho, and its boundaries are as follows: beginning at a point in the middle channel of the Snake River where the northern boundary of Oregon intersects the same; then follow down the channel of the Snake River to a point opposite the mouth of the Kooskooskia or Clearwater River, then due north to the forty-ninth parallel of latitude; thence east along that parallel to the thirty-ninth degree of longitude west of Washington; thence south along the degree of longitude to the crest of the Bitter Root Mountains; thence southward along the crest of the Bitter Root Mountains till its intersection with the Rocky Mountains; thence southward along the crest of the Rocky Mountains to the thirty-fourth degree of longitude west of Washington; thence south along that degree of longitude to the forty-second degree of north latitude; thence west along that parallel to the eastern boundary of the state of Oregon; thence north along that boundary to the place of beginning.

ARTICLE XVII
CHANGES IN THE CONSTITUTION

SECTION 1. CONSTITUTION CHANGES PROPOSED BY THE LEGISLATURE. — The legislature, two-thirds of the members of each house concurring, may propose a new constitution, or a revision of or amendments to, the constitution; and in the same manner, may amend or withdraw its proposal.

SECTION 2. CONSTITUTIONAL CONVENTION OR CONSTITUTION REVISION COMMISSION SUBMISSION. — (a). The legislature, two-thirds of the members of each house concurring, may submit at a general election the question of whether to call a convention to propose
a new constitution or a revision of, or amendments to, the constitution. If a majority of those voting on that question vote yes, the legislature shall provide for the convention.

(b) The convention, by a majority of those voting, may submit a new constitution, or a revision of, or amendments to, the constitution, to the voters at a general election.

(c) If any proposed amendment, revision or a new constitution is submitted to the legislature by a duly authorized constitution revision commission, the legislature, two-thirds of the members of each house concurring, may submit such proposal directly to the voters at a general election.

SECTION 3. VOTE OF PEOPLE REQUIRED. — No proposal for a new constitution or for a revision of, or amendment to, the constitution, whether made by the legislature or by a constitutional convention, shall have any validity until the qualified electors of the state approve such proposal by a majority of those voting on it.

SECTION 4. PUBLICATION. — All proposals for a new constitution or for a revision of, or amendment to, the constitution must be published as prescribed by law before being submitted to the voters.

SECTION 5. PROCEDURE FOR VOTING. — (a) Proposals by the legislature for a new constitution or for a revision of, or amendment to, the constitution shall be voted on by the people as one or more questions as the legislature shall decide.

(b) Proposals by a constitutional convention for a new constitution or for a revision of, or amendment to, the constitution shall be voted on by the people as one or more questions as the convention shall decide.

ARTICLE XVIII
SCHEDULE AND ORDINANCE

SECTION 1. EFFECTIVE DATE OF THIS CONSTITUTION. — Except as herein otherwise expressly provided, this constitution shall be in force from and including the day two years after the date of its ratification by the people of the state.

SECTION 2. RIGHTS UNDER ARTICLE XXI OF CONSTITUTION OF 1890. — (a) The location of the University of Idaho as established by existing laws is hereby confirmed. All the rights, immunities, privileges, and franchises heretofore granted to the University or to its regents by the Territory of Idaho or by the Constitution of 1890 are hereby continued and confirmed.

(b) All other persons possessing still existent rights and privileges under the Schedule and Ordinance of Article XXI of the Constitution of 1890,
including the city of Bellevue, shall continue to possess and enjoy them under the provisions of this constitution.

(c) All property and institutions of the territory becoming the property of the state upon the adoption of the Constitution of 1890 shall so continue.

(d) The people of the state of Idaho do agree and declare that we forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indians or Indian tribes; and until the title thereto shall have been extinguished by the United States, the same shall be subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States. That no taxes shall be imposed by the state on the lands or property therein belonging to, or which may hereafter be purchased by, the United States, or reserved for its use.

SECTION 3. TRANSITION OF LEGISLATURE FROM AUTHORITY OF CONSTITUTION OF 1890 TO THAT OF THIS CONSTITUTION. —

(a) Article III and section 6 (d) of article IV of this constitution shall take effect and be in force at noon on the first Monday in December following the ratification date, but senators shall not be elected for a four-year term until the first election of the legislature following the ratification date. After that election, the legislature shall determine by lot whether the senators elected from the even-numbered districts or from the odd-numbered districts shall serve for a two-year term.

(b) Legislators first elected after the ratification date shall be elected from the districts existing on the ratification date.

(c) The terms of legislators in office at the ratification date shall terminate at noon two years from the first Monday in December following their election.

SECTION 4. TRANSITION OF EXECUTIVE DEPARTMENT FROM AUTHORITY OF CONSTITUTION OF 1890 TO THAT OF THIS CONSTITUTION. — (a) The elected officials of the executive department elected on or before the ratification date shall continue in office after the ratification date and complete the term of office for which they were elected, except that such term shall expire at noon four years from the first Monday in December following their election. The governor and lieutenant-governor shall be elected jointly commencing with the first election for such offices occurring after the ratification date, and the terms of office of the state officials then elected shall commence at noon on the first Monday of December following their election. Section 2 of article IV of
this constitution shall apply to any such election.

(b) The board of examiners and the land board are abolished two years after the ratification date.

(c) If the legislature two years after the ratification date shall have failed (1) to provide for the performance of duties of offices or agencies hereby abolished, or (2) to create agencies which it is required to do under this constitution, or (3) to prescribe the functions, powers, and duties of such agencies, or (4) to prescribe the functions, powers, and duties of any agency, board or commission whose powers, duties, or functions are altered by this constitution, the governor shall, by executive order which shall have the force of statute, provide (1) for the performance of such functions and duties, (2) for the creation of such agencies, and (3) for the powers and duties of such agencies or of any existing board, commission, or agency whose powers, duties, or functions are altered by this constitution.

(d) All state officers, and all state boards, commissions, and agencies except as they are abolished herein, shall continue to exercise their duties and perform their functions until abolished or until their successors are selected and qualified according to this constitution or the laws enacted pursuant thereto.

SECTION 5. TRANSITION OF JUDICIAL DEPARTMENT FROM AUTHORITY OF CONSTITUTION OF 1890 TO THAT OF THIS CONSTITUTION. —(a) All cases of original jurisdiction filed in the supreme court under the authority of the constitution of 1890 as amended within two years after the ratification date shall be disposed of by the supreme court. The supreme court shall not entertain any case of original jurisdiction filed two years after the ratification date unless provided for in this constitution or by statute passed after the ratification date.

(b) Except as modified in accordance with the provisions of this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, and appeals in all courts shall continue unaffected.

(c) Article V of this constitution shall come into effect two years after the ratification date.

(d) District court judges holding office two years after the ratification date shall continue in office until the expiration of the terms for which they were elected or appointed. The term of a justice of the supreme court holding office two years after the ratification date shall expire at midnight of the thirty-first day of December following the election hereinafter required unless his retention in office is approved at such election. At the general election immediately prior to the expiration of the term of office to which
he was elected or appointed, and every six years thereafter so long as he remains in office, every such justice of the supreme court shall be subject to approval or rejection by the electors of the entire state.

(e) The jurisdiction of courts inferior to the district court shall continue unchanged after the ratification date, and judges of such courts shall continue in office until the expiration of the term for which they were elected or appointed, subject however to the power of the legislature to abolish such courts, modify their jurisdiction, or abolish the offices of their judges.

SECTION 6. CONTINUATION OF POLITICAL SUBDIVISIONS AND OF THEIR OFFICERS. — All political subdivisions shall continue in existence after the ratification date unless abolished, merged, consolidated, or otherwise altered pursuant to statute enacted after the ratification date. All officers of such subdivisions securing any office by election or appointment shall continue to exercise the duties thereof according to their respective commissions or appointments until their offices are abolished or their successors qualified according to this constitution or the laws enacted pursuant thereto.

SECTION 7. CONTINUATION OF STATUTES. — All laws in force on the effective date of this constitution in the state of Idaho which are not repugnant to this constitution shall remain in force until they expire by their own limitation or be altered or repealed by the legislature.

SECTION 8. EFFECTIVE DATE OF REPEAL OF CONSTITUTION OF 1890. — All of the constitution of 1890 and amendments thereto shall be repealed two years after the ratification date, except:

(a) Article III of the constitution of 1890 and amendments thereto shall be repealed effective noon of the first Monday in December following the ratification date.

(b) Sections 10 and 11 of article IV of the constitution of 1890 and amendments thereto shall be repealed effective noon of the first Monday in December following the ratification date.

SECTION 9. UNRESTRICTED NATURE OF POWER OF LEGISLATURE. — No inference restricting the power of the legislature shall be drawn from the deletions or omissions from this constitution of any provisions of the constitution of 1890 and its amendments. The power of the legislature shall be restricted only by this constitution and the constitution of the United States.

SECTION 2. The question to be submitted to the electors of the state of Idaho at the next general election shall be as follows: "Shall the revised Constitution contained in this Senate joint resolution No. 122 be adopted?"
SECTION 3. The Secretary of State is directed to cause this revised Constitution to be published for not less than two consecutive weeks nor for more than six consecutive weeks prior to the next general election in one newspaper of general circulation published in each county of the state of Idaho.

Passed by the Senate February 23, 1970
Passed by the House February 26, 1970
SENATE JOINT MEMORIALS

(S. J. M. No. 113)

A JOINT MEMORIAL


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

We, your Memorialists, the Legislature of the State of Idaho, assembled in the Second Regular Session of the Fortieth Idaho Legislature, do respectfully request that:

WHEREAS, the Clarke-McNary Act of June 7, 1924 (43 Stat. 653); 16 U.S.C. 471, 505, 515, 564, 565A, 566, 566A-B, 567, 568, 568A, 569 and 570 authorizes the Secretary of Agriculture to cooperate with appropriate officials of each state in the protection of timbered and forest-producing lands from fire; and

WHEREAS, the full authorization of twenty million dollars of matching monies to the various states, as authorized by the act of October 26, 1949 (63 Stat. 909) has not been appropriated in past years.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Fortieth Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States of America to proceed at the earliest possible date to enact the necessary legislation to appropriate full authorization of twenty million dollars for financing cooperative fire control.

BE IT FURTHER RESOLVED that the Secretary of the Senate be authorized and directed to forward certified copies of this memorial to the President of the United States, the Secretary of Agriculture, the Speaker of the House of Representatives of the Congress and to the Senators and
A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND THE HONORABLE CONGRESSIONAL DELEGATION OF THE STATE OF IDAHO.

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the Second Regular Session of the Fortieth Idaho Legislature, do respectfully represent that:

WHEREAS, the family farm is one of the mainstays of the Idaho economy, and

WHEREAS, the family farm has come to depend on operating loans advanced by the Farmers Home Administration, and

WHEREAS, the Farmers Home Administration has exhausted its available supply of loan funds for family farms, and

WHEREAS, there is still a pressing need for operating loans for family farms in Idaho, and these family farms cannot secure credit from any other source, and

WHEREAS, this vital loan service could be made available by an act of Congress.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Fortieth Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States to make additional funds for operating loans for family farms available to the Farmers Home Administration as soon as possible.

BE IT FURTHER RESOLVED that we respectfully urge our congressional delegation to continue their fine efforts toward obtaining this additional appropriation for the Farmers Home Administration.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and he is hereby authorized and directed to forward certified copies of this Memorial to the leadership of the Senate and House of Representatives of
Congress, and to the Senators and Representatives representing this state in the Congress of the United States.

Passed by the Senate March 6, 1970
Passed by the House March 7, 1970
A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, THE HONORABLE CONGRESSIONAL DELEGATION OF THE STATE OF IDAHO AND THE HONORABLE UNITED STATES SECRETARY OF AGRICULTURE.

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the Second Regular Session of the Fortieth Idaho Legislature, do respectfully represent that:

WHEREAS, the sugar beet industry is a major industry of the state of Idaho; and

WHEREAS, in 1968 the United States Bureau of Land Management removed brush from the area generally referred to as the Bruneau desert and did not adequately seed or properly care for the land thereafter; and

WHEREAS, in August 1968 there was an exceedingly heavy rainfall compounded by an exceedingly deficient rainfall in March, April and May 1969, in the counties of Elmore, Twin Falls, Owyhee, Jerome, Gooding, Ada and Canyon, state of Idaho; and

WHEREAS, the combination of the heavy rains in August 1968 and the deficient rain in spring 1969 resulted in an infestation of beet leafhoppers which caused substantial and widespread sugar beet crop loss, averaging one-half crop yield, and in some instances involved complete destruction; and

WHEREAS, this loss has had a severe impact on the respective economies of the counties of Elmore, Twin Falls, Owyhee, Jerome, Gooding, Ada and Canyon, state of Idaho; and

WHEREAS, many farmers in these counties are in dire financial straits as a result of a natural disaster; and
WHEREAS, the Consolidated Farmers Home Administration Act of 1961 (Section 321 (a)); 7 U.S.C. 1961, authorizes the Secretary of Agriculture to designate any area as an emergency loan area, "if he finds (1) that there exists in such area a general need for agricultural credit which cannot be met for temporary periods of time by private, cooperative, or other responsible sources... at reasonable rates and terms for loans for similar purposes and periods of time, and (2) that the need for such credit in such area is the result of a natural disaster."; and

WHEREAS, it is the understanding of the Idaho Legislature that the United States Department of Agriculture has refused to declare these affected farmers eligible for Farmers Home Administration loans under the above act.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Fortieth Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the Secretary of Agriculture to declare the affected farmers eligible for FHA emergency loans and to direct the FHA to work with the farmers in the area to help offset the economic crisis they face.

BE IT FURTHER RESOLVED that we respectfully urge our congressional delegation to continue their fine efforts toward obtaining emergency relief for these southwestern counties from the Secretary of Agriculture.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and he hereby is, authorized and directed to forward certified copies of this Memorial to the leadership of the Senate and House of Representatives of Congress, to the Senators and Representatives representing this state in the Congress of the United States and the Honorable Secretary of Agriculture:

Passed by the House January 30, 1970
Passed by the Senate January 31, 1970

(H. J. M. No. 7)

A JOINT MEMORIAL
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES
OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND THE
HONORABLE CONGRESSIONAL DELEGATION REPRESENTING
THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the Second Regular Session of the Fortieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the state of Idaho ranks fifth in the nation in the supply of timber, and

WHEREAS, seventy-four per cent of the commercial timber is owned or managed by the Federal Government, and

WHEREAS, only eighty per cent of this 1.1 billion board feet of allowable cut is made available to the wood products manufacturers, and

WHEREAS, Idaho must play an important role in helping the nation reach the goal of twenty-six million shelter units in the next ten years as set forth in the National Housing Act of 1968, and

WHEREAS, less than ten per cent of the nearly 1.3 billion board feet of timber that is annually lost to fire, insects, and disease is salvaged, and

WHEREAS, Idaho's forest industries are an important part of the state's economy and provide twelve thousand jobs with an annual payroll exceeding $77.5 million dollars, and

WHEREAS, H.R. 12025, known as the "National Forest, Timber, Conservation and Management Act" is presently under consideration in the Congress, and

WHEREAS, the passage of this act is vital to the welfare of the people of Idaho and to the people of the nation.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Fortieth Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the passage of H.R. 12025, the "National Forest, Timber, Conservation and Management Act."

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward certified copies of this Memorial to the Leadership of the Senate and House of Representatives of Congress, and to the Senators and Representatives representing this state in Congress.

Passed by the House February 3, 1970
Passed by the Senate February 3, 1970
A JOINT MEMORIAL
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES
OF THE UNITED STATES IN CONGRESS ASSEMBLED.

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the Second Regular Session of the Fortieth Idaho Legislature, do respectfully represent that:

WHEREAS, the government of the United States is a party to the Geneva Convention, having acceded to the terms of the convention on August 2, 1955; and

WHEREAS, the government of North Vietnam is a party to the Geneva Convention, having acceded to the terms of the convention on June 28, 1957; and

WHEREAS, it is the intent of the Geneva Convention that the high contracting parties to the convention insure the proper and humanitarian treatment of prisoners, provide needed medical service and supplies to sick and wounded prisoners, release the names of prisoners held by them, release the names of combatants known to have been killed, deliver mail to prisoners, and allow the impartial inspection of prisoners of war camps and facilities; and

WHEREAS, the government of North Vietnam has not conformed its actions to the terms of the Geneva Convention and has shown a blatant disregard for the feelings of the families of prisoners held and has ignored the representations of interested persons throughout the world.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Fortieth Idaho Legislature, speaking for and on behalf of the people of the state of Idaho, that the Congress of the United States take all possible steps to bring the weight of world public opinion to bear on the government of North Vietnam to require them to live up to the terms of the Geneva Convention which our government has signed in good faith and with which we are conforming.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Passed by the House February 12, 1970
Passed by the Senate February 14, 1970
A JOINT MEMORIAL
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES
OF THE UNITED STATES IN CONGRESS ASSEMBLED.

We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fortieth Idaho Legislature thereof, do respectfully request that:

WHEREAS, the uniform time act of 1966, being public law 89-387, as enacted by the 89th Congress of the United States, provides for the advancement of time during the period commencing at 2:00 o'clock antemeridian on the last Sunday of April of each year and ending at 2:00 o'clock antemeridian on the last Sunday of October of each year; and

WHEREAS, the application of this lengthy period of daylight savings time works a hardship and disruption upon the lives, work and welfare of the citizens of the state of Idaho; and

WHEREAS, the purpose and intent of the legislation, to facilitate use of the longer daylight hours in the summer months, could be accomplished by alternative means which would inflict less disruption upon the lives of the people;

NOW, THEREFORE, BE IT RESOLVED by the Second Regular session of the Fortieth Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge amendments and adjustments to the uniform time act to limit its provisions to the period commencing at 2:00 o'clock antemeridian on the last Sunday of May to 2:00 o'clock antemeridian on the first Sunday of September.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives be, and she hereby is, authorized and directed to forward certified copies of this Memorial to the leadership of the Senate and House of Representatives of Congress, and to the Senators and Representatives representing this state in the Congress of the United States.

Passed by the House February 24, 1970
Passed by the Senate February 27, 1970
CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA  

STATE OF IDAHO  

I, PETE CENARRUSA, Secretary of the State of Idaho, do hereby certify that the foregoing printed pages contain true, full, and correct and literal copies of all the general laws and resolutions passed by the Fortieth Legislature of the State of Idaho, Second Regular Session thereof, which convened January 13, 1970, and adjourned March 7, 1970, as they appear in the enrolled acts and resolutions on file in this office, all of which are published by authority of the Laws of the State of Idaho.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise City, the Capital of Idaho, this 20th day of March, 1970.

Secretary of State

When errors appear in the enrolled bills received from the Legislature at the office of the Secretary of State, this office has no authority to correct them.
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NUMERICAL LIST OF HOUSE BILLS

That passed both the Senate and House, Became Law and the Chapter Number of such Bill Appearing in the 1970 Session Laws.

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**SENATE JOINT MEMORIALS**

That passed both the Senate and House and
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ELECTED STATE OFFICIALS

UNITED STATES SENATORS
FRANK CHURCH (D) ........................................ 109 Idaho
Boise, Idaho 83702
LEN B. JORDAN (R) ........................................ 3110 Crescent Rim Dr.
Boise, Idaho 83704

REPRESENTATIVE IN CONGRESS (FIRST DISTRICT)
JAMES A. McCLURE (R) ................................. 534 Hughes Dr.
Payette, Idaho 83661

REPRESENTATIVE IN CONGRESS (SECOND DISTRICT)
ORVAL HANSEN (R) ...................................... 385 12th St.
Idaho Falls, Idaho 83401

GOVERNOR
DON SAMUELSON (R) ...................................... 1905 North 21st St.
Boise, Idaho 83702

LIEUTENANT GOVERNOR
JACK M. MURPHY (R) ..................................... Box 506
Shoshone, Idaho 83352

SECRETARY OF STATE
PETE T. CENARRUSA (R) ................................. 2400 Cherry Lane
Boise, Idaho 83705

STATE AUDITOR
JOE R. WILLIAMS (D) ..................................... 801 N. 20th
Boise, Idaho 83702

STATE TREASURER
MARJORIE RUTH MOON (D) ............................. 2227 Heights Dr.
Boise, Idaho 83702

ATTORNEY GENERAL
ROBERT M. ROBSON (R) ................................. 3025 Warm Springs Ave.
Boise, Idaho 83706

SUPERINTENDENT OF PUBLIC INSTRUCTION
D. F. ENGELKING (D) ...................................... 8815 San Anita Dr.
Boise, Idaho 83704

INSPECTOR OF MINES
O. T. HANSEN (R) .......................................... 2301 N. 13th
Boise, Idaho 83702
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<td>Warren H. Brown (R)</td>
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<td>Edith Miller Klein (R)</td>
<td>1732 Warm Springs Ave., Boise, Idaho 83702</td>
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<td>Alvin Joslyn (D)</td>
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