CHAPTER 1  
(S.B.No.1016)  

AN ACT  
AMENDING SECTION 54-818, IDAHO CODE, TO PROVIDE FOR THE COSMETOLOGIST LICENSE ANNUAL RENEWAL FEE AT $8.00, AND MAKING THE DATE OF LICENSE EXPIRATION CONFORM TO EXISTING REQUIREMENTS; AND DECLARING AN EMERGENCY. 

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

SECTION 1. That Section 54-818, Idaho Code, be, and the same is hereby amended to read as follows:  

54-818. FEES. — The various fees to be paid by applicants for original registrations, original licenses, annual renewals, certificates issued upon reciprocity, and examinations as required under this chapter shall be as follows:  

(a) Original registrations, licenses and annual renewals thereof:  

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>cosmetological establishment, original registration</td>
<td>$3.00</td>
</tr>
<tr>
<td>cosmetological establishment, annual renewals</td>
<td>$4.00</td>
</tr>
<tr>
<td>domestic school of cosmetology, original registration</td>
<td>$100.00</td>
</tr>
<tr>
<td>domestic school of cosmetology, annual renewals</td>
<td>$25.00</td>
</tr>
<tr>
<td>foreign school of cosmetology, original and annual renewal</td>
<td>$5.00</td>
</tr>
<tr>
<td>managing cosmetologist, original license</td>
<td>$3.00</td>
</tr>
<tr>
<td>managing cosmetologist, annual renewals</td>
<td>$4.00</td>
</tr>
<tr>
<td>manicurists, original license</td>
<td>$5.00</td>
</tr>
<tr>
<td>manicurists, annual renewals</td>
<td>$4.00</td>
</tr>
<tr>
<td>apprentice, original license (no renewal fees required)</td>
<td>$5.00</td>
</tr>
<tr>
<td>student certificate (no renewal fees required)</td>
<td>$5.00</td>
</tr>
</tbody>
</table>
cosmetologist, original license ........................................... 3.00
cosmetologist, annual renewals ........................................... 4.00 8.00
instructor, original license ........................................... 5.00
instructor, annual renewals ........................................... 4.00
reciprocity certificate ........................................... 25.00
interim certificate when reciprocity denied, also constitutes examination ........................................... 10.00
temporary license to practice, demonstrate and teach ........................................... 1.00

No fees shall be required for the registration of a student instructor.

(b) Examination:
as a cosmetologist ........................................... $ 10.00
as a manicurist ........................................... 5.00

Fees shall not be prorated or returnable.

All certificates expire June 30 December 31.

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, 1975.
CHAPTER 2  
(S.B.No.1032)  

AN ACT  
AMENDING SECTION 67-1210, IDAHO CODE, RELATING TO INVESTMENT OF SURPLUS FUNDS BY PROVIDING A DEFINITION FOR "SURPLUS OR IDLE FUNDS", PROVIDING THAT INTEREST FROM SUCH FUNDS SHALL BE PAID INTO THE STATE GENERAL FUND UNLESS OTHERWISE SPECIFICALLY PROVIDED FOR BY LAW; PROVIDING THAT THIS LAW APPLIES TO ALL INTEREST RECEIVED FROM INVESTMENT OF SURPLUS OR IDLE FUNDS ON AND AFTER MARCH 29, 1974; PROVIDING FOR SEVERABILITY; 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 any of the following:

(a) Bonds, treasury bills, interest-bearing notes, or other obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) General obligation bonds of this state, or those for which the faith and credit of this state are pledged for the payment of principal and interest.

(c) General obligation bonds of any county, city, metropolitan water district, municipal utility district, school district or other taxing district of this state.

(d) Notes, bonds, debentures, or other similar obligations issued by the Farm Credit System or institutions forming a part thereof under the Farm Credit Act of 1971 [U.S.C., tit. 12, sections 2001-2259] and all Acts of Congress amendatory thereof or supplementary thereto; in bonds or debentures of the Federal Home Loan Board established under the Federal Home Loan Bank Act [U.S.C., tit. 12, sections 1421-1449]; in bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act [U.S.C., tit. 12, sections 1701-1750g] as amended, and in the bonds of any federal home loan bank established under said act and in other obligations of federal agencies.

(e) Repurchase agreements covered by any legal investment for the state of Idaho.
(f) Tax anticipation notes and registered warrants of the state of Idaho.

(g) Time deposits in state depositories pursuant to the provisions of chapter 27, title 67, Idaho Code.

(h) Time certificates of deposit and passbook accounts of state or federal savings and loan associations located within the geographical boundaries of the state in amounts not to exceed the insurance provided by the Federal Savings and Loan Insurance Corporation.

The term "surplus or idle funds" means 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 expenditures may be expected to occur, the charge 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 specifically required by law, shall be paid into the general fund of the state of Idaho.

SECTION 2: The provisions of this act shall apply to the interest from all surplus or idle funds received from investments by the state treasurer on or after March 29, 1974.

SECTION 3. 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 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 February 15, 1975.
AN ACT
APPROPRIATING $150,000 FROM THE PERMANENT BUILDING FUND TO THE
PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF
PUBLIC WORKS FOR THE PURPOSE SPECIFIED; AND DECLARING AN
EMERGENCY.

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

SECTION 1. There is hereby appropriated from the Permanent Building Fund to the
Permanent Building Fund Advisory Council and the Division of Public Works the sum of
$150,000, or so much thereof as may be necessary to be expended for completion of phases
II and III of the mechanical technology building at Eastern Idaho Vocational-Technical
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 February 15, 1975.
CHAPTER 4
(S.B.No. 1015)

AN ACT
AMENDING CHAPTER 49, IDAHO SESSION LAWS OF 1974, RELATING TO THE
PROVISIONS OF THE EMERGENCY DAYLIGHT SAVING TIME ENERGY
CONSERVATION ACT OF 1973; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1 of Chapter 49, Idaho Session Laws of 1974, be, and the
same is hereby amended to read as follows:

SECTION 1. The state of Idaho hereby exempts so much of the state as lies south of
the Salmon River, traversing the state from east to west near forty-five degrees thirty
minutes latitude, and located in the Mountain Time Zone, from the provisions of the
Emergency Daylight Saving Time Energy Conservation Act of 1973, being P.L. 93-182,
amended by P.L. 93-434, as enacted by the 93rd Congress of the United States, providing
for the advancement of time during the period beginning on the fourth Sunday which
occurs after the date of enactment and terminating on the last Sunday of February,
1975.

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.

Law without signature.
CHAPTER 5
(H.B.No. 13)

AN ACT
AMENDING SECTION 22-3515, IDAHO CODE, RELATING TO IMPOSITION OF ASSESSMENTS, BY INCREASING ASSESSMENTS ONE CENT PER CWT. ON LENTILS, DRY GREEN AND YELLOW AND OTHER SMOOTH VARIETIES OF PEAS, AUSTRIAN WINTER PEAS, AND SMOOTH GREEN AND YELLOW SEED PEAS GROWN IN THE STATE OF IDAHO.

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

SECTION 1. That Section 22-3515, Idaho Code, be, and the same is hereby amended to read as follows:

22-3515. IMPOSITION OF ASSESSMENT. — (1) From and after the first day of July, 1975, there is hereby levied and imposed an assessment of forty-five (45) cents per cwt. on lentils, three-fourths (3/4) of a cent per cwt. on dry green and yellow and other smooth varieties of peas, two (2) cents per cwt. on Austrian winter varieties of peas and three (3) cents per cwt. on smooth green and yellow seed peas harvested sold after July 1, 1965-1975, dockage free weight, grown in the state of Idaho and sold or contracted through commercial channels, and each and every crop grown thereafter, which assessment shall be due on or before the time when such peas and lentils are 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.

(2) The assessment 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 peas or lentils under his lien, the assessment shall be deducted by the lienholder from the proceeds of the claim secured by such lien at the time the peas or lentils are pledged or mortgaged. The assessment shall be deducted as provided in this section whether the peas or lentils are 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 assessment, provided the amount of the assessment is one dollar ($1.00) or less.

(3) The assessment shall be levied on peas and lentils grown and delivered on seed or grower contracts. The assessment shall be levied and assessed to the grower at the time of settlement and shall be deducted by the seed company, corporation, cooperative, partnership, or person from the price paid to the grower at the time of settlement for
fulfillment of conditions as set forth in grower contracts.

(4) The assessment shall not be levied on peas and lentils retained and used by the grower for his own seed and feed.

(5) The assessment constitutes a lien prior to all other liens and encumbrances upon such peas or lentils except liens which are declared prior by operation of a statute of this state.

Approved February 22, 1975.

CHAPTER 6
(S.B.No. 1174)

AN ACT
REPEALING CHAPTER 49, LAWS OF 1974, AS AMENDED BY SENATE BILL 1015, FIRST REGULAR SESSION, FORTY-THIRD IDAHO LEGISLATURE, RELATING TO AN EXEMPTION FROM THE PROVISIONS OF THE EMERGENCY DAY-LIGHT SAVING TIME ENERGY CONSERVATION ACT OF 1973; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 49, Laws of 1974, as amended by Senate Bill 1015, First Regular Session, Forty-third Idaho Legislature, be, and the same is hereby repealed.

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 22, 1975.
CHAPTER 7
(H.B.No. 36)

AN ACT
RELATING TO FAIR DISTRICTS; AMENDING SECTION 22-306, IDAHO CODE, TO PROVIDE THAT FAIR DISTRICT DIRECTORS SHALL RECEIVE THE MILEAGE RATE ESTABLISHED BY THE STATE BOARD OF EXAMINERS FOR EACH MILE TRAVELED WHILE TRANSACTING DISTRICT BUSINESS; AND AMENDING SECTION 22-307, IDAHO CODE, TO PROVIDE THAT THE JOINT MEETING OF THE BOARDS OF COUNTY COMMISSIONERS AND THE DIRECTORS OF THE DISTRICT SHALL BE HELD ON THE SECOND WEDNESDAY OF DECEMBER.

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 twenty-five dollars ($25.00) per diem while actually engaged in the business of the district and ten cents (10¢) per mile the mileage rate established by the state board of examiners pursuant to the authority in section 67-2008, Idaho Code, for state officers, agents and employees for each mile actually and necessarily traveled while transacting such business.

SECTION 2. That Section 22-307, Idaho Code, be, and the same is hereby amended to read as follows:

22-307. REVENUE FOR FAIR PURPOSES. - Aside from the revenue derived from annual fairs or other exhibitions conducted, the necessary revenue shall be raised as follows: The board of directors shall meet on the second Monday of November of each year, and shall make a budget of the amounts required in the conduct of the affairs of the district, for the current year, and shall deduct therefrom the probable income from fairs and other exhibitions to be held by said district during the current year, and shall then apportion the remaining balance among the various counties forming said district, in proportion to the assessed property of each county as determined by the assessment rolls of the preceding year, and shall certify to each board of county commissioners the amount of said budget, and the amount of revenue to be raised by such county for such special purposes and shall file a certified copy thereof with the clerk of the board of county commissioners of each of the counties in said district, on or before the second Monday of December of each year. The
respective boards of county commissioners of the counties comprising said district, shall
meet in joint assembly with the directors of the fair district on the fourth second
Wednesday in February December at two-(2)-o'clock P.M. of each year at the place of
business of said fair district, and shall at said meeting organize such meeting by electing a
chairman and secretary and shall jointly consider the budget proposed by the board of
directors of the district, and shall give such approval or make such amendments or
modifications as to them may seem proper and desirable; grant to the board of directors of
the district such authority in connection with the proposed expenditures, as said
commissioners, by a majority vote may decide, pass resolutions or adopt bylaws that may be
necessary for the conduct of said fair, such action to be certified back to the respective
counties by the board of directors of the fair district.

A majority vote shall be the vote of a majority of the commissioners present at said
meeting, and said majority vote shall be binding upon the respective boards of
commissioners of all the counties belonging to said district. If the county commissioners
shall fail to hold such joint meeting, or shall fail to take any action, then the budget as
prepared by the directors of the fair district shall be, without further action, deemed
approved, and the sums of money apportioned to the respective counties in the district shall
be the sums to be raised by special levy for said purpose. For the purpose of raising the
aforesaid revenues, the board of county commissioners of each county in the district shall
annually make a levy to raise the required sum apportioned to the respective counties,
provided, however, that the said levy shall not exceed one-fourth (1/4) mill on the dollar of
the assessed valuation of all of the taxable property in the county, the proceeds of which
tax shall be paid into the treasury of the fair district and used for any purpose authorized by
this act.

Approved February 22, 1975.
CHAPTER 8
(S.B.No. 1043)

AN ACT
RELATING TO THE UNIFORM POST CONVICTION PROCEDURE; AMENDING SECTION 19-4901, IDAHO CODE, TO STRIKE THEREFROM UNLAWFUL REVOCATION OF PAROLE AS A MATTER OF WHICH THE COURT MAY TAKE COGNIZANCE UNDER THE UNIFORM POST CONVICTION PROCEDURE ACT.

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

SECTION 1. That Section 19-4901, Idaho Code, be, and the same is hereby amended to read as follows:

19-4901. REMEDY — TO WHOM AVAILABLE — CONDITIONS. — (a) Any person who has been convicted of, or sentenced for, a crime and who claims:

(1) that the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this state;

(2) that the court was without jurisdiction to impose sentence;

(3) that the sentence exceeds the maximum authorized by law;

(4) that there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;

(5) that his sentence has expired, that his probation, parole, or conditional release was unlawfully revoked by the court in which he was convicted, or that he is otherwise unlawfully held in custody or other restraint; or

(6) that the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding, or remedy: may institute, without paying a filing fee, a proceeding under this act to secure relief.

(b) This remedy is not a substitute for nor does it affect any remedy incident to the proceedings in the trial court, or of an appeal from the sentence or conviction. Except as otherwise provided in this act, it comprehends and takes the place of all other common law, statutory, or other remedies heretofore available for challenging the validity of the conviction or sentence. It shall be used exclusively in place of them.

Approved February 22, 1975.
CHAPTER 9
(H.B.No. 28)

AN ACT
AMENDING CHAPTER 5, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW
SECTION 67-514, IDAHO CODE, TO PROVIDE REQUIREMENT FOR TITLES TO
LEGISLATIVE BILLS.

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

SECTION 1. That Chapter 5, 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
67-514, Idaho Code, and to read as follows:

67-514. TITLES TO BILLS. — The title to each legislative bill shall contain a specific
phrase which expresses the subject matter of the bill. Such phrase may be the short title of
the act, and shall be used in legislative journals to identify the bill upon introduction, along
with other identification required by rules of the House of Representatives or Senate.

Approved February 25, 1975.
CHAPTER 10  
(H.B.No. 104)  

AN ACT  
APPROPRIATING MONEYS OUT OF THE FUNDS ENUMERATED TO THE STATE BOARD OF VOCATIONAL EDUCATION FOR USE BY THE DEPARTMENT FOR VOCATIONAL EDUCATION FOR THE PURPOSE SPECIFIED; DECLARING AN EMERGENCY AND APPROPRIATING THE MONEYS THROUGH JUNE 30, 1976.

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

SECTION 1. There is hereby appropriated from the General Fund the sum of $100,000 or so much thereof as necessary to the State Board for Vocational Education to be expended solely in area vocational schools for vocational training needs for new and expanding industry in Idaho and to accelerate emergency training programs.

FOR:  
State Board for Vocational Education  $100,000  

FROM:  
Fiscal Year 1975 General Fund moneys  $100,000  

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, and the funds appropriated shall be available from and after its passage and approval through June 30, 1976.

Approved February 25, 1975.
CHAPTER 11
(S.B. No. 1168)

AN ACT

APPROPRIATING MONEYS OUT OF THE FUNDS MADE AVAILABLE TO THE STATE OF IDAHO BY THE STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972 TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR AGRICULTURAL RESEARCH FOR THE PURPOSE SPECIFIED FOR THE PERIOD COMMENCING WITH THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1975; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount, or so much thereof as may be necessary, to the State Board of Education and the Board of Regents of the University of Idaho for agricultural research for the purpose specified, for the period commencing with the effective date of this act through June 30, 1975.

FOR:

Special Plant Outlay Items

FROM:

Funds received under the State and Local Fiscal Assistance Act of 1972

$28,700

$28,700

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 28, 1975.
AN ACT
AMENDING SECTION 63-3004, IDAHO CODE, RELATING TO THE INTERNAL REVENUE CODE, BY STRIKING THE FIGURE 1974 AND INSERTING IN LIEU THEREOF THE FIGURE 1975; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE EFFECTIVE DATES.

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

SECTION 1. That Section 63-3004, Idaho Code, be, and the same is hereby amended to read as follows:


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, 1975, and that those changes effected by the Employee Retirement Income Security Act of 1974, P. L. 93-406, amending sections 401 through 404 of the Internal Revenue Code and related sections shall be in full force and effect retroactively to January 1, 1974, and effective upon the effective dates after that date recited in appropriate sections of P. L. 93-406.

Approved February 28, 1975.
AMENDING SECTION 72-404, IDAHO CODE, TO PROVIDE THAT THE LIABILITY OF THE EMPLOYER FOR COMPENSATION MAY BE DISCHARGED BY LUMP SUM PAYMENT WITH THE APPROVAL OF THE COMMISSION; AMENDING SECTION 72-410, IDAHO CODE, DEFINING DEPENDENTS ENTITLED TO INCOME BENEFITS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 72-404, Idaho Code, be, and the same is hereby amended to read as follows:

72-404. LUMP SUM PAYMENTS. — Whenever the commission determines that it is for the best interest of all parties, the liability of the employer for income benefits compensation may, on application to the commission by any party interested, be discharged in whole or in part by the payment of one (1) or more lump sums to be determined, with the approval of the commission.

SECTION 2. That Section 72-410, Idaho Code, be, and the same is hereby amended to read as follows:

72-410. DEPENDENTS. — The following persons, and they only, shall be deemed dependents and entitled to income benefits under the provisions of this act:

(1) A child if under eighteen (18) years of age, or incapable of self-support and unmarried, whether or not actually dependent upon the deceased or disabled employee not.

(2) The widow only if living with the deceased or living apart from him for justifiable cause, or actually dependent, wholly or partially, upon him.

(3) The widower only if incapable of self-support and actually dependent, wholly or partially, upon the deceased at the time of her injury.

(4) A parent or grandparent only if actually dependent, wholly or partially, upon the deceased.

(5) A grandchild, brother or sister only if under eighteen (18) years of age, or incapable of self-support, and actually dependent wholly upon the deceased.

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 28, 1975.
CHAPTER 14
(H.B.No. 82)

AN ACT
AMENDING CHAPTER 13, TITLE 10, IDAHO CODE, BY THE ADDITION OF A NEW
SECTION 10-1306A, IDAHO CODE, RELATING TO RECORDING FOREIGN
JUDGMENTS.

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

SECTION 1. That Chapter 13, Title 10, Idaho Code, be, and the same is hereby
amended by the addition thereto of a new section, to be known and designated as Section
10-1306A, Idaho Code, and to read as follows:

10-1306A. RECORDING OF FILED JUDGMENT. — A foreign judgment filed under
this act shall not become a lien as provided in section 10-1110, Idaho Code, unless a
transcript or abstract thereof, certified by the clerk of the Idaho court in which it has been
filed, which certificate shall be made more than five (5) days after the filing of such
judgment as provided in section 10-1303, Idaho Code, which judgment has not been stayed
as provided by law, has been recorded with the recorder of any county of this state in the
manner provided by section 10-1110, Idaho Code, and upon said recording shall be a lien
from the date thereof.

Approved February 28, 1975.
CHAPTER 15  
(S.B.No. 1190)  

AN ACT  
APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE TRANSPORTATION BOARD, PRESCRIBING CONDITIONS FOR THE USE OF THE MONEYS, PRESCRIBING THE RETURN OF SUCH MONEYS TO THE GENERAL FUND IF CERTAIN CONDITIONS ARE NOT MET; 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 $3,500,000, or so much thereof as may be necessary, to the Idaho Transportation Board for the specific purpose of matching $23,000,000 or more made available from the federal highway trust fund. If the federal trust fund moneys are not made available to the Idaho Transportation Board by June 30, 1975, or if the total amount of the appropriation is not needed to meet matching requirements from federal moneys by June 30, 1975, the general fund moneys made available by this appropriation, or the balance not utilized for matching purposes, shall not be expended or utilized by the Idaho Transportation Board in any manner, but shall return to and remain in 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 5, 1975.
CHAPTER 16
(S.B.No. 1191)

AN ACT
APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE TRANSPORTATION BOARD, PRESCRIBING CONDITIONS FOR THE USE OF THE MONEYS, PRESCRIBING THE RETURN OF SUCH MONEYS TO THE GENERAL FUND IF CERTAIN CONDITIONS ARE NOT MET; 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 $2,300,000, or so much thereof as may be necessary, to the Idaho Transportation Board for the specific purpose of matching $19,300,000 or more made available from the federal highway trust fund. If the federal trust fund moneys are not available to the Idaho Transportation Board by June 30, 1975, or if the total amount of the appropriation is not needed to meet matching requirements from federal moneys by June 30, 1975, the general fund moneys made available by this appropriation, or the balance not utilized for matching purposes, shall not be expended or utilized by the Idaho Transportation Board in any manner, but shall return to and remain in 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 5, 1975.
CHAPTER 17
(S.B.No. 1051)

AN ACT
RELATING TO UNLAWFUL ACTS BY MANUFACTURER LICENSEES; AMENDING SECTION 49-2414, IDAHO CODE, BY STRIKING THEREFROM THAT PROVISION THAT PERMITS MANUFACTURER LICENSEES TO ENFORCE CONTRACTS WITH DEALER LICENSEES WHEN FREELY ENTERED INTO.

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

SECTION 1. 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 director 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) 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.

(6) 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.

(7) 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 advertised 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 cancellation.

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

(9) 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 of such performance constitute a violation of any of the provisions of this chapter; provided, any such contract, or the terms thereof, requiring performance, shall have been theretofore freely entered into and executed between the contracting parties.

Approved March 6, 1975.
CHAPTER 18
(S.B.No. 1170)

AN ACT
AMENDING SECTION 1, CHAPTER 276, LAWS OF 1974, RELATING TO THE APPROPRIATION FROM THE FUNDS ENUMERATED TO THE SUPREME COURT FOR THE PERIOD JULY 1, 1974, THROUGH JUNE 30, 1975, BY INCREASING THE APPROPRIATION BY THE AMOUNT OF $12,600, AND PROVIDING FOR MAJOR PROGRAM EXPENDITURES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 276, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated out of the funds enumerated the sum of $3,807,668 $3,820,262 to the Supreme Court to be expended for the designated programs from the listed funds for the period July 1, 1974, through June 30, 1975:

<table>
<thead>
<tr>
<th>FROM GENERAL FUND</th>
<th>FROM MISCELLANEOUS RECEIPTS FUND</th>
<th>FROM INTERACCOUNT BILLINGS</th>
<th>FROM FEDERAL FUNDS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>$647,800</td>
<td>$6,000</td>
<td>$185,962</td>
<td>$839,762</td>
</tr>
<tr>
<td>Law Library</td>
<td>99,700</td>
<td></td>
<td></td>
<td>99,700</td>
</tr>
<tr>
<td>District Court</td>
<td>1,295,500</td>
<td></td>
<td></td>
<td>1,295,500</td>
</tr>
<tr>
<td>Magistrates Division</td>
<td>1,135,200</td>
<td></td>
<td></td>
<td>1,135,200</td>
</tr>
<tr>
<td>Judicial Council</td>
<td>27,900</td>
<td></td>
<td></td>
<td>27,900</td>
</tr>
<tr>
<td>Matching Funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Grants</td>
<td>22,200</td>
<td></td>
<td>400,000</td>
<td>422,200</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$3,228,300</strong></td>
<td><strong>$6,000</strong></td>
<td><strong>$400,000</strong></td>
<td><strong>$3,820,262</strong></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 6, 1975.
CHAPTER 19
(S.B.No. 1175)

AN ACT
AMENDING SECTION 1, CHAPTER 280, LAWS OF 1974, TO PROVIDE A STATEMENT OF INTENT FOR REVISED APPROPRIATIONS TO THE DEPARTMENT OF LANDS; AMENDING SECTION 3, CHAPTER 280, LAWS OF 1974, TO PROVIDE FOR REVISED APPROPRIATIONS TO THE DEPARTMENT OF LANDS; STATING LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 280, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 1. It is legislative intent that the expenditures for the Department of Lands not exceed the following amounts for the period July 1, 1974, through June 30, 1975:

FOR:

| Personnel Costs                        | $2,992,638 |
| Operating Expenditures                 | 2,488,807-2,411,987 |
| Capital Outlay                         | 331,835    |
| Trustee & Benefit Payments             | 245,920-542,220 |
| Mineral Resources Research & Development| 40,200     |
| TOTAL                                  | $6,089,490-6,259,000 |

FROM:

| General Fund                          | $2,845,900-3,095,500 |
| Dedicated Funds:
  Log Scalers Law Fund                  | 58,300    |
  Forest Protection Fund                 | 766,829   |
  Forest & Range Conservation Fund       | 10,200    |
  Land Commissioners Scaling Trust Fund  | 150,877   |
  Forest Management Fund                 | 1,476,231 |
  10% Timber & Grazing Land Lease Fund   | 579,663   |
  Receipts to Appropriations             | 81,200    |
| Other Funds:
  Fiscal Year 1974 General Fund Moneys  | 40,200    |
| TOTAL                                  | $6,089,490-6,259,000 |
SECTION 2. That Section 3, Chapter 280, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 3. There is hereby appropriated to the Department of Lands for the functions heretofore performed by the Department of Public Lands the following amounts to be expended for designated programs according to expense classes designated therein from the listed funds for the period July 1, 1974, through June 30, 1975:

<table>
<thead>
<tr>
<th>FROM</th>
<th>FROM</th>
<th>FROM</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL</td>
<td>DEDICATED</td>
<td>RECEIPTS TO APPROPRIATION</td>
</tr>
<tr>
<td>FUND</td>
<td>FUNDS</td>
<td>FUND</td>
</tr>
<tr>
<td></td>
<td></td>
<td>TOTAL</td>
</tr>
</tbody>
</table>

A. ADMINISTRATIVE SUPPORTING SERVICES PROGRAM:

FOR:

<table>
<thead>
<tr>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>$386,759</td>
<td>$138,075</td>
<td>$21,800</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>546,634</strong></td>
<td><strong>18,166</strong></td>
</tr>
</tbody>
</table>

B. FOREST PROTECTION PROGRAM:

FOR:

<table>
<thead>
<tr>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>$886,918</td>
<td>$554,753</td>
<td>160,670</td>
</tr>
</tbody>
</table>

Trustee & Benefit Payments

| $550,000 | 446,300 |
| **TOTALS** | **$1,001,053** | **$2,165,347** |

C. FOREST MANAGEMENT PROGRAM:

FOR:

<table>
<thead>
<tr>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>$465,298</td>
<td>$41,447</td>
<td>49,995</td>
</tr>
</tbody>
</table>

| **TOTALS**      | **556,740**            | **$81,200**   |

D. RANGE MANAGEMENT PROGRAM:

FOR:

<table>
<thead>
<tr>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>$222,960</td>
<td>38,898</td>
<td>21,000</td>
</tr>
</tbody>
</table>

| **TOTALS**      | **282,858**            | **$336,800**  |

E. LANDS ACTION PROGRAM:

FOR:

<table>
<thead>
<tr>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>$163,365</td>
<td>15,030</td>
<td>7,320</td>
</tr>
</tbody>
</table>

| **TOTALS**      | **$185,715**           | **$207,200**  |
SECTION 3. (1) It is legislative intent that in Section 3, subsection B, Chapter 280, Laws of 1974, as amended in Section 2 of this act, the increase of appropriation, in the classification of Trustee & Benefit Payments, in the amount of $296,300, is for the purpose of appropriating an amount equal to deficiency warrants already issued and approved by the State Land Board, honored by the state auditor and processed by the state treasurer, to cover the extraordinary firefighting costs incurred during 1974-1975 fiscal year.

(2) It is legislative intent that Section 3, subsection F, Chapter 280, Laws of 1974, as amended in Section 2 of this act, be stricken, so as to effect the transfer of this appropriation and program from the Department of Lands to the Department of Administration.

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 6, 1975.
AN ACT

REPEALING SECTION 42-3403, IDAHO CODE, RELATING TO THE COLUMBIA INTERSTATE COMPACT.

It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 42-3403, Idaho Code, be, and the same is hereby repealed. Approved March 6, 1975.
CHAPTER 21
(H.B. No. 37)

AN ACT
AMENDING SECTION 34-406, IDAHO CODE, TO PROVIDE THAT EACH PRECINCT COMMITTEE MAN MAY RECOMMEND NAMES FOR APPOINTMENT AS REGISTRARS, AND TO PROVIDE THAT IF NO NAMES ARE RECOMMENDED THEN THE COUNTY CLERK SHALL APPOINT A REGISTRAR, AND TO PROVIDE THAT IF THE COUNTY CLERK DOES NOT APPOINT A REGISTRAR IN AN ELECTION PRECINCT THEN THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT A REGISTRAR; AMENDING SECTION 34-502, IDAHO CODE, TO PROVIDE THAT THE COUNTY CLERK SHALL NOTIFY THE CHAIRMAN OF THE COUNTY CENTRAL COMMITTEE OF THE NUMBER OF ELECTION PRECINCTS AND THE PRECINCT COMMITTEE MAN FOR EACH PRECINCT, TO PROVIDE THAT THE COUNTY CENTRAL COMMITTEE SHALL FILL VACANCIES IN THE OFFICE OF PRECINCT COMMITTEE MAN, TO PROVIDE THAT THE CHAIRMAN OF THE COUNTY CENTRAL COMMITTEE SHALL CERTIFY THE NAMES OF PRECINCT COMMITTEE MENS TO THE COUNTY CLERK, AND TO PROVIDE THAT THE COUNTY CLERK SHALL NOTIFY EACH PRECINCT COMMITTEE MAN OF HIS ABILITY TO RECOMMEND NAMES FOR APPOINTMENT AS REGISTRAR; AMENDING SECTION 34-714, IDAHO CODE, TO PROVIDE FOR FILLING VACANCIES IN THE SLATE OF CANDIDATES THAT OCCUR PRIOR TO THE PRIMARY; AMENDING SECTION 59-902, IDAHO CODE, TO STRIKE REFERENCE TO PRECINCT OR TOWNSHIP OFFICERS; AMENDING SECTION 59-905, IDAHO CODE, TO STRIKE REFERENCE TO PRECINCT OFFICES AND TO VILLAGES; AMENDING SECTION 59-906, IDAHO CODE, TO STRIKE REFERENCES TO PRECINCT OFFICES; AND REPEALING SECTION 59-907, IDAHO CODE.

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

SECTION 1. That Section 34-406, Idaho Code, be, and the same is hereby amended to read as follows:

34-406. APPOINTMENT OF OFFICIAL REGISTRAR FOR EACH VOTING PRECINCT — DUTIES. — (1) Each county clerk shall appoint an official registrar for each voting precinct within the county on or before 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 Each precinct committeeman committeeman shall may 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, but if no recommendations are received from a precinct committeeman as herein provided, then the county clerk shall appoint a qualified elector of the precinct as registrar. In the event the county clerk does not appoint a registrar for each precinct, then the board of county commissioners shall, by no later than April 15, appoint such registrars.

(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) Each official registrar shall deliver the official registration cards of all electors registered by him in a manner prescribed by the secretary of state.

SECTION 2. That Section 34-502, Idaho Code, be, and the same is hereby amended to read as follows:

34-502. COUNTY CENTRAL COMMITTEE - MEMBERS - OFFICERS - DUTIES OF CHAIRMAN - NOTICE TO CHAIRMAN. - 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.

The county central committee shall fill by appointment all vacancies that occur or exist in the office of precinct committeeman who shall be a qualified elector of the precinct.

The county clerk shall deliver in writing to the chairman of the county central committee of each political party on or before January 20 of each year in which a general election is to be held, a list of the election precincts in the county and the names and addresses of the precinct committeemen who were elected at the last primary election, or who have since been appointed as precinct committeemen, as such election or appointment
is shown on the records of the county clerk. If the county clerk has no record of precinct committeemen, he shall, in writing, so inform the chairman of the county central committee.

The chairman of the county central committee shall on or before February 1 of each year in which a general election is to be held, and at such other times as changes occur, certify to the county clerk the names and addresses of the precinct committeemen of his political party. Immediately upon receipt of certification, the county clerk shall deliver in writing to each precinct committeeman a notice of the provisions of subsection (1) of section 34-406, Idaho Code.

SECTION 3. That Section 34-714, Idaho Code, be, and the same is hereby amended to read as follows:

34-714. FILLING VACANCIES IN SLATE OF CANDIDATES OCCURRING PRIOR TO PRIMARY ELECTION. 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 for a county level office.
2. By the legislative district central committee if the vacancy occurs for the office of state representative or state senator.
3. By the state central committee if the vacancy occurs for a federal or state office.
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 34-715, Idaho Code.

SECTION 4. That Section 59-902, Idaho Code, be, and the same is hereby amended to read as follows:

59-902. RESIGNATIONS. Resignations of civil offices must be in writing, and may be made as follows:
1. By the governor to the legislature, if in session; if not, to the secretary of state.
2. By senators and representatives in congress, and by all officers elected by the qualified voters of the state, and by judges of the supreme court and district courts, and regents of the university, to the governor.
3. By members of the senate and house of representatives, to the presiding officers of their respective bodies, in session, who shall immediately transmit information of the same to the governor. If such bodies are not in session, to the governor.
4. By all county and precinct officers, to the county board, and by members of the county board, to the county auditor.
5. By all township officers, to the township clerk, and by the township clerk, to the town board.
65. By all officers holding appointment, to the officer or body by whom they were appointed.

Such resignation shall not take effect until accepted by the board or officer to whom the same is made.

SECTION 5. That Section 59-905, Idaho Code, be, and the same is hereby amended to read as follows:

59-905. OTHER STATE OFFICES — COUNTY AND CITY OFFICES — VACANCIES, HOW FILLED. — Vacancies shall be filled in the following manner: In the office of the clerk of the Supreme Court, by the Supreme Court. In all other state and judicial district offices, and in the membership of any board or commission created by the state, where no other method is specially provided, by the governor. In county and precinct offices, by the county board; and in the membership of such board, by the governor. In city and village offices, by the mayor and council or board of trustees.

SECTION 6. That Section 59-906, Idaho Code, be, and the same is hereby amended to read as follows:

59-906. COUNTY AND PRECINCT OFFICES — VACANCIES, HOW FILLED. — All vacancies in any county or precinct office of any of the several counties of the state, except that of the county commissioners (who shall be appointed by the governor), shall be filled by appointment by the county commissioners of the county in which the vacancy occurs until the next general election, when such vacancy shall be filled by election.

SECTION 7. That Section 59-907, Idaho Code, be, and the same is hereby repealed. Approved March 6, 1975.
CHAPTER 22
(S.B.No. 1072)

AN ACT
AMENDING SECTION 33-1402, IDAHO CODE, RELATING TO TRANSFER OF PUPILS BY APPLICATION, TO PROVIDE THAT TUITION SHALL NOT BE CHARGED EXCEPT IN CERTAIN CASES; AND AMENDING SECTION 33-1403, IDAHO CODE, RELATING TO TRANSFER OF PUPILS BY INITIATIVE OF THE BOARD OF TRUSTEES, TO PROVIDE THAT TUITION SHALL NOT BE CHARGED.

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

SECTION 1. That Section 33-1402, Idaho Code, be, and the same is hereby amended to read as follows:

33-1402. TRANSFER OF PUPILS FROM HOME DISTRICT BY APPLICATION. — Whenever it shall appear that the best interest of any pupil will be served if such pupil attend school in other than his home district, a parent or guardian of such pupil may make application to the board of trustees of the home district for approval of transfer of such pupil to another school district, setting forth the facts and reasons why such transfer should be made and specifying the district to which transfer is desired. Said board of trustees shall, not less than ten (10) days before the date such application is to be heard, enter its order for a hearing, and give notice by mail to the applicant as to the time and place thereof.

After hearing the same, if the board of trustees shall determine it to be in the best interest of such pupil to attend school in another district, and such district has agreed to accept the transfer of the pupil, the board shall make and enter its order to that effect. When the approved transfer of the pupil is from one Idaho school district to another Idaho school district, neither the home district nor the parents nor guardian of the pupil involved shall be liable for any tuition charges, except in the case of school districts which do not give instruction through grade twelve (12), any resident pupil who shall have completed the instruction given within any such district may attend any school in this state in order to complete his education through grade twelve (12), without a hearing or decision by the board of trustees of his home district, and the home district shall be liable for the tuition.

Any decision by the board of trustees of the home district of a pupil applying for transfer or of the district receiving such pupil may be appealed to and heard by the state board of education.

SECTION 2. That Section 33-1403, Idaho Code, be, and the same is hereby amended to read as follows:
33-1403. TRANSFER OF PUPILS BY INITIATIVE OF THE BOARD OF TRUSTEES. – Whenever the board of trustees of any school district shall determine that it is in the best interest of any of its pupils to attend school in another district within this state, the boards of trustees of the districts may annually agree, in writing, that such pupil or pupils shall be transferred to and attend the designated school or schools of the other district party to the agreement. In such a case neither the home district nor the parents nor guardian of the pupil involved shall be liable for any tuition charges, except as provided in section 33-1402, Idaho Code.

Whenever the board of trustees of any Idaho school district abutting upon another state shall determine that it is in the best interest of any of its pupils to attend school in a school district in such neighboring state, the board of trustees may annually agree, in writing, with the governing board of the nearest appropriate school district in the neighboring state for the education, and transportation if the school district attended abuts on the home district, of such pupil or pupils. Any such agreement shall specify the rate of tuition, and cost of transportation if any, to be paid by the Idaho school district, and the agreement shall be entered into the records of the board of trustees and a copy thereof filed with the state board of education.

The board of trustees of any Idaho school district, as a creditor district, may, subject to the approval of the state board of education, enter into an agreement with the governing body of any school district in another state, as the debtor district, to educate, and if necessary transport, any of the pupils of such debtor district upon such terms and conditions as may be agreed upon and approved, but the rate of tuition to be charged by the Idaho school district shall be not less than the gross per-pupil cost of the credit district, as defined in section 33-1405, Idaho Code, plus the per-pupil costs paid by the state for the employer's share of social security, and the employer's share of retirement for the employees of the creditor district for the previous fiscal year, and other appropriate costs, all as determined by the state board of education. A copy of the agreement shall be entered into the records of the board of trustees and a copy thereof shall be filed with the state board of education.

Approved March 7, 1975.
AN ACT

AMENDING SECTION 25-1106A, IDAHO CODE, RELATING TO BRAND INSPECTION FEES, TO PROVIDE FOR CHANGING THE MAXIMUM FEE WHICH CAN BE CHARGED FOR BRAND INSPECTION OF HORSES, MULES, AND ASSES FROM THIRTY CENTS PER ANIMAL INSPECTED TO ONE DOLLAR AND FIFTY CENTS FOR EACH ANIMAL, STRIKING THE PHRASE "A MAXIMUM FEE OF"; AMENDING SECTION 25-1402, IDAHO CODE, RELATING TO BRAND INSPECTION, TO PROVIDE FOR SEASONAL OR YEARLY BRAND INSPECTION CERTIFICATES FOR INDIVIDUAL HORSES, MULES AND ASSES AND, PROVIDING A FEE OF NOT TO EXCEED THREE DOLLARS; AMENDING CHAPTER 14, TITLE 25, BY ADDING A NEW SECTION 25-1402A, IDAHO CODE, TO ESTABLISH A PROCEDURE FOR OWNERSHIP AND TRANSPORTATION CERTIFICATES FOR HORSES, MULES AND ASSES, AND PRESCRIBING DUTIES AND FEES THEREUNDER; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 25-1106A, Idaho Code, be, and the same is hereby amended to read as follows:

25-1106A. BRAND INSPECTION FEES. — The maximum fee which shall be charged by the state brand inspector and his deputies for brand inspection shall be a maximum fee of thirty cents (30¢) for each head of cattle. The maximum fee which shall be charged by the state brand inspector and his deputies for brand inspection of each head of horses, and mules and asses shall be one dollar and fifty cents ($1.50). The state brand board may adopt a schedule or schedules of fees which are below the maximum fees and may adjust such schedule or schedules from time to time whenever such board finds that the cost of administering and enforcing the laws of the state of Idaho for brand inspection of livestock can be maintained with such below-maximum fees. All such fees shall be paid by the owner of the cattle, horses, mules and asses and credited to the state brand fund.

SECTION 2. That Section 25-1402, Idaho Code, be, and the same is hereby amended to read as follows:

25-1402. REQUIREMENTS FOR BRAND INSPECTION — WRITTEN PERMIT IN LIEU OF INSPECTION. — a. Any person desiring to transport, remove, or drive any livestock from the boundaries of this state in any manner shall, before doing so, apply to the
state brand inspector to inspect the same for marks and brands, and on such application (or without said application if said officer has knowledge of such removal) said brand inspector shall immediately inspect said livestock for brands and marks and keep an accurate record of the same with the name and residence of owner or shipper and name, sex and kind of livestock. Any person desiring an inspection pursuant to this paragraph must notify a state brand inspector or person duly authorized to accomplish the inspection by the state brand board. If said inspector finds that the livestock have brands that are not owned by the person claiming the same, then such person shall be required to produce a bill of sale or other satisfactory evidence of ownership. Upon such proof he shall give the person a certificate stating the number and kind of livestock and their marks and brands and thereupon the said person shall be permitted to transport said livestock from this state. A copy of such brand inspection certificate shall accompany the transporting of such livestock to final destination.

b. Any person desiring to transport, remove, or drive any livestock within the boundaries of this state in any manner shall before doing so, have in their possession a written permit properly completed and signed by the owner of the livestock being transported and that said owner signing the written permit is the owner of the properly recorded brand on livestock to be transported according to the record of the state brand inspector. A copy of said written permit shall accompany the transporting of such livestock to final destination.

c. Seasonal brand inspections certificates for individual horses, mules and asses for any purpose, other than sale or trade, may be issued by the state brand inspector or his deputies in lieu of the regularly required brand inspection or other written permits for periods of not to exceed one (1) year in duration and for a fee of not to exceed three dollars ($3.00), each as determined by regulation of the state brand board.

d. The state brand board shall collect a reasonable fee from the owner of the livestock for inspection services pursuant to this act in accordance with section 25-1106A, Idaho Code.

d. e. Any transportation of livestock in violation of this act shall be suspended and detained until compliance with this act has been made for such transportation or movement of livestock.

SECTION 3. That Chapter 14, Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 25-1402A, Idaho Code, and to read as follows:

25-1402A. OWNERSHIP AND TRANSPORTATION CERTIFICATE. — a. The owner or owners of any horses, mules or asses desiring to transport them within the state for any purpose other than sale or trade, may, upon request to the state brand board or state brand inspector, be issued an ownership and transportation certificate, which certificate shall be issued in lieu of the required brand inspection certificate or other written permit for each horse, mule or ass to be transported.
b. An ownership and transportation certificate may be used by the owner or owners of a horse, mule or ass for identification purposes and as prima facie proof of ownership of any animal described by such a certificate.

c. The ownership and transportation certificate shall be valid as long as the horse, mule or ass described therein remains under the ownership of the person or persons to whom the certificate is issued.

d. The ownership and transportation certificate of a horse, mule or ass must accompany the animal for which it is issued at all times while the animal is in transit.

e. Each ownership and transportation certificate of a horse, mule or ass shall identify the particular animal by color, markings, sex, age and where applicable by brand, registration number, tattoo or other marks as provided for by regulation of the state brand board.

f. There shall be a fee in an amount to be set by the state brand board, not to exceed ten dollars ($10.00), for issuance of each ownership and transportation certificate, which fee shall be in addition to any brand inspection certificate or other written permit which may be requested by the owner or owners of a horse, mule or ass under other provisions of law.

g. Upon any change of ownership of a horse, mule or ass for which an ownership and transportation certificate has been issued, the former owner or owners may transfer the certificate to the new owner or owners upon payment of a fee to be set by the state brand board, not to exceed ten dollars ($10.00) per certificate.

h. The state brand board may under the provisions of chapter 52, title 67, Idaho Code, provide for and make regulations and forms necessary or desirable to carry out the terms of this section.

i. The state brand board may, under such terms and conditions as it deems necessary to protect ownership of horses, mules and asses, provide by regulation that ownership and transportation certificates may be used in transportation of horses, mules or asses to and from points outside of the state of Idaho, and may provide that similar certificates from other states may be used for proof of ownership of horses, mules or asses entering Idaho.

j. It shall be a misdemeanor to knowingly give false or misleading information in order to obtain an ownership and transportation certificate, or to counterfeit or change such a certificate or to represent to the state brand board or state brand inspector that one owns a horse, mule or ass when that fact is false in order to obtain a certificate. Any person found guilty of a crime or crimes under this section shall be punished by a fine of not to exceed five hundred dollars ($500) or by imprisonment in a county jail for not more than six (6) months or by both such fine and imprisonment.

SECTION 4. This act shall be in full force and effect on and after June 1, 1975.
Approved March 10, 1975.
CHAPTER 24
(S.B.No. 1074)

AN ACT
AMENDING CHAPTER 6, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW
SECTION 57-601A, IDAHO CODE, PROVIDING THAT ALL INCOME AND
PROFIT RESULTING FROM THE INVESTMENT OF AMOUNTS IN SINKING
FUNDS IN EXCESS OF REQUIREMENTS TO PAY MATURING BONDS SHALL
BE DEPOSITED ONLY TO THE CREDIT OF THE SINKING FUND FROM WHICH
SAID EXCESS AMOUNTS WERE OBTAINED, PROHIBITING USING OF SAID
INCOME AND PROFIT FOR ANY OTHER GENERAL OR OPERATIONS
PURPOSE, AND PROVIDING A PROCEDURE FOR VIOLATIONS THEREOF.

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

SECTION 1. That Chapter 6, Title 57, Idaho Code, be, and the same is hereby
amended by the addition thereto of a new section, to be known and designated as Section
57-601A, Idaho Code, and to read as follows:

57-601A. INCOME FROM INVESTMENT OF SINKING FUND. — Any income or
profit that may be realized from the investment of the funds referred to in section 57-601,
Idaho Code, shall, as the same are received, be deposited to the sinking fund from which
such excess funds were invested, and in no event shall any of such said income or profits
from said investment be deposited to the general fund or any operating fund of such
investing entity. Any member of any taxing board or any disbursing officer described in
section 57-601, Idaho Code, who fails, refuses, or neglects to return the interest or income
from investments to the proper sinking fund shall be proceeded against in the manner
prescribed by section 57-603, Idaho Code.

Approved March 10, 1975.
CHAPTER 25
(S.B.No. 1077)

AN ACT
RELATING TO THE SERVICES OF A RETIRED MAGISTRATE; AMENDING CHAPTER 22, TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-2221, IDAHO CODE, PROVIDING THAT A RETIRED MAGISTRATE MAY SERVE AND HOLD COURT IN ANY COUNTY AT THE REQUEST OF THE ADMINISTRATIVE JUDGE OF A JUDICIAL DISTRICT WITH THE APPROVAL OF THE CHIEF JUSTICE OF THE SUPREME COURT, PROVIDING FOR THE CONTINUATION OF RETIREMENT BENEFITS FOR THE RETIRED MAGISTRATE WHILE SO SERVING, AND PROVIDING FOR ADDITIONAL COMPENSATION IN ACCORDANCE WITH THE CURRENT SALARY OF THE OFFICE OF THE RETIRED MAGISTRATE.

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

SECTION 1. That Chapter 22, 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 1-2221, Idaho Code, and to read as follows:

1-2221. SERVICES OF RETIRED MAGISTRATES. – Any retired magistrate, while he remains capable, upon compliance with chapter 4, title 59, Idaho Code, may hold court in the magistrates division of any district court of any county at the request of the administrative judge of the judicial district in which such court is located and upon the approval by the chief justice of the supreme court, and upon such request and approval, such retired magistrate may serve and hold court as requested.

During the period that any such retired magistrate is serving and holding court pursuant to this section, he shall be entitled to receive all of his regular retirement benefits under the public employee retirement system of Idaho together with an additional sum as compensation for his services sufficient to amount to an aggregate sum of retirement benefits and additional compensation so as to be equal to the current salary of the judicial office from which such magistrate has retired. Such additional compensation, above the retirement benefits accruing to such retired magistrate, shall be paid out of and from the appropriation for the magistrates division.

Approved March 10, 1975.
CHAPTER 26
(S.B.No. 1101)

AN ACT
AMENDING SECTION 54-701, IDAHO CODE, TO PROVIDE FOR THREE YEAR APPOINTMENTS TO THE BOARD OF CHIROPRACTIC EXAMINERS AND ESTABLISH THAT ONLY ONE TERM SHALL EXPIRE WITHIN A GIVEN YEAR.

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

SECTION 1. That Section 54-701, Idaho Code, be, and the same is hereby amended to read as follows:

54-701. REGULATION OF CHIROPRACTIC - CREATION OF BOARD OF CHIROPRACTIC EXAMINERS - APPOINTMENT OF BOARD - QUALIFICATIONS AND TERM - SCOPE OF ACT. - The practice of chiropractic in this state is subject to the regulations prescribed in this chapter. Nothing herein shall be held to apply to, interfere with or prohibit any other method of science of healing, or to permit chiropractors to prescribe medicine, perform surgical operations or practice obstetrics.

There is hereby created in the department of self-governing agencies a board to be known as the board of chiropractic examiners, to be appointed by the governor within thirty (30) days after the taking effect of this act, which board shall perform the duties hereinafter provided, and shall be composed of three (3) members to serve for a term of two (2) years three (3) years or less, commencing on March 1, as may be required to provide that one (1) term and one (1) term only expires each year. Each member of said board shall be a licensed chiropractor who shall have been continuously engaged in the practice of chiropractic within the state of Idaho for a period of not less than one (1) year prior to his appointment. No two (2) members of said board shall be graduates from the same school. Vacancies occurring on said board from any cause shall be filled by the governor.

Approved March 10, 1975.
AMENDING SECTION 54-2307, IDAHO CODE, TO PROVIDE FOR APPLICATION, EXAMINATION, AND REEXAMINATION FEES TO BE ESTABLISHED BY THE BOARD OF PSYCHOLOGIST EXAMINERS NOT TO EXCEED ONE HUNDRED DOLLARS EACH AND TO STRIKE REFERENCES TO THE COMMISSIONER.

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

SECTION 1. That Section 54-2307, Idaho Code, be, and the same is hereby amended to read as follows:

54-2307. QUALIFICATIONS FOR LICENSE — APPLICANTS FOR WHOM AN EXAMINATION MAY BE REQUIRED. — An applicant shall be qualified for a license to practice psychology provided he submits proof satisfactory to the board that

(a) He is of acceptable moral character; and

(b) He is either (1) a graduate of an accredited college or university holding a degree of doctor of philosophy in psychology plus two (2) years of post graduate experience acceptable to the board, such two (2) years not to include terms of internship, or (2) a graduate of a recognized college or university holding a doctoral degree in a field related to psychology, provided his experience and training are acceptable to the board; and

(c) He has passed an examination if such examination is required by the rules and regulations duly adopted by the commissioner or the board; and

(d) His application has been accompanied by a $25.00 application fee as established by board rules and regulations not to exceed one hundred dollars ($100), and when an examination is required an examination fee as established by board rules and regulations not to exceed one hundred dollars ($100) payable to the commissioner chief. The fee for re-examination shall be $25.00 a fee as established by board rules and regulations not to exceed one hundred dollars ($100). The application fee, examination fee and the re-examination fee are not returnable.

Approved March 10, 1975.
AN ACT
AMENDING SECTION 42-3218, IDAHO CODE, RELATING TO WATER AND SEWER DISTRICTS, BY PROVIDING AN EXEMPTION BY THE STATE TAX COMMISSION FROM THE REQUIREMENT THAT ANNEXATION OF PROPERTY INTO THE DISTRICT INCLUDE PUBLIC STREETS AND UTILITIES IF STATE AND LOCAL TAX ADMINISTRATION WOULD NOT BE UNDULY BURDENED; AND PROVIDING AN EFFECTIVE DATE

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

SECTION 1. That Section 42-3218, Idaho Code, be, and the same is hereby amended to read as follows:

42-3218. INCLUSION OF PROPERTY PETITIONED - HEARING - ORDER - ANNEXATION OF PROPERTY PETITIONED - HEARING - ORDER - ANNEXATION OF PROPERTY BY ELECTION - ELECTION PROCEDURE. - The boundaries of any district organized under the provisions of this act may be changed in the manner herein prescribed, but the change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had any such change of boundaries not been made.

(a) The owners of real property may file with the board a petition, in writing, praying that such real property be included in the district. The petition shall describe the property owned by the petitioners, and such petition shall be deemed to give assent of the petitioners to the inclusion in said district of the property described in the petition, and shall be accompanied by a reasonable filing fee in an amount to be determined by the board. Such petition must be acknowledged in the same manner that conveyances of land are required to be acknowledged. The secretary of the board shall cause notice of filing of such petition to be given and published in the county in which the property is situated, which notice shall state the filing of such petition, names of petitioners, descriptions of lands mentioned and the prayer of such petitioners; giving notice to all persons interested to appear at the office of the board at the time named in said notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto, presented, in writing, by any person showing cause why said
petition should not be granted. The failure of any person to show cause in writing shall be deemed as an assent on his part to the inclusion of such lands in the district as prayed in the petition. If the petition is granted, the board shall make an order to that effect and file the same with the clerk of the district court together with a copy of the petition and proof of publication certified by the secretary of the board. The clerk of the district court shall present the same to the court and upon order of the court the property shall be included in the district.

(b) The territory adjoining or in close proximity to and in the same county with any district created under the provisions of this act may be annexed to the district by either of the following procedures: (1) A petition for annexation of real property described in such petition, which has been signed by the owners of not less than sixty per cent (60%) of the area in land within the territory to be annexed, and which contains the separate property descriptions of such petitioners, and which is acknowledged in the same manner that conveyances of land are required to be acknowledged, accompanied by a reasonable filing fee in an amount to be determined by the board, may be filed with the board. Upon filing with the board of such a petition, the secretary of the board shall cause notice of filing of such petition to be given and published in the county in which the property is situated, which notice shall state the filing of such petition, names of petitioners, descriptions of lands mentioned and the prayer of such petitioners; giving notice to all persons interested, including the staff and employees of said district and any one designated by said district, to appear at the office of the board at the time named in said notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto, presented, in writing, by any person showing cause why said petition shall not be granted. The failure of any person to show cause in writing shall be deemed as an assent to the annexation of such lands into the district as prayed in the petition. The board shall have full discretion to determine if the petition shall be granted. If the petition is granted, the board shall make an order to that effect and file the same with the clerk of the district court together with a copy of the petition and proof of publication certified by the secretary of the board. The clerk of the district court shall present the same to the court and upon order of the court the property shall be included in the district. (2) Upon filing with the board of a petition signed by registered voters owning real property residing in the territory to be annexed, who constitute at least twenty per cent (20%) of the taxpayers in such territory, praying for an election to determine if annexation shall be made of property designated in such petition, together with payment of a reasonable filing fee in an amount to be determined by the board, the board shall cause notice of filing of such petition to be given and published in the county in which the property is situated, which notice shall state the filing of such petition, names of petitioners, descriptions of lands to be annexed and the prayer of such petition; giving notice to all persons interested, including the staff and employees of said district and anyone designated
by said district to appear at the office of the board at the time named in said notice and show cause in writing, if any they have, why the petition shall not be granted. The board shall at the time and place mentioned or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto, presented, in writing, by any person showing cause why said petition shall not be granted. The board shall have full discretion to determine if the petition shall be granted, and if such petition is granted, the board shall direct that an election be held. The election shall be conducted as nearly as may be in the same manner as general elections in this state, except that the board shall establish as many voting places within such territory proposed to be annexed as are by the board deemed necessary and shall define the boundaries of such voting places. The board shall determine the hours that the polls shall be open, provided that the polls shall be open not less than seven (7) hours and shall appoint three (3) judges of election for each voting place, one (1) of whom shall be designated by the board to be the clerk of such election precinct. Each elector shall take an oath that he has the qualifications of an elector before casting his vote, which shall be that he has resided within the area to be annexed for thirty (30) days and has the qualifications of a voter in a general election in this state.

The secretary of the board of directors shall publish notice of the time and place of such election, not less than twenty (20) days nor more than sixty (60) days after the board of directors has given its concurrence to the holding of such election. The notice shall particularly describe the property to be annexed, the name of the district to which the territory is proposed to be annexed, and the terms and conditions prescribed by the board under which the property may be annexed. The notice shall be published weekly for at least two (2) weeks prior to the election in a weekly newspaper published in the county, and if there be no such newspaper, then in some newspaper of general circulation therein, at least once a week for two (2) successive weeks. The notice shall designate the places in the territory where the election will be held, and shall require the voters to cast ballots which shall contain the words:

   For annexation to __________ District. ☐

   Against annexation to __________ District. ☐

The judges of the election shall make their return thereof to the board of directors of the district, which shall canvass the returns and render a statement of the results of the election on the records of the board. If the majority of the votes cast favor annexation, the board shall enter an order annexing the property described in the notice of election and upon the filing of a copy thereof with the clerk of the district court, and upon order of the court, the territory shall thereupon become annexed to the district and shall thenceforth be a part of the district.

(c) In all proceedings for inclusion or annexation hereunder, the board shall have the power to prescribe terms and conditions under which said property may be included in the district, including the condition that such property may be required to pay the district its pro rata share of construction costs theretofore incurred by the district pursuant to any
bond issue theretofore made or otherwise; provided, however, that such terms and conditions shall be announced by the board at or before the hearing to be held pursuant to subparagraphs (a) and (b) above. Within ten (10) days of the announcement of the terms and conditions under which the property may be included the majority of the petitioners filing petitions under the provisions of subparagraphs (a) or (b) may withdraw their petitions, and no further proceedings shall thereafter be had by the board upon such petitions.

(d) All public streets, roads, highways or alleys upon or within which is situated any part of the operative system or equipment of the district and all public streets, roads, highways and alleys which abut against or touch property annexed or to be annexed to the district, to the extent they abut against or touch such property and are not included in a different district, shall be deemed to be included in the district as a part of the annexation and shall be included in the legal description and map which the district must file in the offices of the county assessor, county recorder and the state tax commission as required by section 63-2215, Idaho Code; provided, however, that upon application by the district to the state tax commission, if the commission finds after consultation with the county assessor and the county recorder that exemption from the requirements of this subparagraph (d) will not unduly burden state and local tax administration, the commission by order may exempt the district from the requirements of this subparagraph (d), but the district shall be required to comply with section 63-2215, Idaho Code.

SECTION 2. This act shall be in full force and effect on and after July 1, 1975. Approved March 10, 1975.
CHAPTER 29
(S.B.No. 1169)

AN ACT
AMENDING SECTION 1, CHAPTER 275, LAWS OF 1974, TO PROVIDE A STATEMENT OF INTENT FOR REVISED APPROPRIATIONS TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES; AMENDING SECTION 10, CHAPTER 275, LAWS OF 1974, TO PROVIDE REVISED APPROPRIATIONS TO THE STATE BOARD OF ACCOUNTANCY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 275, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 1. It is legislative intent that the expenditures for the Department of Self-Governing Agencies not exceed the following amounts for the period July 1, 1974, through June 30, 1975:

FOR:

Personnel Costs $928,988
Operating Expenditures 2,970,592
Capital Outlay 28,120

TOTAL $3,927,700

FROM:

General Fund $28,900
Dedicated Funds:

Apple Commission Fund 27,000
Bean Marketing & Production Promotion Fund 110,000
Cherry Commission Fund 24,000
Dairy Products Commission Fund 600,000
Potato Commission Fund 1,750,000
Wheat Commission Fund 380,400
Athletic Fund 1,500
Pharmacy Board Fund 74,500
State Drug Control Fund 16,700
State Board of Accountancy Fund 26,400
State Board of Dentistry Fund 40,400
Professional Engineers Fund 50,300
State Board of Medicine Fund 54,900
STATE BOARD OF NURSING FUND 138,700
Occupational License Fund 197,100
Public Works Contractors State License Fund 116,200
Real Estate Brokers Commission Fund 150,000
Real Estate Education Research and Recovery Fund 67,700
Professional Geologists’ Fund 9,200
State Board of Optometry Fund 8,300
Outfitters and Guides Board Fund 55,500
TOTAL $3,927,700

SECTION 2. That Section 10, Chapter 275, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 10. There is hereby appropriated to the Board of Accountancy, the following amounts to be expended for designated programs according to expense classes designated therein from the listed fund for the period July 1, 1974, through June 30, 1975:

A. STATE BOARD OF ACCOUNTANCY PROGRAM:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>State Board of Accountancy Fund</td>
<td>$6,243</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td></td>
<td>7,443</td>
</tr>
<tr>
<td></td>
<td></td>
<td>20,157</td>
</tr>
<tr>
<td></td>
<td></td>
<td>18,957</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$26,400</td>
</tr>
</tbody>
</table>

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 10, 1975.
CHAPTER 30
(S.B. No. 1177)

AN ACT
AMENDING SECTION 1, CHAPTER 262, LAWS OF 1974, RELATING TO LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF FINANCE; AMENDING SECTION 2, CHAPTER 262, LAWS OF 1974, BY INCREASING THE APPROPRIATION FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF FINANCE TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1974, THROUGH JUNE 30, 1975; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 262, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 1. It is legislative intent that the expenditures for the Department of Finance not exceed the following amounts for the period July 1, 1974 through June 30, 1975:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$297,092</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>301,792</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>59,923</td>
</tr>
<tr>
<td>Total</td>
<td>$363,650</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$336,400</td>
</tr>
<tr>
<td>Dedicated Funds:</td>
<td>353,500</td>
</tr>
<tr>
<td>Credit Union Examination Fund</td>
<td>24,450</td>
</tr>
<tr>
<td>Cemetery Fund</td>
<td>2,800</td>
</tr>
<tr>
<td><strong>General Interaccount Fund</strong></td>
<td>5,200</td>
</tr>
<tr>
<td>Total</td>
<td>$363,650</td>
</tr>
</tbody>
</table>

SECTION 2. That Section 2, Chapter 262, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Finance for the functions to be performed by the Department of Finance, the following amounts to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1974, through June 30, 1975:
### A. SUPPORTING SERVICES PROGRAM:

<table>
<thead>
<tr>
<th>FROM GENERAL FUND</th>
<th>FROM GENERAL INTERACCOUNT FUND</th>
<th>FROM CREDIT UNION EXAMINATION FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$56,000</td>
<td>$4,700</td>
<td>$60,700</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>-6,900</td>
<td>24,000</td>
<td>17,100</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$-62,900</td>
<td>80,000</td>
<td>$27,100</td>
</tr>
</tbody>
</table>

### B. REGULATION AND INVESTIGATION PROGRAM:

<table>
<thead>
<tr>
<th>FROM GENERAL FUND</th>
<th>FROM GENERAL INTERACCOUNT FUND</th>
<th>FROM CREDIT UNION EXAMINATION FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$58,880</td>
<td></td>
<td>$58,880</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>9,685</td>
<td></td>
<td>9,685</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>835</td>
<td></td>
<td>835</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$69,400</td>
<td></td>
<td>$69,400</td>
</tr>
</tbody>
</table>

### C. STATUTORY EXAMINATIONS PROGRAM:

<table>
<thead>
<tr>
<th>FROM GENERAL FUND</th>
<th>FROM GENERAL INTERACCOUNT FUND</th>
<th>FROM CREDIT UNION EXAMINATION FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$120,212</td>
<td>$19,410</td>
<td>$139,622</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>22,238</td>
<td>5,040</td>
<td>27,278</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>2,700</td>
<td></td>
<td>2,700</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$145,150</td>
<td></td>
<td>$169,600</td>
</tr>
</tbody>
</table>

### D. UNIFORM CONSUMER CREDIT CODE PROGRAM:

<table>
<thead>
<tr>
<th>FROM GENERAL FUND</th>
<th>FROM GENERAL INTERACCOUNT FUND</th>
<th>FROM CREDIT UNION EXAMINATION FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$41,155</td>
<td></td>
<td>$41,155</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>14,695</td>
<td></td>
<td>14,695</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>3,100</td>
<td></td>
<td>3,100</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$58,950</td>
<td></td>
<td>$58,950</td>
</tr>
</tbody>
</table>

**GRAND TOTALS**:

- **FROM GENERAL FUND**: $336,400
- **FROM GENERAL INTERACCOUNT FUND**: $383,500
- **FROM CREDIT UNION EXAMINATION FUND**: $5,200
- **TOTAL**: $348,125

**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 10, 1975.
CHAPTER 31
(S.B.No. 1182)

AN ACT

APPROPRIATING $2,500 OUT OF THE GENERAL FUND TO THE IDAHO AGRICULTURAL LABOR BOARD FOR THE DESIGNATED PURPOSE, ACCORDING TO DESIGNATED EXPENSE CLASSES, FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976.

It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated out of the General Fund the following amount to the Idaho Agricultural Labor Board for administration of the Idaho Agricultural Labor Act, 1971, according to the designated expense classes, for the period July 1, 1975, through June 30, 1976:

| Personnel Costs | $1,000 |
| Operating Expenditures | $1,500 |
| **TOTAL** | **$2,500** |

FROM:

General Fund $2,500

Approved March 10, 1975.
CHAPTER 32
(H.B.No. 15)

AN ACT
AMENDING SECTION 63-3027, IDAHO CODE, RELATING TO COMPUTING TAXABLE INCOME, TO STRIKE REFERENCES TO PART-TIME OR NONRESIDENT INDIVIDUALS, TRUSTS AND ESTATES; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3027A, IDAHO CODE, TO PROVIDE FOR TAXATION OF PART-TIME OR NONRESIDENT INDIVIDUALS, TRUSTS AND ESTATES; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. That Section 63-3027, Idaho Code, be, and the same is hereby amended to read as follows:

63-3027. COMPUTING TAXABLE INCOME OF NONRESIDENT PERSONS AND ANY CORPORATIONS. - The Idaho taxable income of a nonresident person with business situs in this state or any corporation with a business situs in this state shall be computed and taxed in accordance with the rules set forth in this section:

(a) As used in this section, unless the context otherwise requires:

(1) "Business income" means income arising from transactions and activity in the regular course of the taxpayers' trade or business and includes income from the acquisition, management, or disposition of tangible and intangible property when such acquisition, management, or disposition constitute integral or necessary parts of the taxpayers' trade or business operations. Gains or losses and dividend and interest income from stock and securities of any foreign or domestic corporation shall be presumed to be income from intangible property, the acquisition, management, or disposition of which constitute an integral part of the taxpayers' trade or business; such presumption may only be overcome by clear and convincing evidence to the contrary.

(2) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(3) "Compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(4) "Nonbusiness income" means all income other than business income.

(5) "Sales" means all gross receipts of the taxpayer not allocated under subsections
d through h of this section.

(6) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

b) Any taxpayer having income from business activity which is taxable both within and without this state shall allocate and apportion such net income as provided in this section.

c) For purposes of allocation and apportionment of income under this section, a taxpayer is taxable in another state if:

(1) In that state he is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax, or

(2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

d) Rents and royalties from real or tangible personal property, capital gains interest, dividends, or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in subsection e through h of this section.

e) (1) Net rents and royalties from real property located in this state are allocable to this state.

(2) Net rents and royalties from tangible personal property are allocable to this state:

(i) if and to the extent that the property is utilized in this state, or

(ii) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(3) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

f) (1) Capital gains and losses from sales of real property located in this state are allocable to this state.

(2) Capital gains and losses from sales of tangible personal property are allocable to this state if:

(i) the property had a situs in this state at the time of the sale, or
(ii) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(3) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state, unless such gains and losses constitute business income as defined in this section.

(g) Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state unless such interest or dividends constitute business income as defined in this section.

(h) (1) Patent and copyright royalties are allocable to this state:
   (i) if and to the extent that the patent or copyright is utilized by the payer in this state, or
   (ii) if and to the extent that the patent or copyright is utilized by the payer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patent product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(3) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

(i) All business income shall be apportioned to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three (3).

(j) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period.

(k) Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight (8) times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

(l) The average value of property shall be determined by averaging the values at the beginning and ending of the tax period, but the state tax commission may require the averaging of monthly values during the tax period if reasonably required to reflect
properly the average value of the taxpayer's property.

(m) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the tax period by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere during the tax period.

(n) Compensation is paid in this state if:
(1) the individual's service is performed entirely within the state; or
(2) the individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or
(3) some of the service is performed in the state and
   (i) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or
   (ii) the base of operations or the place from which the 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.

(o) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period.

(p) Sales of tangible personal property are in this state if:
(1) the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of the f.o.b. point or other conditions of the sale, or
(2) the property is shipped from an office, store, warehouse, factory, or other place of storage in this state and
   (i) the purchaser is the United States government or
   (ii) the taxpayer is not taxable in the state of the purchaser.

(q) Sales, other than sales of tangible property, are in this state if:
(1) the income-producing activity is performed in this state; or
(2) the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(r) If the allocation and apportionment provisions of this section do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for or the state tax commission may require, in respect to all or any part of the taxpayer's business activity, if reasonable:
(1) separate accounting, provided that only that portion of general expenses clearly identifiable with Idaho business operations shall be allowed as a deduction;
(2) the exclusion of any one or more of the factors;
(3) the inclusion of one or more additional factors which will fairly represent the
taxpayer’s business activity in this state; or
(4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer’s income.

(s) For purposes of this section a parent and subsidiary corporation may, when necessary to accurately reflect income, be considered a single corporation.

(4) In computing the taxable income of a part-year or nonresident individual, trust or estate, the standard deductions, low income allowance or nonbusiness deductions as allowed by the Internal Revenue Code, if applicable, the exemptions as defined in section 151 of the Internal Revenue Code shall all be allowed in the proportion that the adjusted gross income of the taxpayer from Idaho sources after the additions thereto and deletions therefrom specified in subsections 63-3022(a), (d), (e) and (i), Idaho Code, bears to the total adjusted gross income from all sources before any deductions therefrom. The adjusted gross income, as used in this subsection, shall mean adjusted gross income as defined in section 62 of the Internal Revenue Code.

SECTION 2. That Chapter 30, 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 63-3027A, Idaho Code, and to read as follows:

63-3027A. COMPUTING TAXABLE INCOME OF PART-YEAR OR NON-RESIDENT INDIVIDUALS, TRUSTS AND ESTATES. – (a) In addition to those corporations referred to in section 63-3027, Idaho Code, any other taxpayer having income taxable both within and without this state shall allocate and apportion such income in accordance with the rules set forth in section 63-3027, Idaho Code.

(b) In computing the taxable income of a part-year or nonresident individual, trust or estate, the standard deductions, low income allowance or nonbusiness deductions as allowed by the Internal Revenue Code, if applicable, the exemptions as defined in section 151 of the Internal Revenue Code shall all be allowed in the proportion that the adjusted gross income of the taxpayer from Idaho sources after the additions thereto and deletions therefrom specified in subsections 63-3022(a), (d), (e) and (i), Idaho Code, bears to the total adjusted gross income from all sources before any deductions therefrom. The adjusted gross income, as used in this subsection, shall mean adjusted gross income as defined in section 62 of the Internal Revenue Code.

SECTION 3. An emergency existing therefore, which emergency is hereby declared to exist, this act shall be in full force and effect immediately upon its passage and approval and retroactively to January 1, 1975.

Approved March 10, 1975.
AN ACT
AMENDING SECTION 63-3022, IDAHO CODE, RELATING TO TAXABLE INCOME, BY STRIKING REFERENCE TO PERCENTAGE DEPLETION, THEREBY MAKING THE COMPUTATION OF THE LIMITATION THE SAME FOR BOTH INDIVIDUALS AND CORPORATIONS AND IDENTICAL TO THE FEDERAL PROCEDURE; DECLARING AN EMERGENCY AND PROVIDING A RETRO-ACTIVE EFFECTIVE DATE.

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

SECTION 1. 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) Add the net operating loss deduction used in arriving at taxable income as defined in section 63 of the Internal Revenue Code.

(d) 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. Net operating losses incurred by a corporation during a year in which such corporation had no Idaho business situs may not be subtracted. Net operating losses incurred by a person, other than a corporation, in business activities not taxable by Idaho may not be subtracted.

(e) 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.

(f) In the case of a corporation, subtract an amount equal to eighty-five per centum (85%) 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 fifty per centum (50%) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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 corrected for the other adjustments required by this section.

(k) In the case of an individual who is on active duty as a full-time officer, enlistee or draftee, with the armed forces of the United States, which full-time duty is or will be continuous and uninterrupted for one hundred twenty (120) consecutive days or more, deduct compensation paid for services performed outside this state by the armed forces of the United States; provided that appropriate adjustments shall be made in his
standard deductions and exemptions as described in section 63-3027(t), Idaho Code.

(k) In the case of a corporation, add any capital loss deducted which loss was incurred during any year in which such corporation had no Idaho business situs. In the case of persons, other than corporations, add any capital loss deducted which was incurred in business activities not taxable by Idaho at the time such loss was incurred.

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, 1975.

Approved March 10, 1975.
CHAPTER 34
(H.B.No. 31)

AN ACT
AMENDING SECTION 50-341, IDAHO CODE, RELATING TO COMPETITIVE BIDDING FOR CITIES OF THE STATE OF IDAHO, BY INCREASING FROM TWO THOUSAND FIVE HUNDRED DOLLARS TO FIVE THOUSAND DOLLARS THE MINIMUM AMOUNT ON WHICH BIDS MUST BE SOLICITED; AND AMENDING SECTION 31-4003, IDAHO CODE, RELATING TO COMPETITIVE BIDS FOR COUNTIES IN THE STATE OF IDAHO, BY INCREASING FROM TWO THOUSAND FIVE HUNDRED DOLLARS TO FIVE THOUSAND DOLLARS THE MINIMUM AMOUNT ON WHICH BIDS MUST BE SOLICITED.

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

SECTION 1. That Section 50-341, Idaho Code, be, and the same is hereby amended to read as follows:

50-341. COMPETITIVE BIDDING — APPLICATION OF LAW. — A. The following provisions relative to competitive bidding apply to all cities of the state of Idaho, but shall be subject to the provisions of any specific statute pertaining to the letting of any contract, purchase or acquisition of any commodity or thing by soliciting and receiving competitive bids therefor, and shall not be construed as modifying or amending the provisions of any such statute, nor preventing the city from doing any work by its own employees.

B. The word "expenditure" shall mean the granting of a contract, franchise or authority to another by the city, and every manner and means whereby the city disburses funds or obligates itself to disburse funds; provided, however, that "expenditure" does not include disbursement of funds to any city employee, official or agent or for the performance of personal services to the city.

C. When the expenditure contemplated exceeds two thousand five hundred dollars ($2,500) - five thousand dollars ($5,000), the expenditure shall be contracted for and let to the lowest responsible bidder.

D. The notice inviting bids shall set a date and place for the opening of bids. The first publication of the notice shall be at least two (2) weeks before the date of opening the bids. Notice shall be published at least twice, not less than one (1) week apart, in the official newspaper of such city. The notice shall succinctly set forth the project to be done. Any of the following documents shall be made available, upon reasonable deposit, to any interested bidder: bid form, bidder's instructions, contract documents, general and special instructions, drawings and specifications.
E. All bids shall be presented or otherwise delivered under sealed cover to the city clerk with a concise statement marked on the outside thereof generally identifying the expenditure to which said bid pertains. All bids shall contain one (1) of the following forms of bidder's security:
   a. Cash;
   b. Cashier's check made payable to the city;
   c. A certified check made payable to the city;
   d. A bidder's bond executed by a qualified surety company, made payable to the city.

F. The security shall be an amount equal to at least five per cent (5%) of the amount bid. A bid shall not be considered unless one (1) of the forms of bidder's security is inclosed with it, and unless the bid is submitted in a form which substantially complies with the form provided by the city.

G. Any bid received by the city may not be withdrawn after the time set in the notice for opening of bids. All bids received must be opened at the time and place set in the notice inviting bids, and no person shall be denied the right to be present at the opening of bids.

H. If the successful bidder fails to execute the contract, the amount of his bidder's security shall be forfeited to the city and the proceeds shall be deposited in the fund out of which the expenses of preparation and printing of the plans and specifications, estimates of costs and publication of notice are paid.

I. The city may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the city council awards the contract to the next lowest responsible bidder, the amount of the said lowest responsible bidder's security shall be applied by the city to the difference between the said lowest responsible bid and the said next lowest responsible bid, and the surplus, if any, shall be returned to the said lowest bidder if cash or check is used, or to the surety on the bidder's bond if a bond is used.

J. In its discretion, the city council may reject any bids presented and readvertise. If two (2) or more bids are the same and the lowest responsible bids, the city council may accept the one it chooses. If no bids are received, the council may make the expenditure without further compliance with this section.

K. After rejecting bids, the city council may, after finding it to be a fact, pass a resolution declaring that the thing sought to be accomplished by the expenditure can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market. Upon adoption of the resolution, it may have the thing sought to be accomplished done in the manner stated without further compliance with this section.

L. If there is a great public calamity, as an extraordinary fire, flood, storm, epidemic or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, the city council may pass a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or
property. Upon adoption of the resolution, it may expend any sum required in the emergency without compliance with this section.

SECTION 2. That Section 31-4003, Idaho Code, be, and the same is hereby amended to read as follows:

31-4003. EXPENDITURES FOR WHICH BIDS REQUIRED. - When the expenditure contemplated exceeds $2,500 five thousand dollars ($5,000) it shall be contracted for and let to the lowest responsible bidder.

Approved March 10, 1975.
CHAPTER 35  
(H.B.No. 140)  

AN ACT  
RELATING TO DISTRICT JUDGE RESIDENT CHAMBERS; AMENDING SECTION 1-806, IDAHO CODE, TO PROVIDE THAT ONE DISTRICT JUDGE RESIDENT CHAMBERS MAY BE ESTABLISHED IN BLAINE COUNTY AS AN ALTERNATIVE TO CAMAS AND GOODING COUNTIES; AND DECLARING AN EMERGENCY.  

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

SECTION 1. That Section 1-806, Idaho Code, be, and the same is hereby amended to read as follows:  

1-806. FIFTH DISTRICT – NUMBER OF JUDGES – RESIDENT CHAMBERS. –  
(1) The fifth judicial district shall consist of the counties of Blaine, Camas, Gooding, Lincoln, Jerome, Minidoka, Cassia and Twin Falls.  
(2) The fifth judicial district shall have four district judges.  
(3) Resident chambers of the district judges of the fifth judicial district shall be established as follows:  
(a) One resident chambers shall be established in Camas, or Gooding County or Blaine County;  
(b) One resident chambers shall be established in Cassia or Minidoka County;  
(c) Two resident chambers shall be established in Twin Falls County.  

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 10, 1975.
CHAPTER 36
(H.B.No. 141)

AN ACT
RELATING TO THE DUTIES OF THE COUNTY ATTORNEY; AMENDING SECTION 63-107, IDAHO CODE, TO STRIKE THE PROVISION THAT THE COUNTY ATTORNEY SHALL ATTEND MEETINGS OF THE BOARD OF COMMISSIONERS TO HEAR CLAIMS FOR EXEMPTIONS FROM TAXATION.

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

SECTION 1. That Section 63-107, Idaho Code, be, and the same is hereby amended to read as follows:

63-107. LISTING QF EXEMPTIONS — EXEMPTION CLAIMS. — Property exempted from taxation under section 63-105, Idaho Code, shall not be assessed, except property exempted from taxation under section 63-105BB, Idaho Code, which shall be listed and assessed as other property, and each party claiming exemptions under section 63-105BB, Idaho Code, shall appear each year before the county board of equalization, except as otherwise provided in this act, between the fourth Monday of June in each year and the second Monday of July of each year, and each person claiming such exemption shall under oath give full and complete information of his financial status to such board and shall make true answers to all questions propounded in writing, or otherwise, touching such person's right to the exemption claimed, and it shall be the duty of the county attorney of each county to appear before such board and conduct the examination of each applicant.

The chairman of the board shall have authority to administer oaths to each person appearing as a claimant for exemptions under section 63-105BB, Idaho Code, and in addition to such examination each claimant shall subscribe to and swear that his answers to questions propounded on written forms to be prescribed by the state tax commission are true, and which sworn statement shall be kept and filed by the clerk of the county board of equalization. The county board of equalization shall decide and determine from each examination and from each written claim for exemptions whether or not such person is entitled to the exemption claimed or to any part thereof, and shall make a record thereof accordingly. The board may, in its discretion and for good cause shown, allow an agent or some person acting for and on behalf of the claimant to make the claim for exemption for any claimant in the manner herein provided, or where a person entitled to exemption shall be mentally incompetent or physically unable to make such sworn statement, his wife, widow, guardian or personal representative, or other person having knowledge of the facts, may make such sworn statement in his stead.

Approved March 10, 1975.
AN ACT
APPROPRIATING $67,600 FROM THE GENERAL FUND TO THE DEPARTMENT OF
HEALTH AND WELFARE TO BE EXPENDED FOR DESIGNATED PURPOSES,
FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH
JUNE 30, 1975; 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 Department of Health and Welfare the amount of $67,600, or so much thereof as may be necessary, to be expended in satisfaction of the award made and entered on August 26, 1974, in the case of John LeRoy Hickman, et al, Petitioners, vs. Idaho State School and Hospital, et al, Respondents, before the Personnel Commission, state of Idaho, for the period from the effective date of this act through June 30, 1975.

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 10, 1975.
CHAPTER 38
(H.B.No. 159)

AN ACT
AMENDING SECTION 1, CHAPTER 318, LAWS OF 1974, TO PROVIDE A STATEMENT
OF INTENT FOR INCREASED APPROPRIATION TO THE DEPARTMENT OF
LAW ENFORCEMENT; AMENDING SECTION 4, CHAPTER 318, LAWS OF 1974,
BY INCREASING THE APPROPRIATION FOR THE HORSE RACING COM-
MISSION BY THE AMOUNT OF $4,400; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 318, Laws of 1974, be, and the same is hereby
amended to read as follows:

SECTION 1. It is legislative intent that the expenditures for the Department of Law
Enforcement, for Sections 2 through 6 of this act, not exceed the following amounts for the
period July 1, 1974 through June 30, 1975:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$6,014,004</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$2,826,785</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>434,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$9,275,589</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$225,000</td>
</tr>
<tr>
<td>Dedicated Funds:</td>
<td></td>
</tr>
<tr>
<td>Highway Fund</td>
<td>5,026,489</td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td>1,796,419</td>
</tr>
<tr>
<td>Liquor Law Enforcement Fund</td>
<td>517,600</td>
</tr>
<tr>
<td>Idaho State Horse Racing Comm.</td>
<td>$9,700</td>
</tr>
<tr>
<td>State Brand Board Fund</td>
<td>695,900</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>$351,100</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>$493,481</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>$49,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$9,279,989</td>
</tr>
</tbody>
</table>

SECTION 2. That Section 4, Chapter 318, Laws of 1974, be, and the same is hereby
amended to read as follows:

SECTION 4. There is hereby appropriated to the Department of Law Enforcement
for the functions to be performed by the Horse Racing Commission the following amounts
to be expended for designated programs according to expense classes designated therein from the listed funds for the period July 1, 1974, through June 30, 1975:

A. HORSE RACING COMMISSION PROGRAM:

FOR:
Personnel Costs $ 81,200
Operating Expenditures $37,500 41,900
Capital Outlay 1,000
TOTAL $119,700 124,100

FROM:
Idaho State Horse Racing Commission Fund $119,700 124,100

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 10, 1975.
CHAPTER 39
(H.B.No. 162)

AN ACT
AMENDING SECTION 1, CHAPTER 217, LAWS OF 1974, TO PROVIDE A STATEMENT
OF INTENT FOR INCREASED APPROPRIATIONS TO THE IDAHO STATE
HISTORICAL SOCIETY; AMENDING SECTION 2, CHAPTER 217, LAWS OF 1974,
TO PROVIDE INCREASED APPROPRIATIONS TO THE STATE BOARD OF
EDUCATION FOR THE IDAHO STATE HISTORICAL SOCIETY; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 217, Laws of 1974, be, and the same is hereby
amended to read as follows:

SECTION 1. It is legislative intent that the expenditures for the Idaho State Historical
Society not exceed the following amounts for the period July 1, 1974 through June 30,
1975:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Fund</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$95,244</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>153,753</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>19,538</td>
</tr>
<tr>
<td>TOTAL</td>
<td>251,441</td>
</tr>
</tbody>
</table>

SECTION 2. That Section 2, Chapter 217, Laws of 1974, be, and the same is hereby
amended to read as follows:

SECTION 2. There is hereby appropriated to the State Board of Education for the
functions to be performed by the Idaho State Historical Society, the following amounts to
be expended for designated programs, according to expense classes designated therein from
the listed funds for the period July 1, 1974, through June 30, 1975:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Fund</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$94,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>197,100</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>127,992</td>
</tr>
<tr>
<td>TOTAL</td>
<td>539,432</td>
</tr>
</tbody>
</table>
### A. HISTORICAL PRESERVATION & EDUCATION PROGRAM:

<table>
<thead>
<tr>
<th></th>
<th>FROM GENERAL FUND</th>
<th>FROM FEDERAL FUNDS</th>
<th>FROM DEDICATED FUNDS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personnel Costs</strong></td>
<td>$166,817</td>
<td>$28,424</td>
<td>$</td>
<td>$195,241</td>
</tr>
<tr>
<td><strong>Operating Expenditures</strong></td>
<td>16,383</td>
<td>15,316</td>
<td>54,354</td>
<td>86,053</td>
</tr>
<tr>
<td><strong>Capital Outlay</strong></td>
<td>$10,000</td>
<td>12,400</td>
<td></td>
<td>14,438</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$193,200</td>
<td>195,600</td>
<td>$43,740</td>
<td>$292,432</td>
</tr>
</tbody>
</table>

### B. HISTORIC RESTORATION PROJECTS PROGRAM:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Trustee &amp; Benefit Payments</strong></td>
<td>$32,000</td>
<td>60,700</td>
</tr>
</tbody>
</table>

### C. FRANKLIN COUNTY PIONEER RELIC HALL PROGRAM:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operating Expenditures</strong></td>
<td>$1,500</td>
</tr>
</tbody>
</table>

### D. HISTORICAL SITES MAINTENANCE & INTERPRETATION PROGRAM:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personnel Costs</strong></td>
<td>$43,700</td>
<td>$12,500</td>
</tr>
<tr>
<td><strong>Operating Expenditures</strong></td>
<td>6,200</td>
<td>60,000</td>
</tr>
<tr>
<td><strong>Capital Outlay</strong></td>
<td>6,000</td>
<td>6,000</td>
</tr>
<tr>
<td><strong>Trustee &amp; Benefit Payments</strong></td>
<td>54,000</td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$109,900</td>
<td>$72,500</td>
</tr>
</tbody>
</table>

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 10, 1975.
CHAPTER 40  
(H.B.No. 164)

AN ACT
APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR THE UNIVERSITY OF IDAHO FOR DESIGNATED EXPENSE CLASSES, FOR THE PERIOD COMMENCING WITH THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1975; 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 amount, or so much thereof as may be necessary, to the State Board of Education and the Board of Regents of the University of Idaho for the University of Idaho for the designated expense classes, for the period commencing with the effective date of this act through June 30, 1975.

FOR:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Expenditures</td>
<td>$2,100</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$5,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$8,000</strong></td>
</tr>
</tbody>
</table>

FROM:

Fiscal year 1975 General Fund moneys $8,000

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 10, 1975.
AN ACT
AMENDING SECTION 1, CHAPTER 313, LAWS OF 1974, RELATING TO LEGISLATIVE INTENT FOR THE EXPENDITURES OF THE PUBLIC UTILITIES COMMISSION; AMENDING SECTION 2, CHAPTER 313, LAWS OF 1974, INCREASING THE APPROPRIATION TO THE PUBLIC UTILITIES COMMISSION BY THE AMOUNT OF $50,600 FROM THE FUNDS ENUMERATED TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE FUNDS LISTED FOR THE PERIOD JULY 1, 1974, THROUGH JUNE 30, 1975; APPROPRIATING $160,600 FROM THE FUNDS ENUMERATED TO THE PUBLIC UTILITIES COMMISSION FOR DESIGNATED PURPOSES FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1977; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 313, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 1. It is legislative intent that the expenditures for the Public Utilities Commission not exceed the following amounts for the period July 1, 1974 through June 30, 1975:

FOR:
Personnel Costs $448,250
Operating Expenditures $165,950 216,550
Capital Outlay 16,300
TOTAL $630,509 581,100

FROM:
General Fund $126,100 136,200
Dedicated Funds:
Public Utilities Commission Fund 504,400 544,900
TOTAL $630,509 581,100

SECTION 2. That Section 2, Chapter 313, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Public Utilities Commission for the functions to be performed by the Public Utilities Commission, the following amounts to be
expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1974, through June 30, 1975:

<table>
<thead>
<tr>
<th>FROM GENERAL FUND</th>
<th>FROM Public Utilities Commission FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. UTILITIES REGULATION PROGRAM:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FOR:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$27,346</td>
<td>$109,384</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$14,044</td>
<td>$22,044</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>1,210</td>
<td>4,840</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$42,600</strong></td>
<td><strong>$120,402</strong></td>
</tr>
</tbody>
</table>

| **B. TRANSPORTATION PROGRAM:**  |  |  |
| **FOR:**  |  |  |
| Personnel Costs | $26,132 | $104,528 | $130,660 |
| Operating Expenditures | 11,488 | 45,952 | 57,440 |
| Capital Outlay | 280 | 1,120 | 1,400 |
| **TOTALS** | **$37,900** | **$151,660** | **$189,500** |

| **C. ADMINISTRATION PROGRAM:**  |  |  |
| **FOR:**  |  |  |
| Personnel Costs | $36,172 | $144,688 | $180,860 |
| Operating Expenditures | 7,860 | 39,132 | 47,992 | 48,890 |
| Capital Outlay | 1,770 | 7,080 | 8,850 |
| **TOTALS** | **$45,600** | **$182,400** | **$228,000** |
| **GRAND TOTALS** | **$158,300** | **$544,800** | **$703,100** |

SECTION 3. There is hereby appropriated to the Public Utilities Commission the following amounts to be expended for designated purposes from the listed funds for the period from the effective date of this act through June 30, 1977.

**FOR:**
Investigation and study of the need for electrical generating plants, type of power generating facilities that would be acceptable and locations of such facilities $160,600

FROM:
Fiscal Year 1975 General Fund moneys $32,100
Dedicated Funds:
Public Utilities Commission Fund 128,500
TOTAL $160,600

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 10, 1975.
CHAPTER 42
(H.B.No. 105)

AN ACT

PROVIDING A STATEMENT OF PURPOSE; AMENDING CHAPTER 2, TITLE 33, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 33-208, IDAHO CODE, TO PROVIDE THAT THE ESTABLISHMENT OF PUBLIC KINDERGARTENS NOT BE COMPULSORY AND THAT IT SHALL NOT BE MANDATORY FOR AN ELIGIBLE CHILD TO ATTEND AN ESTABLISHED KINDERGARTEN; AMENDING SECTION 33-201, IDAHO CODE, TO EXTEND SERVICES OF THE PUBLIC SCHOOLS TO FIVE YEAR OLDS WHO ATTEND ESTABLISHED PUBLIC SCHOOL KINDERGARTENS; AMENDING SECTION 33-302, IDAHO CODE, TO PERMIT ELEMENTARY SCHOOL DISTRICTS AND ALL OTHER SCHOOL DISTRICTS TO PROVIDE INSTRUCTION IN KINDERGARTEN; AMENDING SECTION 33-1001, IDAHO CODE, TO PROVIDE FOR KINDERGARTEN AVERAGE DAILY ATTENDANCE; AMENDING SECTION 33-1002, IDAHO CODE, TO ESTABLISH A KINDERGARTEN SPARSITY FACTOR AND THE INCLUSION OF A KINDERGARTEN WEIGHTED AVERAGE DAILY ATTENDANCE FOR DETERMINING THE TOTAL WEIGHTED AVERAGE DAILY ATTENDANCE.

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

SECTION 1. The establishment and maintenance of a general and uniform system of free common public schools, including public kindergartens, is the responsibility of the people of the state of Idaho. In recognition of this, provision for state supported public kindergartens shall be established.

SECTION 2. That Chapter 2, 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 33-208, Idaho Code, and to read as follows:

33-208. KINDERGARTENS AND CHILD ATTENDANCE NOT COMPULSORY. – It shall not be compulsory for individual school districts to establish a kindergarten program; and it shall not be mandatory for a child who is eligible by age for attendance to enroll in an established public kindergarten.

SECTION 3. That Section 33-201, Idaho Code, be, and the same is hereby amended to read as follows:

33-201. SCHOOL AGE. – The services of the public schools of this state are
extended to any acceptable person of school age. “School age” is defined as including all persons resident of the state, between the ages of six (6) and twenty-one (21) years. For the purposes of this section, the age of six (6) years shall be attained when the fifth anniversary of birth occurs anytime before the beginning of the sixteenth day of October for that school year; however, for a resident child who does not attend a kindergarten, “school age” shall be the age of six (6) if this age has been reached before the beginning of the sixteenth day of October.

SECTION 4. That Section 33-302, Idaho Code, be, and the same is hereby amended to read as follows:

33-302. CLASSIFICATION OF SCHOOL DISTRICTS. – Elementary school districts shall give instruction only to pupils in grades one (1) through eight (8), and may give instruction in kindergarten. All other school districts shall give instruction to pupils in grades one (1) through twelve (12), and may give instruction in kindergarten, and shall maintain secondary schools giving instruction to pupils in grades seven (7) through twelve (12), or any combination of such grades.

Any school district maintaining its only secondary school building situate not less than twenty-five (25) miles from the nearest Idaho secondary school, and which employs not less than six (6) teachers within its district, may be authorized by the state board of education to instruct pupils in two (2) or more grades above grade seven (7).

Whenever any district lies, or shall lie, in more than one (1) county it shall be designated as a joint district of its class.

SECTION 5. That Section 33-1001, Idaho Code, be, and the same is hereby amended to read as follows:

33-1001. DEFINITIONS. – The following words and phrases used in this chapter are defined as follows:

1. “Foundation program” as used in this act shall mean the foundation educational program as described in section 33-1002, Idaho Code, the foundation transportation program described in section 33-1006, Idaho Code, and the foundation exceptional education program as provided in section 33-1006A, Idaho Code.

2. “Teacher” as used in this act shall mean any person employed in a teaching, instructional, supervisory, educational administrative or educational and scientific capacity in any school district. In case of doubt the state board of education shall determine whether any person is a teacher as thus defined.

3. “Public school district” or “school district” or “district” as used in this act shall mean any public school district organized under the laws of this state, including specially chartered school districts.

4. “Average daily attendance” or “pupils in average daily attendance” as used in this act shall mean the aggregate number of days enrolled students are present, divided by the number of days of school in the reporting period; provided, however, that students for whom no Idaho school district is a home district shall not be considered in such
computation. The state board of education shall establish rules and regulations setting forth the procedure to determine average daily attendance and the time for and method of submission of such report. "Weighted average daily attendance" shall be computed as provided in section 33-1002, Idaho Code.

In computing the average daily attendance the entire school year shall be used except that the twenty-eight (28) weeks having the best average daily attendance, not necessarily consecutive, may be used; and when a school is closed because of storm, flood, failure of the heating plant, loss or damage to the school building, quarantine or order of any city, county or state health agency, or for reason believed by the board of trustees to be in the best interests of the health, safety or welfare of the pupils, the board of trustees having certified to the state board of education the cause and duration of such closure, the average daily attendance for such day or days of closure shall be considered as being the same as for the days when the school actually was in session.

5. "Kindergarten" or "kindergarten average daily attendance" as used in this act shall mean and apply to all students enrolled in a school year, less than school year, or summer kindergarten program.

6. "Elementary grades" or "elementary average daily attendance" as used in this act shall mean and apply to students enrolled in grades one (1) through six (6) inclusive, or any combination thereof.

7. "Secondary grades" or "secondary average daily attendance" as used in this act shall mean and apply to students enrolled in grades seven (7) through twelve (12) inclusive, or any combination thereof.

8. "Remote elementary school" as used in this act is one which measured from itself, traveling on an all-weather road, is situated more than ten (10) miles distance from both the nearest elementary school within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

9. "Separate attendance unit" as used in this act shall mean any of the following: the average daily attendance of the district’s elementary grades, less the district’s average daily attendance of exceptional elementary grade children and the average daily attendance of any pupils enrolled in a remote elementary school as defined in this act; the average daily attendance of the district’s secondary grades, less the district’s average daily attendance of exceptional secondary grade children, and the average daily attendance of any pupils enrolled in a secondary school qualifying for participation in the state and county foundation programs as a separate school under section 33-1003, Idaho Code; the average daily attendance of a remote elementary school, the average daily attendance of any secondary school qualifying for participation in the state and county foundation programs as a separate school under section 33-1003, Idaho Code;
the average daily attendance of any elementary school classified as a remote elementary school by reason of special hardship as provided by paragraph b of section 33-1003, Idaho Code; the average daily attendance of a district's kindergarten program.

10. "Homebound student" as used in this act shall mean any student who would normally and regularly attend school, but is confined to home or hospital because of an illness or accident.

For illness or accident that necessitates an absence from school for more than ten (10) consecutive school days, the school district may include such "homebound" student in its total elementary or secondary attendance, provided that academic instruction has been given by appropriate certified professional staff employed by the district.

SECTION 6. 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.

(2) Total Distribution Funds. — Add to the state equalization levy the eight (8) mill county levy and state appropriation including the moneys available in the public school income fund, 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 before determining state average cost factor 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, the Secondary Grades Sparsity Factor, the Exceptional Child Sparsity Factor, the Kindergarten Sparsity Factor, and the Secondary School Cost Factor provided for in paragraph (4)b 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

<table>
<thead>
<tr>
<th>Attendance</th>
<th>Average Daily Attendance</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>300 and over</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>200 to 299</td>
<td>1.10</td>
<td></td>
</tr>
<tr>
<td>150 to 199</td>
<td>1.15</td>
<td></td>
</tr>
<tr>
<td>100 to 149</td>
<td>1.20</td>
<td></td>
</tr>
<tr>
<td>50 to 99</td>
<td>1.25</td>
<td></td>
</tr>
<tr>
<td>20 to 49</td>
<td>1.25</td>
<td></td>
</tr>
<tr>
<td>5 to 19</td>
<td>1.25</td>
<td></td>
</tr>
<tr>
<td>0 to 24</td>
<td>1.25</td>
<td></td>
</tr>
<tr>
<td>10 or more</td>
<td>1.25</td>
<td></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.

### SECONDARY GRADES SPARSITY FACTOR

<table>
<thead>
<tr>
<th>Attendance</th>
<th>Average Daily Attendance</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 and over</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>500 to 749</td>
<td>1.10</td>
<td></td>
</tr>
<tr>
<td>400 to 499</td>
<td>1.20</td>
<td></td>
</tr>
<tr>
<td>300 to 399</td>
<td>1.25</td>
<td></td>
</tr>
<tr>
<td>200 to 299</td>
<td>1.40</td>
<td></td>
</tr>
<tr>
<td>100 to 199</td>
<td>1.50</td>
<td></td>
</tr>
<tr>
<td>0 to 99</td>
<td>1.70</td>
<td></td>
</tr>
<tr>
<td>10 or more</td>
<td>1.60</td>
<td></td>
</tr>
<tr>
<td>4 to 9</td>
<td>1.70</td>
<td></td>
</tr>
<tr>
<td>Less than 4</td>
<td>1.80</td>
<td></td>
</tr>
</tbody>
</table>

### EXCEPTIONAL CHILD SPARSITY FACTOR

<table>
<thead>
<tr>
<th>Attendance</th>
<th>Average Daily Attendance</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 or more</td>
<td>.55</td>
<td></td>
</tr>
<tr>
<td>28 to 39</td>
<td>.65</td>
<td></td>
</tr>
<tr>
<td>17 to 27</td>
<td>.75</td>
<td></td>
</tr>
<tr>
<td>16 or less</td>
<td>1.00</td>
<td></td>
</tr>
</tbody>
</table>

### KINDERGARTEN SPARSITY FACTOR

<table>
<thead>
<tr>
<th>Attendance</th>
<th>Average Daily Attendance</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 or more</td>
<td>.55</td>
<td></td>
</tr>
<tr>
<td>28 to 39</td>
<td>.65</td>
<td></td>
</tr>
<tr>
<td>17 to 27</td>
<td>.75</td>
<td></td>
</tr>
<tr>
<td>16 or less</td>
<td>1.00</td>
<td></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. In applying the kindergarten sparsity factor to any summer kindergarten program or to a kindergarten program of less than a school year, the weighting shall be in ratio to the number of days of a full school year.

b. 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 Factor per Student. – Divide total distribution funds, after subtracting the foundation transportation program as provided in paragraph (3) of this section and ancillary personnel allowances as provided in chapter 20, title 33,
Idaho Code, by total weighted state average daily attendance to secure state average cost factor per student. On or before the fifteen day of February of each school year, the state board of education shall certify to the individual school districts the state average cost factor per student as herein determined, adjusting said average cost factor 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, 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 exceptional 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 exceptional 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)b; 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 exceptional pupils of the district by the exceptional child sparsity factor provided in paragraph (4)a of this section, to obtain the total exceptional weighted average daily attendance of the district.

(4) Multiply the actual unweighted average daily attendance of the kindergarten students by the appropriate kindergarten sparsity factor in paragraph (4)a of this section to obtain the total kindergarten weighted average daily attendance of the district.
In any school district which abuts upon the border of another state, and the resident pupils of said district attend school in such other state as provided in section 33-1403, Idaho Code, the state board of education shall determine the approved costs necessary to meet the educational needs of such students and shall divide such total approved costs by the state average cost factor per student to determine the number of weighted average daily attendance allowed for such students.

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, and the total secondary weighted average daily attendance, subparagraph (2) herein, the total exceptional child weighted average daily attendance, subparagraph (3) herein, the total kindergarten weighted average daily attendance, subparagraph (4) herein, and total border students weighted average daily attendance, subparagraph (4) (5) herein.

c. Total District Cost. - Multiply total district weighted average daily attendance by the state average cost factor 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. The contract salary of every noncertificated teacher shall be subtracted from the district’s share unless otherwise approved by the state board of education.

Every school district which has levied taxes for the maintenance and operation of public schools for the 1972-73 school year and any subsequent school year of at least twenty-two (22) mills on the actual assessed valuation of the home county or a mill levy which produces revenue at least equal to that which would have accrued from a levy of twenty-two (22) mills on the adjusted assessed valuation in the home county 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 1968-69 school year.

Those districts which do not levy at least twenty-two (22) mills, on the actual assessed valuation of the home county 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-two (22) 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.

Paragraph (7)a and paragraph (7)b do not apply to the foundation transportation program.

Calculations in application of this section shall be carried out to the nearest hundredth.

Approved March 12, 1975.
CHAPTER 43
(H.B.No. 188)

AN ACT
AMENDING SECTION 1, CHAPTER 314, LAWS OF 1974, RELATING TO THE LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF PARKS AND RECREATION; AMENDING SECTION 2, CHAPTER 314, LAWS OF 1974, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF PARKS AND RECREATION BY INCREASING THE APPROPRIATION FROM THE DESIGNATED FUNDS BY $575,000 TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1974, THROUGH JUNE 30, 1975; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 314, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 1. It is legislative intent that the expenditures for the Department of Parks and Recreation made in sections 2 and 3 of this act not exceed the following amounts for the period July 1, 1974 through June 30, 1975:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,188,149</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>491,127</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>288,274</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>4,973,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>6,640,559</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$894,450</td>
</tr>
<tr>
<td>Dedicated Funds:</td>
<td></td>
</tr>
<tr>
<td>Park &amp; Recreation Fund</td>
<td>167,000</td>
</tr>
<tr>
<td>Park &amp; Recreation Capital Improvement Fund</td>
<td>252,000</td>
</tr>
<tr>
<td>Waterways Improvement Fund</td>
<td>300,000</td>
</tr>
<tr>
<td>Motorbike Recreation Fund</td>
<td>9,000</td>
</tr>
<tr>
<td>Lucky Peak Concession Fund</td>
<td>2,000</td>
</tr>
<tr>
<td>Off-Road Vehicle Fund</td>
<td>300,000</td>
</tr>
<tr>
<td>Lava Hot Springs Foundation Fund</td>
<td>206,100</td>
</tr>
</tbody>
</table>
Federal Funds:
Federal Bureau of Outdoor Recreation Fund

<table>
<thead>
<tr>
<th>FROM GENERAL FUND</th>
<th>FROM FEDERAL FUNDS</th>
<th>FROM DEDICATED FUNDS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,787,500</td>
<td>$3,787,500</td>
<td></td>
<td>$3,787,500</td>
</tr>
</tbody>
</table>

SECTION 2. That Section 2, Chapter 314, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Parks and Recreation for the functions heretofore performed by the Department of Parks and Recreation the following amounts to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1974, through June 30, 1975:

<table>
<thead>
<tr>
<th>Program Description</th>
<th>FROM GENERAL FUND</th>
<th>FROM FEDERAL FUNDS</th>
<th>FROM DEDICATED FUNDS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION OF FEDERAL MONEYS PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>$3,787,500</td>
<td></td>
<td></td>
<td>$3,787,500</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$3,787,500</td>
<td></td>
<td></td>
<td>$3,787,500</td>
</tr>
<tr>
<td>B. OPERATING EXISTING PARKS PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$755,918</td>
<td>$238,000</td>
<td></td>
<td>$993,918</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>138,532</td>
<td>246,590</td>
<td></td>
<td>385,122</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td></td>
<td>172,410</td>
<td></td>
<td>172,410</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$894,450</td>
<td>$238,000</td>
<td>$419,000</td>
<td>$1,551,450</td>
</tr>
<tr>
<td>C. ACQUISITION &amp; DEVELOPMENT PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$92,000</td>
<td>$2,000</td>
<td></td>
<td>$94,000</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$92,000</td>
<td>$2,000</td>
<td></td>
<td>$94,000</td>
</tr>
<tr>
<td>D. WATERWAYS IMPROVEMENT PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td></td>
<td></td>
<td>$300,000</td>
<td>587,500</td>
</tr>
<tr>
<td>TOTALS</td>
<td></td>
<td></td>
<td>$300,000</td>
<td>587,500</td>
</tr>
<tr>
<td>E. MOTORBIKE RECREATION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$9,000</td>
<td></td>
<td>$9,000</td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td>$9,000</td>
<td></td>
<td>$9,000</td>
<td></td>
</tr>
<tr>
<td>F. YOUTH CORPS WORK PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$48,136</td>
<td></td>
<td>$48,136</td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>14,000</td>
<td></td>
<td>14,000</td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>17,864</td>
<td></td>
<td>17,864</td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td>$80,000</td>
<td></td>
<td>$80,000</td>
<td></td>
</tr>
</tbody>
</table>
G. OFF-ROAD VEHICLE PROGRAM:

<table>
<thead>
<tr>
<th>FROM GENERAL FUND</th>
<th>FROM FEDERAL FUNDS</th>
<th>FROM DEDICATED FUNDS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$ 13,040</td>
<td>$ 13,040</td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>13,960</td>
<td>13,960</td>
<td></td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>273,000</td>
<td>273,000</td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$ 300,000</strong></td>
<td><strong>$ 300,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

**GRAND TOTALS**: $894,450 $4,197,500 $1,317,500 $6,409,450

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, 1975.
CHAPTER 44
(H.B.No. 123)

AN ACT
AMENDING SECTION 67-2008, IDAHO CODE, RELATING TO PER DIEM AND MILEAGE ALLOWANCES FOR OFFICERS, AGENTS AND EMPLOYEES OF THE STATE OF IDAHO, BY PROVIDING A MAXIMUM PER DIEM ALLOWANCE OF TEN DOLLARS PER DAY FOR TRAVEL WITHIN THE STATE, AND FOR A MAXIMUM PER DIEM ALLOWANCE OF FOURTEEN DOLLARS PER DAY FOR TRAVEL WITHOUT THE STATE.

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

SECTION 1. That Section 67-2008, Idaho Code, be, and the same is hereby amended to read as follows:

67-2008. DETERMINATION OF RATE OF ALLOWANCE. — At its first meeting after the effective date of this act, and thereafter as it shall deem appropriate, the board of examiners shall by regulation fix a rate of allowance for per diem claims for subsistence for officers, agents and all other employees of the state who are absent from their post of duty on official business, which shall be effective for the year in which such allowance is fixed, and shall fix a rate of allowance for mileage claims for official travel executed by privately owned means of conveyance, which rate of allowance shall be effective for the year in which it is fixed; provided, however, that the board shall fix no rate of per diem allowance which is higher than actual lodgings (maximum to be set by board of examiners) and ten dollars ($10.00) per day for travel within the state and actual lodgings (maximum to be set by board of examiners) and fourteen dollars ($14.00) without the state and actual lodgings (maximum to be set by board of examiners), and the board shall fix no rate of mileage allowance which is higher than fifteen cents (15¢) per mile. The mileage allowance for private aircraft travel shall be set by the board and shall be no higher than fifteen cents (15¢) per mile, calculated as if the travel had been by highway route. In fixing rates of allowance under this act, the board shall consider the prevailing cost of executing such travel, generally prevailing economic conditions, and the rates of allowance made applicable to similar travel by the federal government and private employers within the state.

Approved March 14, 1975.
CHAPTER 45  
(H.B.No. 122)  

AN ACT  
AMENDING SECTION 33-1201, IDAHO CODE, RELATING TO TEACHER CERTIFICATION, BY PROVIDING THAT STUDENTS SERVING AS PRACTICE TEACHERS BE JOINTLY ASSIGNED BY THE TRAINING INSTITUTION AND THE GOVERNING BOARD OF A SCHOOL DISTRICT OR PUBLIC INSTITUTION, PROVIDING FOR PRACTICE TEACHERS ATTENDING TEACHER TRAINING INSTITUTIONS OUTSIDE THE STATE BE REGISTERED AND APPROVED BY THE STATE BOARD OF EDUCATION, PROVIDING LIABILITY INSURANCE PROTECTION FOR PRACTICE TEACHERS AS ACCORDED CERTIFICATED TEACHERS, AND PROVIDING FOR PRACTICE TEACHERS TO COMPLY WITH RULES AND REGULATIONS OF LOCAL SCHOOL DISTRICTS.  

Be It Enacted by the Legislature of the State of Idaho:  
SECTION 1. That Section 33-1201, Idaho Code, be, and the same is hereby amended to read as follows:  

33-1201. CERTIFICATE REQUIRED. – Every person who is employed to serve in any elementary or secondary school in the capacity of teacher, supervisor, administrator, education specialist, school nurse or school librarian shall be required to have and to hold a certificate issued under authority of the state board of education, valid for the service being rendered; except that the state board of education may authorize endorsement for use in Idaho, for not more than five (5) years, certificates valid in other states when the qualifications therefor are not lower than those required for an Idaho certificate.  

No certificate shall be required of a student attending any teacher training institution, who shall serve as a practice teacher in a classroom under the supervision of a certificated teacher, and who has been approved as a practice teacher by the state board of education, jointly assigned by such teacher-training institution and the governing board of a district or a public institution, and approved by the state board of education, to perform practice teaching in a non-salaried status. Those students attending a teacher-training institution of another state and who serve as a non-salaried practice teacher in an Idaho school district shall be registered by that school district and approved by the state board of education.  

A student, while serving as a practice teacher under the supervision of a certificated teacher, shall be accorded the same liability insurance coverage by the school district being served as that accorded a certificated teacher in the same district, and shall comply with all...
rules and regulations of the school district or public institution while acting as such practice teacher.

Approved March 14, 1975.

CHAPTER 46
(H.B.No. 106)

AN ACT
AMENDING SECTION 33-801, IDAHO CODE, RELATING TO SCHOOL DISTRICT BUDGET BY PROVIDING THAT THE BOARD OF TRUSTEES SHALL HAVE PREPARED A BUDGET NOT LATER THAN TWENTY-EIGHT DAYS PRIOR TO ITS ANNUAL MEETING.

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

SECTION 1. That Section 33-801, Idaho Code, be, and the same is hereby amended to read as follows:

33-801. SCHOOL DISTRICT BUDGET. — No later than twenty-eight (28) days prior to its annual meeting, the board of trustees of each school district shall have prepared a budget, in form prescribed by the state board of education, and shall have called and caused to be held a public hearing thereon. Notice of the hearing shall be posted, and published once, as prescribed in section 33-401, Idaho Code, and a record of the hearing shall be kept by the clerk of the board of trustees. At the time said notice is given and until the date of the hearing, a copy of the budget shall be available for public inspection at all reasonable times at the administrative offices of the school district, or at the office of the clerk of the district. The board of trustees of each school district shall also prepare and publish, as a part of such notice, a summary statement of the budget for the ensuing year. Such statement shall be prepared in a manner consistent with standard accounting practices and in such form as the state board shall prescribe, and, among other things, said statement shall show amounts budgeted for all major classifications of income and expenditures, with total amounts budgeted for salary and wage expenditures in each such classification shown separately. Such statement shall show amounts previously budgeted for the then current year for the same classification for purposes of comparison. The budgeted dollar amounts of revenue in those categories included within the provisions of section 33-802, Idaho Code, as approved at the budget hearing shall be the same as presented to the respective county commissioners for mill levy purposes.

Approved March 14, 1975.
CHAPTER 47
(H.B.No. 17)

AN ACT
AMENDING SECTION 72-1366, IDAHO CODE, RELATING TO PERSONAL ELIGIBILITY CONDITIONS FOR UNEMPLOYMENT COMPENSATION CLAIMS, BY STRIKING THEREFROM SUBSECTION (d) DEALING WITH INELIGIBILITY RESULTING FROM PREGNANCY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 72-1366, Idaho Code, be, and the same is hereby amended to read as follows:

72-1366. PERSONAL ELIGIBILITY CONDITIONS. — The personal eligibility conditions of a benefit claimant are that:

(a) In accordance with the provisions of this act, and such rules and regulations consistent therewith, as the director may prescribe —

(1) He shall have made a claim for benefits;

(2) He shall have registered for work and thereafter reported at an employment office or other agency as required by section 72-1365(c), Idaho Code.

(b) In some calendar quarter within his base period he shall have met the minimum wage requirements in his base period as provided in section 72-1367, Idaho Code.

(c) Claimant's unemployment is not due to having voluntarily left work to marry, or to perform the customary duties of maintaining a household, or to leave the locale to live with a spouse. The provisions of this subsection shall not apply after a change in conditions whereby claimant has become the main support of self or immediate family.

(d) A female claimant shall be ineligible to receive benefits for any week —

(1) Within the twelve (12) weeks prior to the expected date of such individual's giving birth to a child; and

(2) During pregnancy, if the individual voluntarily left her last employment because of pregnancy. The ineligibility under (1) or (2) herein shall continue until she has received wages in the amount of eight (8) times her weekly benefit amount, following birth of the child provided that she may requalify within six (6) weeks after the birth of her child if conditions have changed whereby she has become the main support of herself or her immediate family.

(e) During the whole of any week with respect to which he claims benefits or credit to
his waiting period he was able to work, available for suitable work, and seeking work; provided, however, the director shall waive these provisions for each week he is attending training under provisions of section 72-1312(a), Idaho Code; and provided, that no claimant shall be considered ineligible in any week of unemployment for failure to comply with the provisions of this subsection if such failure is due to an illness or disability which occurs after he has filed a claim and registered for work and no suitable work has been available for him after the beginning of such illness or disability; and, provided further, that no claimant shall be deemed to be unavailable for the whole of the week who, because of compelling personal circumstance, is required to be absent from his normal market area, provided that such absence does not exceed a major portion of the week.

(f) His unemployment is not due to the fact that he left his employment voluntarily without good cause, or that he was discharged for misconduct in connection with his employment.

(g) His unemployment is not due to his failure without good cause to apply for available suitable work as directed by a representative of the director or to accept suitable work when offered to him, provided, however, the director shall waive these provisions for each week he is attending training under provision of subsection (a) of section 72-1312, Idaho Code.

(h) In determining for the purposes of this act, whether or not work is suitable for an individual, the degree of risk involved to his health, safety, morals, his physical fitness, experience, training, past earnings, length of unemployment and prospects for obtaining local employment in his customary occupation, the distance of the work from his residence, and other pertinent factors shall be considered. No employment shall, in any event, be deemed suitable and benefits shall not be denied to any otherwise eligible individual for refusing to accept new work or to hold himself available for work under any of the following conditions:

(1) If the vacancy of the position offered is due directly to a strike, lock-out, or other labor dispute;

(2) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality of the work offered;

(3) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(h) A benefit claimant shall not be eligible to receive benefits for any week with respect to which it is found that his unemployment is due to a labor dispute; provided, that this subsection shall not apply if it is shown that —

(1) He is not participating, financing, aiding, abetting, or directly interested in the labor dispute; and
(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the labor dispute, there were members employed at the premises at which the labor dispute occurs, any of whom are participating in or directly interested in the dispute.

(i) A benefit claimant shall not be entitled to benefits for any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation or insurance law of another state or of the United States; provided, that if the appropriate agency of such other state or of the United States shall finally determine that he is not entitled to such unemployment compensation or insurance benefits, he shall not by provisions of this subsection be denied benefits. For purposes of this section, a law of the United States providing any payments of any type and in any amounts for periods of unemployment due to involuntary unemployment shall be considered an unemployment compensation law of the United States.

(j) A benefit claimant shall not be entitled to benefits if it is determined that he has wilfully made a false statement or representation or wilfully failed to report a material fact in order to obtain said benefits for a period of fifty-two (52) weeks from the date of said determination and said claimant shall be liable to repay to the fund any sums received as a result of said false statement, misrepresentation or failure to report a material fact.

(k) A benefit claimant shall not be entitled to benefits if his principal occupation is self-employment.

(l) A benefit claimant who has been found ineligible for benefits under the provisions of subsections (c), (e) or (f) of this section may reestablish his eligibility by having obtained bona fide work and received wages therefor in an amount of at least eight (8) times his weekly benefit amount.

(m) Benefits based on service in employment defined in sections 72-1316A, 72-1349(f), and 72-1352(c), Idaho Code, shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this act; except that benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two (2) successive academic years, or during a similar period between two (2) regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms.

(1) If the services performed during one-half (1/2) or more of any contract period by an individual for an institution of higher education as defined in section 72-1322B, Idaho Code, are in an instructional, research, or principal
administrative capacity, all the service of such individual shall be deemed to be in such capacity.

(2) If the services performed during less than one-half (1/2) of any contract period by an individual for such an institution of higher education are in an instructional, research, or principal administrative capacity, none of the service of such individual shall be deemed to be in such capacity.

(3) As used in this section, “contract period” means the entire period for which the individual contracts to perform services, pursuant to the terms of the contract.

(4) No individual is eligible to receive benefits in two (2) successive benefit years unless subsequent to the beginning of the first of said benefit years during which he received benefits he performed service and earned remuneration for such service in an amount equal to not less than three (3) times his weekly benefit amount established during the first benefit year.

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, 1975.
CHAPTER 48
(S.B.No. 1018)

AN ACT
RELATING TO IRRIGATION DISTRICTS, AMENDING SECTION 43-2203, IDAHO CODE, TO PROVIDE THAT ELECTIONS TO ISSUE BONDS NEED ONLY BE CARRIED OUT FOR THE RECONSTRUCTION, REHABILITATION, REPLACEMENT AND IMPROVEMENT OF ANY DAM AND RELATED STRUCTURES WHEN A REFERENDUM PETITION IS FILED BY THE ELECTORS OF THE DISTRICT, PROVIDING THAT THE BOARD MUST ADOPT A RESOLUTION TO ISSUE BONDS BY A FOUR-FIFTHS MAJORITY, AND TO PROVIDE OPERATING PROCEDURES THEREUNDER; AMENDING SECTION 43-2204, IDAHO CODE, TO STRIKE REFERENCE TO AN ELECTION AUTHORIZING BONDS, TO PROVIDE FOR CONSOLIDATION OF JUDICIAL CONFIRMATION ACTIONS INVOLVING RECONSTRUCTION, REHABILITATION, REPLACEMENT AND IMPROVEMENT OF DAMS OF IRRIGATION DISTRICTS, AND TO PROVIDE EXTENDED NOTICE PROVISIONS THEREUNDER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 43-2203, Idaho Code, be, and the same is hereby amended to read as follows:

43-2203. ELECTION FOR ISSUING BONDS — REFERENDUM PETITION. — Whenever the board shall by resolution adopted by a four-fifths (4/5) majority of the said board, determine that the interest of said district and the public interest or necessity demand the reconstruction, rehabilitation, replacement and improvement of any dam and other related structures and works together with all necessary appurtenances related thereto, in order to preserve, restore, protect and maintain rights of storage, diversion and delivery of water necessary and appurtenant to the purposes for which such district and other like similarly situated districts were organized and shall set forth the amount of obligation or bonded or other indebtedness proposed to be issued by the district under the provisions of this chapter, said board shall be required to order the submission of the proposition of issuing such obligation or bonded or other indebtedness for the purposes set forth in said resolution to the vote of the qualified electors of the district as defined in section 34-104, Idaho Code, at an election to be held for that purpose only if within fifteen (15) days after the passage of such resolution a referendum petition signed by legal voters equal in number to not less than ten per cent (10%) of the electors of the district, based upon the aggregate
vote cast at the general election of officers of the district next preceding the filing of such referendum petition, shall be filed with the secretary of the district requesting that an election upon the issuance of such obligation or bonded or other indebtedness be held and conducted under the provisions of this section. Any election required to be held pursuant to a referendum petition filed in accordance with this section for the purpose of submitting any proposition or propositions of incurring such obligation or indebtedness may be held separately, or may be consolidated or held concurrently with any other election authorized by law. The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one (1) and the same resolution, which resolution, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the reconstruction, rehabilitation, replacement or improvement as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the sources of the revenues and assessments pledged to the payment of said bonds, as enumerated in section 43-2201, (D)(1), (2), (3) and (4), Idaho Code. The separate election upon the assessments provided for in section 43-2201 (D)(1), Idaho Code, shall be held at the same time as and shall be combined with any such election required to be held upon the issuance of the bonds pursuant to a referendum petition.

Any such election required to be held hereunder shall be called by resolution, which resolution shall also fix the date upon which such election shall be held, the manner of holding the same and the method of voting for or against the incurring of the indebtedness or issuance of the bonds. Such resolution shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint for each polling place, from each precinct from the electors thereof, the officers of such election, which officers shall consist of three (3) judges, one (1) of whom shall act as clerk, who shall constitute a board of election for each polling place. The description of precincts may be made by reference to any order or orders of the board of county commissioners of the county or counties in which the district or any part thereof is situated, or by reference to any previous order, or resolution of the board or by detailed description of such precincts. Precincts established by the boards of the various counties may be consolidated for special elections held hereunder. In the event any such election shall be called to be held concurrently with any other election or shall be consolidated therewith, the resolution calling the election hereunder need not designate precincts or polling places or the names of officers of election, but shall contain reference to the act or order calling such other election and fixing the precincts and polling places and appointing election officers therefrom. The resolution calling the election shall prescribe an official notice of election, which notice shall be published once a week for two (2) consecutive weeks, the last publication of which shall be at least ten (10) days prior to the date set for said election, in a newspaper of general circulation printed and published within the district, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made.
The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of district elections to the extent the same shall apply and shall make their returns to the secretary of the district. At any regular or special meeting of the board held not earlier than five (5) days following the date of such election, the returns thereof shall be canvassed and the results thereof declared.

In the event that no referendum petition is filed, or if so filed, if it shall appear from said returns that a two-thirds (2/3) majority of the qualified electors of the district who shall have voted on any proposition submitted hereunder at such election voted in favor of such proposition, the district shall thereupon be authorized to incur such indebtedness or obligations, enter into such contracts or issue and sell such bonds of the district, all for the purpose or purposes and object or objects provided for in the proposition submitted hereunder and or in the resolution therefor, and in the amount so provided. Submission of the proposition of incurring such obligation or bonded or other indebtedness at such an election shall not prevent or prohibit submission of the same or other propositions at subsequent election or elections called for such purpose.

SECTION 2. That Section 43-2204, Idaho Code, be, and the same is hereby amended to read as follows:

43-2204. JUDICIAL EXAMINATION. – Prior to the sale and issuance of any bonds authorized at the election, the board shall file a petition in the district court of the county in which the office of the board is located, pursuant to the provisions of sections 43-406 to 43-408, inclusive, Idaho Code. Whenever any district which is required to file a petition hereunder has or proposes to enter into a contract or contracts with one or more irrigation districts pursuant to section 43-2201(D)(2), Idaho Code, and such other irrigation district or districts is authorized or required to bring a confirmation proceeding or proceedings pursuant to the provisions of section 43-406 or of section 43-1808, Idaho Code, with respect to such contracts or the levy of assessments or the apportionment of costs, the boards of each of such other irrigation districts shall join in the filing of such petition, and the district court in which such petition is filed shall have jurisdiction to hear the petition and to grant the relief prayed for therein. Each such petition shall pray for a judicial examination and determination of any power conferred hereby or by any amendment hereto or of any assessment levied or of any apportionment of costs or of any act, proceeding or contract of the district or districts, whether or not said contract contracts shall have been executed, including proposed contracts for the reconstruction, rehabilitation, replacement and improvement of any such dam and other related structures and works and appurtenances, falling water contracts pursuant to section 43-2201(D)(4), Idaho Code, contracts with other irrigation districts pursuant to section 43-2201(D)(2), Idaho Code, and contracts with other public and private persons, firms, corporations and associations pursuant to section 43-2201(D)(3), Idaho Code. Such petition shall set forth the facts whereon the validity of such power, assessment, powers, assessments, apportionments, act, proceeding or contract, acts, proceedings or contracts is founded and shall be
verified by the president of the board. Notice of the filing of said petition shall be given by the clerk of the court by mailing, and by publication in at least one (1) newspaper published and of general circulation within the boundaries of each irrigation district joining in the petition, or if no newspaper is so published within any district, then in a newspaper published in the same county in which any part of such irrigation district is located which is of general circulation in such irrigation district, pursuant to and in accordance with the requirements of section 43-407, Idaho Code, under the seal thereof, stating in brief outline the contents of the petition and showing where a full copy of any contract or contracts, therein mentioned, may be examined.

Any owner of property in the any district joining in the petition or any other person interested in the contract contracts or proposed contract contracts may appear and answer said petition at any time prior to the date fixed for said hearing or within such further time as may be allowed by the court; and the petition shall be taken as confessed by all persons who fail so to appear. The said petition and notice shall be sufficient to give the court jurisdiction and, upon hearing, the court shall examine into and determine all matters and things affecting the question submitted, shall examine all of the proceedings of all of the irrigation districts as set forth in the petition, shall hear all objections either filed in said proceeding or brought up from the hearings before any of the boards, shall correct all errors in the assessments and apportionments of costs, shall ratify, approve and confirm all apportionments of costs and assessments levied, shall make such findings with reference thereto and render such a judgment and decrees thereon approving and confirming all of the powers, assessments, apportionments, acts, proceedings and contracts of each of the irrigation districts as set forth in the petition as the case warrants. Costs may be divided or apportioned among the contesting parties in the discretion of the trial court. Review of the judgment of the court may be had as in other similar cases, except that such review must be applied for within thirty (30) days after the time of the rendition of such judgment, or within such additional time as may be allowed by the court within thirty (30) days. The Idaho Rules of Civil Procedure shall govern in matters of pleading and practice where not otherwise specified herein. The court shall disregard any error, irregularity or omission which does not affect the substantial rights of the parties. Except as provided herein, the provisions of sections 43-406 to 43-408, inclusive, Idaho Code, shall apply to the proceeding herein authorized.

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, 1975.
CHAPTER 49

(S.B.No. 1019, As Amended)

AN ACT

RELATING TO CONSTRUCTION CONTRACTS FOR IRRIGATION DISTRICTS; REPEALING SECTION 43-901, IDAHO CODE; ADDING A NEW SECTION 43-901, IDAHO CODE, TO PROVIDE FOR COMPETITIVE BIDDING FOR SUCH CONTRACTS, DEFINING EXPENDITURE, SETTING THE AMOUNT OVER WHICH MUST BE CONTRACTED WITH THE LOW BIDDER, PROVIDING FOR A NOTICE INVITING BIDS, PROVIDING FOR DELIVERY OF SEALED BIDS AND SECURITY, SETTING MINIMUM BIDDERS' SECURITY, PROVIDING FOR WITHDRAWAL OF BIDS AND NONCONSIDERATION OF BIDS, PROVIDING FOR FORFEITURE OF BIDDER'S SECURITY, PROVIDING THAT THE CONTRACT MAY BE AWARDED TO THE NEXT LOWEST BIDDER WHEN THE SUCCESSFUL BIDDER FAILS TO EXECUTE THE CONTRACT, PROVIDING FOR REJECTION OF BIDS AND READVERTISING, PROVIDING THAT AFTER REJECTING BIDS THE BOARD MAY RESOLVE TO COMPLETE THE PROJECT WITHOUT FURTHER COMPLIANCE WITH THE SECTION, PROVIDING FOR PERFORMANCE OF WORK IN EMERGENCIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 43-901, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 9, Title 43, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 43-901, Idaho Code, and to read as follows:

43-901. CONTRACTS FOR CONSTRUCTION WORK. — A. The following provisions relative to competitive bidding apply to all irrigation districts of the state of Idaho, but shall be subject to the provisions of any specific statute pertaining to the letting of any contract, purchase or acquisition of any commodity or thing by soliciting and receiving competitive bids therefor, and shall not be construed as modifying or amending the provisions of any such statute, nor preventing the irrigation district from doing any work by its own employees.

B. The word "expenditure" shall mean the granting of a contract to another by the irrigation district, the construction of any works, or any portion thereof, and every manner and means whereby the irrigation district disburses funds or obligates itself to disburse funds; provided, however, that "expenditure" does not include disbursement of funds to
any irrigation district employee, official or agent or for the performance of personal services to the irrigation district.

C. When the expenditure contemplated exceeds two thousand five hundred dollars ($2,500), the expenditure shall be contracted for and let to the lowest responsible bidder.

D. The notice inviting bids shall set a date and place for the opening of bids. The first publication of the notice shall be at least two (2) weeks before the date of opening the bids. Notice shall be published at least twice, not less than one (1) week apart, in the official newspaper of such irrigation district. The notice shall succinctly set forth the project or construction to be done. Any of the following documents shall be made available, upon reasonable deposit, to any interested bidder: bid form, bidder's instructions, contract documents, general and special instructions, drawings and specifications.

E. All bids shall be presented or otherwise delivered under sealed cover to the secretary with a concise statement marked on the outside thereof generally identifying the expenditure to which said bid pertains. All bids shall contain one (1) of the following forms of bidder's security:

a. Cash;

b. Cashier's check made payable to the irrigation district;

c. A certified check made payable to the irrigation district;

d. A bidder's bond executed by a qualified surety company, made payable to the irrigation district.

F. The security shall be an amount equal to at least ten per cent (10%) of the amount bid. A bid shall not be considered unless one (1) of the forms of bidder's security is enclosed with it, and unless the bid is submitted in a form which substantially complies with the form provided by the irrigation district.

G. Any bid received by the irrigation district may not be withdrawn after the time set in the notice for opening of bids. All bids received must be opened at the time and place set in the notice inviting bids, and no person shall be denied the right to be present at the opening of bids.

H. If the successful bidder fails to execute the contract, the amount of his bidder's security shall be forfeited to the irrigation district and the proceeds shall be deposited in the fund out of which the expenses of preparation and printing of the plans and specifications, estimates of costs and publication of notice are paid.

I. The irrigation district may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the board awards the contract to the next lowest responsible bidder, the amount of the said lowest responsible bidder's security shall be applied by the irrigation district to the difference between the said lowest responsible bid and the said next lowest responsible bid, and the surplus, if any, shall be returned to the said lowest bidder if cash or check is used, or to the surety on the bidder's bond if a bond is used.

J. In its discretion, the board may reject any bids presented and readvertise. If two
(2) or more bids are the same and the lowest responsible bids, the board may accept the one it chooses. If no bids are received, the board may make the expenditure without further compliance with this section.

K. After rejecting bids, the board may, after finding it to be a fact, pass a resolution declaring that the thing sought to be accomplished by the expenditure can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market. Upon adoption of the resolution, it may have the thing sought to be accomplished done in the manner stated without further compliance with this section.

L. If there is a great public calamity, as an extraordinary fire, flood, storm, epidemic or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, the board may pass a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. Upon adoption of the resolution, it may expend any sum required in the emergency without compliance with this section.

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, 1975.
CHAPTER 50
(S.B.No. 1147)

AN ACT
AMENDING SECTION 33-2004, IDAHO CODE, RELATING TO CONTRACTING FOR THE EDUCATION OF EXCEPTIONAL CHILDREN BY PROVIDING A LIMIT ON THE CONTRACT AMOUNT WHEN CONTRACTS ARE WITH A REHABILITATION CENTER, HOSPITAL, CORPORATION OR STATE AGENCY.

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

SECTION 1. That Section 33-2004, Idaho Code, be, and the same is hereby amended to read as follows:

33-2004. CONTRACTING BY APPROVED FORM FOR EDUCATION BY ANOTHER SCHOOL DISTRICT, APPROVED REHABILITATION CENTER OR HOSPITAL, OR A CORPORATION. — The trustees of a school district may contract on a form adopted by the state board of education for the education of exceptional children by another school district or by any private or public rehabilitation center, hospital, or corporation, approved by the state board of education and when such students are transferred from the school district to the institution, corporation or district, said school district shall agree to pay therefor to the institution, corporation or district contracting to educate such students amounts computed as follows:

1. For each resident student educated by another school district, the amount of the tuition rate certified for the receiving district under the provisions of section 33-1405, Idaho Code;

2. For each resident student educated by contract by a rehabilitation center, hospital, corporation or state agency, the amount of the tuition rate certified for the sending district under the provisions of section 33-1405, Idaho Code, and the sum of state and county funds received for each child in weighted average daily attendance as determined by the state board of education. Total allowance for an approved contract cannot be greater than the educational costs of the contract amount, but in no case may exceed a payment of four and eight-tenths (4.8) times the determined state average cost factor per weighted student.

When public school districts contract for the education of exceptional children residing within the several districts, one (1) district shall be designated as the educating district for the purpose herein.

Should any corporation provide a program of education for exceptional children
contracts and payments as herein authorized may be made to such corporation upon approval of the state board of education.

When any rehabilitation center, hospital, or corporation shall have contracted for the education of any exceptional children as defined in this act all such children shall be enrolled in the district of their residence; and the institution, hospital or corporation shall certify to the home school district the daily record of attendance of each such pupil. The home district shall be qualified to compute the average daily attendance of such pupils, and, together with other average daily attendance of exceptional children being educated in the district, if any, certify the same to the state board of education in the following annual report of the district.

Approved March 14, 1975.
CHAPTER 51  
(S.B.No. 1071)  

AN ACT  
RELATING TO THE MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT;  
AMENDING TITLE 49, IDAHO CODE, BY THE ADDITION THERETO OF A NEW  
CHAPTER TO BE KNOWN AND DESIGNATED AS CHAPTER 28, TITLE 49,  
IDAHO CODE, ENACTING SAID AGREEMENT INTO LAW; SPECIFYING THE  
FINDINGS AND PURPOSES OF SAID AGREEMENT; DEFINING CERTAIN  
TERMS AS USED THEREIN; PROVIDING FOR GENERAL PROVISIONS OF THE  
AGREEMENT; CREATING AND SPECIFYING THE DUTIES OF A COOPERATING  
COMMITTEE; SPECIFYING THE OBJECTIVES OF THE PARTICIPATING  
JURISDICTIONS; PROVIDING FOR ENTRY INTO FORCE AND WITHDRAWAL;  
PROVIDING FOR CONSTRUCTION AND SEVERABILITY; PROVIDING FOR  
THE FILING OF DOCUMENTS; PROVIDING FOR THE RETENTION OF  
EXISTING LAWS RELATING TO WEIGHT AND SIZE STANDARDS AND  
SPECIAL PERMITS UNTIL CHANGED BY LAW; AUTHORIZING STATE  
OFFICIALS AND AGENCIES TO COOPERATE WITH SAID COOPERATING  
COMMITTEE; AND PROVIDING FOR THE FILING OF REPORTS WITH THE  
DEPARTMENT OF TRANSPORTATION.  

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

SECTION 1. That Title 49, Idaho Code, be, and the same is hereby amended by the  
addition thereto of a new chapter, to be known and designated as Chapter 28, Title 49,  
Idaho Code, and to read as follows:  

CHAPTER 28  
MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT  
49-2801. ENACTMENT OF MULTISTATE AGREEMENT. — The Multistate Highway  
Transportation Agreement is hereby enacted into law and entered into with all other  
jurisdictions legally joining therein as follows:  

MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT  
Pursuant to and in conformity with the laws of their respective jurisdictions, the  
participating jurisdictions, acting by and through their officials lawfully authorized to  
execute this agreement, do mutually agree as follows:  

ARTICLE I  
Findings and Purposes  

SECTION 1. Findings. The participating jurisdictions find that:
(a) The expanding regional economy depends on expanding transportation capacity;
(b) Highway transportation is the major mode for movement of people and goods in the western states;
(c) Uniform application in the west of more adequate vehicle size and weight standards will result in a reduction of pollution, congestion, fuel consumption and related transportation costs, which are necessary to permit increased productivity;
(d) A number of western states have already, to the fullest extent possible, adopted substantially the 1964 Bureau of Public Roads recommended vehicle size and weight standards;
(e) The 1956 provision of federal law, (23 U.S.C. 127), though long outmoded, remains in effect depriving states of interstate matching money if vehicle weights and widths are increased, even though the interstate system is more than eighty percent (80%) complete; and
(f) The participating jurisdictions are most capable of developing vehicle size and weight standards most appropriate for the regional economy and transportation requirements, consistent with and in recognition of principles of highway safety.

SECTION 2. Purposes. The purposes of this agreement are to:
(a) Adhere to the principle that each participating jurisdiction should have the freedom to develop vehicle size and weight standards that it determines to be most appropriate to its economy and highway system.
(b) Establish a system authorizing the operation of vehicles traveling between two (2) or more participating jurisdictions at more adequate size and weight standards.
(c) Promote uniformity among participating jurisdictions in vehicle size and weight standards on the basis of the objectives set forth in this agreement.
(d) Secure uniformity insofar as possible, of administrative procedures in the enforcement of recommended vehicle size and weight standards.
(e) Provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in section 1 of this article.

ARTICLE II
Definitions

SECTION 1. As used in this agreement:
(a) "Designated representative" means a legislator or other person authorized to represent the jurisdiction.
(b) "Jurisdiction" means a state of the United States or the District of Columbia.
(c) "Vehicle" means any vehicle as defined by statute to be subject to size and weight standards which operates in two or more participating jurisdictions.

ARTICLE III
General Provisions

SECTION 1. Qualifications for Membership. Participation in this agreement is open to jurisdictions which subscribe to the findings, purposes and objectives of this agreement.
and will seek legislation necessary to accomplish these objectives.

SECTION 2. Cooperation. The participating jurisdictions, working through their designated representatives, shall cooperate and assist each other in achieving the desired goals of this agreement pursuant to appropriate statutory authority.

SECTION 3. Effect of Headings. Article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or section hereof.

SECTION 4. Vehicle Laws and Regulations. This agreement shall not authorize the operation of a vehicle in any participating jurisdiction contrary to the laws or regulations thereof.

SECTION 5. Interpretation. The final decision regarding interpretation of questions at issue relating to this agreement shall be reached by unanimous joint action of the participating jurisdictions, acting through the designated representatives. Results of all such actions shall be placed in writing.

SECTION 6. Amendment. This agreement may be amended by unanimous joint action of the participating jurisdictions, acting through the officials thereof authorized to enter into this agreement, subject to the requirements of section 4, article III. Any amendment shall be placed in writing and become a part hereof.

SECTION 7. Restrictions, Conditions or Limitations. Any jurisdiction entering this agreement shall provide each other participating jurisdiction with a list of any restriction, condition or limitation on the general terms of this agreement, if any.

SECTION 8. Additional Jurisdictions. Additional jurisdictions may become members of this agreement by signing and accepting the terms of the agreement.

ARTICLE IV
Cooperating Committee

SECTION 1. Pursuant to section 2, article III, the designated representatives of the participating jurisdictions shall constitute a committee which shall have the power to:
(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in relation to vehicle size and weight related matters.
(b) Recommend and encourage the undertaking of research and testing in any aspect of vehicle size and weight or related matter when, in their collective judgment, appropriate or sufficient research or testing has not been undertaken.
(c) Recommend changes in law or policy with emphasis on compatibility of laws and uniformity of administrative rules or regulations which would promote effective governmental action or coordination in the field of vehicle size and weight related matters.

SECTION 2. Each participating jurisdiction shall be entitled to one (1) vote only. No action of the committee shall be binding unless a majority of the total number of votes cast by participating jurisdictions are in favor thereof.

SECTION 3. The committee shall meet at least once annually and shall elect, from among its members, a chairman, a vice-chairman and a secretary.
SECTION 4. The committee shall submit annually to the legislature of each participating jurisdiction, no later than November 1, a report setting forth the work of the committee during the preceding year and including recommendations developed by the committee. The committee may submit such additional reports as it deems appropriate or desirable. Copies of all such reports shall be made available to the Transportation Committee of the Western Conference, Council of State Governments, and to the Western Association of State Highway Officials.

ARTICLE V
Objectives of the Participating Jurisdictions

SECTION 1. Objectives. The participating jurisdictions hereby declare that:

(a) It is the objective of the participating jurisdictions to obtain more efficient and more economical transportation by motor vehicles between and among the participating jurisdictions by encouraging the adoption of standards that will, as minimums, allow the operation of a vehicle or combination of vehicles in regular operation on all State highways, except those determined through engineering evaluation to be inadequate, with a single-axle weight not in excess of 20,000 pounds, a tandem-axle weight not in excess of 34,000 pounds, and a gross vehicle or combination weight not in excess of that resulting from application of the formula:

\[ W = 500 \left( \frac{LN}{N} - 1 \right) + 12N + 36 \]

where \( W \) = maximum weight in pounds carried on any group of two or more axles computed to nearest 500 pounds.

\( L \) = distance in feet between the extremes of any group of two or more consecutive axles.

\( N \) = number of axles in group under consideration.

(b) It is the further objective of the participating jurisdictions that in the event the operation of a vehicle or combination of vehicles according to the provisions of subsection (a) of this section would result in withholding or forfeiture of federal-aid funds pursuant to section 127, title 23, U.S. Code, the operation of such vehicle or combination of vehicles at axle and gross weights within the limits set forth in subsection (a) of this section will be authorized under special permit authority by each participating jurisdiction which could legally issue such permits prior to July 1, 1956, provided all regulations and procedures related to such issuance in effect as of July 1, 1956, are adhered to.

(c) The objectives of subsections (a) and (b) of this section relate to vehicles or combinations of vehicles in regular operation, and the authority of any participating jurisdiction to issue special permits for the movement of any vehicle or combinations of vehicles having dimensions and/or weights in excess of the maximum statutory limits in each participating jurisdiction will not be affected.

(d) It is the further objective of the participating jurisdictions to facilitate and expedite the operation of any vehicle or combination of vehicles between and among the
participating jurisdictions under the provisions of subsection (a) or (b) of this section, and to that end the participating jurisdictions hereby agree, through their designated representatives, to meet and cooperate in the consideration of vehicle size and weight related matters including, but not limited to, the development of: uniform enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to facilitate regional application and administration of vehicle size and weight standards; uniform permit procedures; uniform application forms; rules and regulations for the operation of vehicles, including equipment requirements, driver qualifications, and operating practices; and such other matters as may be pertinent.

(e) In recognition of the limited prospects of federal revision of section 127, title 23, U.S. Code, and in order to protect participating jurisdictions against any possibility of withholding or forfeiture of federal-aid highway funds, it is the further objective of the participating jurisdictions to secure congressional approval of this agreement and, specifically of the vehicle size and weight standards set forth in subsection (a) of this section.

(f) In recognition of desire for a degree of national uniformity of size and weight regulations, it is the further objective to encourage development of broad, uniform size and weight standards on a national basis, and further that procedures adopted under this agreement be compatible with national standards.

ARTICLE VI
Entry Into Force and Withdrawal

SECTION 1. This agreement shall enter into force when enacted into law by any two or more jurisdictions. Thereafter, this agreement shall become effective as to any other jurisdiction upon its enactment thereof, except as otherwise provided in section 8, article III.

SECTION 2. Any participating jurisdiction may withdraw from this agreement by cancelling the same but no such withdrawal shall take effect until thirty (30) days after the designated representative of the withdrawing jurisdiction has given notice in writing of the withdrawal to all other participating jurisdictions.

ARTICLE VII
Construction and Severability

SECTION 1. This agreement shall be liberally construed so as to effectuate the purposes thereof.

SECTION 2. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any participating jurisdiction or the applicability thereto to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement shall not be affected thereby. If this agreement shall be held contrary to the constitution of any jurisdiction participating herein, the agreement shall remain in full force and effect as to the remaining jurisdictions and in full force and effect as to the jurisdictions affected as to all
severable matters.

ARTICLE VIII
Filing of Documents

SECTION I. A copy of this agreement, its amendments, and rules or regulations promulgated thereunder and interpretations thereof shall be filed in the highway department in each participating jurisdiction and shall be made available for review by interested parties.

49-2802. EXISTING STATUTES NOT REPEALED. – All existing statutes prescribing weight and size standards and all existing statutes relating to special permits shall continue to be of force and effect until amended or repealed by law.

49-2803. STATE GOVERNMENT DEPARTMENTS AUTHORIZED TO COOPERATE WITH COOPERATING COMMITTEE. – Within appropriations available therefor, the departments, agencies and officers of the government of this state may cooperate with and assist the cooperating committee within the scope contemplated by article IV, section 1(a) and (b) of the agreement. The departments, agencies and officers of the government of this state are authorized generally to cooperate with said cooperating committee.

49-2804. FILING OF REPORTS. – Filing of reports as required by article IV, section 4, of the agreement shall be with the department of transportation. Any and all notices required by the cooperating committee bylaws shall be given to the designated representative of this state or his alternate, if any.

Approved March 18, 1975.
CHAPTER 52
(S.B.No. 1130)

AN ACT
RELATING TO COUNTIES; STATING THE SHORT TITLE; STATING THE PURPOSE OF THE ACT; DEFINING TERMS; PROVIDING FOR THE ACQUISITION, CONSTRUCTION, INSTALLATION AND EQUIPMENT OF FACILITIES DESIGNED FOR ENVIRONMENTAL POLLUTION CONTROL BY COUNTIES FOR PRESCRIBED USES AND PURPOSES; PROVIDING FOR THE ISSUANCE OF REVENUE BONDS BY COUNTIES WITH LIMITED LIABILITY FOR SECURITY THEREOF AND FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST ON SUCH REVENUE BONDS; PROVIDING FOR THE HOLDING OF ELECTIONS ON THE ISSUANCE OF SUCH REVENUE BONDS; PROVIDING FOR PUBLICATION OF RESOLUTIONS AND ESTABLISHING LIMITATIONS ON CONTESTING BONDS; PROVIDING FOR THE INVESTMENT OF FUNDS; EXEMPTING FACILITIES FROM TAXATION; PROVIDING FOR TAX EXEMPTION OF SUCH REVENUE BONDS AND INTEREST THEREON; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. SHORT TITLE. — This act may be referred to and cited as the "Idaho Pollution Control Financing Act."

SECTION 2. DECLARATION OF NECESSITY AND PURPOSE — LIBERAL CONSTRUCTION. — (a) The legislature of the state of Idaho hereby finds:

(i) that environmental damage seriously endangers the public health and welfare;
(ii) that such environmental damage results from air, water, and other resource pollution and from public water supply, solid waste disposal, noise and other environmental problems;
(iii) that to reduce, control and prevent such pollution and problems, quality standards have been established necessitating the employment of antipollution devices, equipment and facilities, and stringent time schedules have been and will be imposed for compliance with such standards;
(iv) that it is desirable to provide methods of financing the costs of acquiring, constructing, installing and equipping facilities designed for environmental pollution control, including the acquisition of all technological facilities and equipment necessary or convenient for pollution control; and
(v) that the method of financing provided in this act is therefore in the public interest and serves a public purpose in protecting and promoting the health and welfare of the citizens of this state by reducing, controlling and preventing environmental damage.

(b) It is the purpose of this act, as more specifically described in later sections, to authorize counties to acquire, construct, install, equip, own, finance and lease environmental pollution control facilities, including the acquisition of all technological facilities and equipment necessary or convenient for pollution control, to be financed for, or to be sold, leased or otherwise disposed of to persons, associations or corporations other than municipal corporations or other political subdivisions, to the end that the counties may be able to promote the health and welfare of the people of this state; it is not intended by this act that any county shall itself be authorized to operate any industrial or commercial enterprise or any such environmental pollution control facilities.

(c) This act shall be liberally construed to accomplish the intentions expressed herein.

SECTION 3. DEFINITIONS. — In this act, unless the context otherwise clearly requires, the terms used herein shall have the meanings ascribed to them as follows:

(a) "Board" means the board of county commissioners of any county.
(b) "County" means any county of the state of Idaho.
(c) "Person" means any individual, partnership, copartnership, firm, company, corporation (including public utilities), association, joint stock company, trust, estate, or any other legal entity, or their legal representatives, agents or assigns, other than municipal corporations or other political subdivisions.
(d) "Pollution" means any form of environmental pollution including, but not limited to, water pollution, air pollution, land pollution, solid waste pollution, thermal pollution, radiation contamination, or noise pollution as determined by the various standards prescribed by this state or the federal government.
(e) "Pollution control facility" or "facilities" means all technological facilities and equipment necessary or convenient for pollution control, including any land, interest in land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment or any combination thereof, and all real and personal property deemed necessary therewith, having to do with or the end purpose of which is, reducing, controlling or preventing pollution.
(f) "Project costs" as applied to pollution control facilities financed under the provisions of this act means and includes all or any part of the sum total of all reasonable or necessary costs incidental to the acquisition, construction, installation and equipping of such pollution control facilities including without limitation the cost of studies and surveys; plans, specifications, architectural and engineering services; legal, organizations, marketing or other special services; financing, acquisition, demolition, construction, equipment and site development of new and rehabilitated buildings; rehabilitation, reconstruction, repair or
remodeling of existing buildings and all other necessary and incidental expenses including an initial bond and interest reserve together with interest on revenue bonds issued to finance such pollution control facilities to a date six (6) months subsequent to the estimated date of completion.

(g) “Finance” or “financing” means the issuing of revenue bonds pursuant to authority herein contained by a county for the purpose of using substantially all of the proceeds to pay all or any part of project costs or to reimburse any person for all or any part of project costs; provided, that title to or in any pollution control facility so financed may at all times remain in a person other than the county, and in such case the revenue bonds of the county shall be secured by a pledge of one (1) or more notes, debentures, bonds or other obligations of such person.

SECTION 4. POWERS. – Each county shall have the following powers together with all powers incidental thereto or necessary for the performance thereof:

(a) To determine the location of any pollution control facility, whether upon real estate owned by the county or by any person, and the manner of construction of any pollution control facility to be financed under the provisions of this act, and to acquire, construct, install, equip, own, finance, lease and dispose of the same, to enter into contracts for any and all of such purposes, to designate a person as its agent to determine the location and manner of construction of a pollution control facility undertaken by such person under the provisions of this act and as agent of the county, to acquire, construct, install, equip, own, lease and dispose of the same and to enter into contracts for any and all of such purposes;

(b) To lease or sell to a person any or all of the pollution control facilities upon such terms and conditions as the board shall deem proper, and to charge and collect rent or other payments therefor and to terminate any such lease or sales agreement upon the failure of the lessee or other contracting party to comply with any of the obligations thereof; and to include in any such lease, if desired, provisions that the lessee thereof shall have options to renew the term of the lease for such period or periods and at such rent as shall be determined by the board and/or to purchase any or all of the pollution control facilities for a nominal amount or otherwise or that at or prior to the payment of all of the revenue bonds issued by the county for the financing of such pollution control facilities the county may convey any or all of the pollution control facilities to the lessee or lessees thereof with or without consideration;

(c) To issue revenue bonds and to refund the same, all as provided for in this act;

(d) Generally to fix and revise from time to time and charge and collect rates, rents, fees and charges for the use of and services furnished or to be furnished by any pollution control facility or any portion thereof and to contract with any person, firm or corporation or other body public or private in respect thereof;

(e) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, manager and such other employees and agents as may be necessary in its judgment and to fix their compensation;
(f) To refund outstanding obligations incurred by any person to finance the cost of a pollution control facility including obligations incurred for pollution control facilities undertaken and completed prior to or after the enactment of this act when the authority finds that such financing is in the public interest;

(g) To receive and to pledge as security for the payment of any bonds issued hereunder, any lease, purchase agreement, note, debenture, bond or other obligation by or on behalf of any person;

(h) To make loans to any person for the purpose of paying or reimbursing project costs in accordance with an agreement between the county and such person; and

(i) To do all things necessary and convenient to carry out the purposes of this act.

No county shall have power to operate any pollution control facility as a business other than as a lessor. Any lease of a pollution control facility entered into pursuant to the provisions of this act shall be for a term not shorter than the longest maturity of any revenue bonds issued to finance such pollution control facility or a portion thereof and shall provide for rentals adequate to pay the principal of and interest and premiums, if any, on such revenue bonds as the same fall due and to create and maintain such reserves and accounts for depreciation, if any, as the board in its discretion shall determine to be necessary.

SECTION 5. BONDS. -- All revenue bonds authorized to be issued hereunder may be issued as serial bonds or as term bonds or a combination of both types. All revenue bonds so issued shall be payable solely out of the revenues and receipts derived by the county from the pollution control facilities provided with the proceeds thereof as may be designated in the proceedings of the board under which the revenue bonds shall be authorized to be issued, provided that such revenue bonds shall not be secured by the full faith and credit or the taxing power of the state of Idaho or of any political subdivision thereof, and such limitation shall be plainly printed on the face of each such revenue bond. Such revenue bonds may be executed and delivered by the county at any time and from time to time in such amounts, may be in such form and denominations and of such terms and maturities, may be in fully registered form or in bearer form registrable either as to principal or interest or both, may bear such conversion privileges and be payable in such installments and at such time or times not exceeding forty (40) years from the date thereof, may be payable at such time or times and at such place or places whether within or without the state of Idaho and evidenced in such manner, may bear interest at such rate or rates per annum without regard to any interest rate limitation appearing in any other law, may be executed by the manual or facsimile signatures of such officers of the county, and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the board under which the revenue bonds shall be authorized to be issued. If deemed advisable by the board there may be retained in the proceedings under which any such revenue bonds are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and
conditions as may be set forth in such proceedings, but nothing herein contained shall be construed to confer on any county the right or option to redeem any such revenue bonds except as may be provided in the proceedings under which they shall be issued. Any revenue bonds issued hereunder may be sold at public or private sale for such price and in such manner and from time to time as may be determined by the board, and the county may pay, but solely and only from the proceeds of any such revenue bonds, all expenses, premiums and commissions which the board may deem necessary or advantageous in connection with the issuance thereof. Issuance by any county of one (1) or more series of revenue bonds for one (1) or more purposes under this act shall not preclude it from issuing other revenue bonds in connection with the same pollution control facility or any other pollution control facility or for any other purpose hereunder, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge made for any prior issue of revenue bonds. Any revenue bonds issued hereunder at any time outstanding may at any time and from time to time be refunded by the issuance of refunding bonds in such amount as the board may deem necessary but not exceeding an amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any premiums, commissions, service fees and other expenses necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bondst to be refunded thereby, or by the exchange of the refunding bonds for the bonds to be refunded thereby with the consent of the holders of the bonds so to be refunded, and regardless of whether or not the bonds to be refunded were issued in connection with the same pollution control facility or separate pollution control facilities or for any other purpose hereunder, and regardless of whether or not the revenue bonds proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise. All such revenue bonds and the interest coupons applicable thereto, if any, are hereby made and shall be construed to be negotiable instruments.

The resolution authorizing the issuance of any revenue bonds hereunder and the execution of an indenture as security therefor shall be published one (1) time in a newspaper of general circulation in the county. Any such indenture, or other instrument authorized in such resolution to be executed, may be incorporated as an exhibit to such resolution but need not be published as part of the resolution. For a period of thirty (30) days from the date of such publication any person in interest may file suit in any court of competent jurisdiction to contest the regularity, formality or legality of the proceedings authorizing the revenue bonds, or the legality of such resolution and its provisions or of the revenue bonds to be issued pursuant thereto and the provisions securing the revenue bonds. After the expiration of such thirty (30) day period no one shall have any right of action to contest the validity of the revenue bonds or of such proceedings or of such resolution or the validity of the pledges and covenants made in such proceedings and resolution and the
revenue bonds and the provisions for their payment shall be conclusively presumed to be legal and no court shall thereafter have authority to inquire into such matters.

SECTION 6. SECURITY FOR REVENUE BONDS. — The principal of, and interest and premiums, if any, on any revenue bonds issued hereunder shall be secured by a pledge of the revenues and receipts out of which the same shall be made payable and may also be payable out of proceeds from the sale of the pollution control facility acquired with proceeds of such revenue bonds, but shall not be secured by the full faith and credit or the taxing power of the state of Idaho or of any political subdivision thereof. The resolution under which the revenue bonds are authorized to be issued and any indenture executed as security for the revenue bonds, may contain any agreements and provisions respecting the maintenance of the properties covered thereby, the fixing and collection of rents for any portions thereof leased by the county to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, including the designation of a trustee, which may be a bank or trust company, the principal place of business of which may be within or without the state of Idaho, all as the board shall deem advisable and not in conflict with the provisions hereof. Each pledge and agreement made for the benefit or security of any of the revenue bonds issued hereunder shall continue effective until the principal of, and interest and premiums, if any, on the revenue bonds for the benefit of which the same were made shall have been fully paid or provision for such payment duly made. In the event of default in such payment or in any agreements of the county made as a part of the contract under which the revenue bonds were issued, whether contained in the proceedings authorizing the revenue bonds or in any indenture executed as security therefor, said payment or agreement may be enforced by suit, mandamus or the appointment of a receiver in equity, or any one (1) or more of said remedies.

SECTION 7. PAYMENT OF REVENUE BONDS — NONLIABILITY OF STATE AND COUNTY. — Revenue bonds issued under the provisions of this act shall not be deemed to constitute a debt or liability of the state or of any political subdivision, but shall be payable solely from the funds herein provided therefor. The issuance of revenue bonds under the provisions of this act shall not, directly or indirectly or contingently, obligate the state or any political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment. Nothing in this act shall be construed to authorize the creation of a debt of the state or of the county authorizing the issuance of such revenue bonds within the meaning of the constitution or statutes of the state of Idaho and all revenue bonds issued pursuant to the provisions of this act are payable and shall state that they are payable solely from the funds pledged for their payment in accordance with the resolution authorizing their issuance or in any indenture executed as security therefor, and that such revenue bonds are not secured by the full faith and credit or the taxing power of the state of Idaho or of any political subdivision thereof. Neither the state nor the county authorizing the issuance thereof shall in any event be liable for the payment of the principal or of interest or premiums, if any, on any such revenue bonds. No breach of any such
pledge, obligation or agreement may impose any pecuniary liability upon the state or the county authorizing the issuance thereof or any charge upon their general credit or against their taxing power.

SECTION 8. TAXATION. – To the extent permitted by the constitution the property acquired by any county pursuant to this act is exempt from taxation except that during any period that such property is leased by or title thereto is retained under an installment purchase contract by such county taxes shall be payable to the same extent as if it were owned by such lessee and such installment purchaser and such taxes shall be paid by such lessee or installment purchaser.

SECTION 9. CONVEYANCE OF TITLE TO LESSEE. – At or prior to the time the principal of and interest on any revenue bonds issued hereunder to provide a particular pollution control facility have been fully paid, the county may execute such deeds and conveyances as are necessary and required to convey its right, title and interest in such pollution control facilities to any person, provided that if such conveyance is made prior to when the revenue bonds are fully paid, the county has determined that adequate provision has been made for the payment of principal and interest on the bonds as they become due.

SECTION 10. POWERS NOT RESTRICTED – LAW COMPLETE IN ITSELF – ELECTION. – Neither this act nor anything herein contained shall be construed as a restriction or limitation upon any powers which any county might otherwise have under any laws of this state, but shall be construed as cumulative of any such powers. No proceedings, notice or approval shall be required for the issuance of any revenue bonds or any instrument as security therefor, except that no revenue bonds shall be issued hereunder until the board shall by resolution adopted by a majority of the board determine that the interest of the county and the public interest or necessity demand the acquisition, construction, installation and equipment of pollution control facilities to be financed for or to be sold, leased or otherwise disposed of to persons, associations or corporations other than municipal corporations or other political subdivisions, whereupon the board shall order the submission of the proposition of issuing such revenue bonds for the purposes set forth in said resolution to the vote of the qualified electors of the county as defined in section 34-104, Idaho Code, at an election to be held for that purpose. Any election held for the purpose of submitting any proposition or propositions of issuing such revenue bonds may be held separately, or may be consolidated or held concurrently with any other election authorized by law. The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same resolution, which resolution, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the revenue bonds are proposed to be issued, the amount of principal of the revenue bonds, and the source of revenues pledged to the payment of said bonds.

Such resolution shall also fix the date upon which such election shall be held, the manner of holding the same and the method of voting for or against the issuance of the
revenue bonds. Such resolution shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint for each polling place, from each precinct from the electors thereof, the officers of such election, which officers shall consist of three (3) judges, one (1) of whom shall act as clerk, who shall constitute a board of election for each polling place. The description of precincts may be made by reference to any order or orders of the board, or by reference to any previous order or resolution of the board or by detailed description of such precincts. Precincts established by the board may be consolidated for special elections held hereunder. In the event any such election shall be called to be held concurrently with any other election or shall be consolidated therewith, the resolution calling the election hereunder need not designate precincts or polling places or the names of officers of election, but shall contain reference to the act or order calling such other election and fixing the precincts and polling places and appointing election officers therefrom. A notice of election shall be published once a week for two (2) consecutive weeks, the last publication of which shall be at least ten (10) days prior to the date set for said election, in a newspaper of general circulation printed and published within the county, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made.

The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of county elections to the extent the same shall apply and shall make their returns to the board. At any regular or special meeting of the board held not earlier than five (5) days following the date of such election, the returns thereof shall be canvassed and the results thereof declared.

In the event that it shall appear from said returns that a majority of the qualified electors of the county who shall have voted on any proposition submitted hereunder at such election voted in favor of such proposition, the county shall thereupon be authorized to issue and sell such revenue bonds of the county, all for the purpose or purposes and object or objects provided for in the proposition submitted hereunder and in the resolution therefor, and in the amount so provided.

SECTION 11. INVESTMENT OF FUNDS. – Each county issuing revenue bonds hereunder may invest any funds in bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of the United States of America; in certificates of deposit or time deposits constituting direct obligations of any bank as defined by the Idaho Bank Act, provided, however, that investments may be made only in those certificates of deposit or time deposits in banks which are insured by the Federal Deposit Insurance Corporation, if then in existence; or in short term discount obligations of the Federal National Mortgage Association. Any such securities may be purchased at the offering or market price thereof at the time of such purchase.

SECTION 12. BONDS ELIGIBLE FOR INVESTMENT. – The state and all counties and cities and other municipal corporations, political subdivisions and public bodies, and
public officers of any thereof, all banks, bankers, trust companies, savings banks and
institutions, building and loan associations, savings and loan associations, investment
companies, insurance companies and associations, and all executors, administrators,
guardians, trustees and other fiduciaries may legally invest any sinking funds, monies or
other funds belonging to them or within their control in any revenue bonds issued pursuant
to this act.

SECTION 13. EXEMPTION FROM CONSTRUCTION AND BIDDING REQUIRE­
MENTS FOR PUBLIC BUILDINGS. – A pollution control facility is not subject to any
requirements relating to public buildings, structures, grounds, works, or improvements
imposed by the Idaho Code, or any other similar requirements which may be lawfully
waived by this section, and any requirement of competitive bidding or other restriction
imposed on the procedure for award of contracts for such purpose or the lease, sale, or
other disposition of property of any county is not applicable to any action taken under
authority of this act.

SECTION 14. JOINT OPERATION. – The powers herein conferred upon counties
under this act may be exercised by two (2) or more counties acting jointly.

SECTION 15. TAX EXEMPTION. – Revenue bonds and the interest thereon, issued
pursuant to the authority contained in this act, shall be exempt from taxation under the
Idaho income tax law.

SECTION 16. SEVERABILITY. – If any one (1) or more sections or provisions of
this act, or the application thereof to any person or circumstance, shall ever be held by any
court of competent jurisdiction to be invalid, the remaining provisions of this act and the
application thereof to persons or circumstances other than those to which it is held to be
invalid shall not be affected thereby, it being the intention of this legislature to enact the
remaining provisions of this act notwithstanding such invalidity.

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 18, 1975.
CHAPTER 53
(H.B.No. 57, As Amended)

AN ACT
AMENDING SECTION 63-105K, IDAHO CODE, TO PROVIDE FOR EXEMPTION FROM TAXATION THE MEDICAL EQUIPMENT LEASED BY NON-PROFIT HOSPITALS AND REFUGE HOMES.

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

SECTION 1. That Section 63-105K, Idaho Code, be, and the same is hereby amended to read as follows:

63-105K. PROPERTY EXEMPT FROM TAXATION — CERTAIN HOSPITALS AND REFUGE HOMES. — The following property is exempt from taxation: Hospitals and refuge homes, and their furniture and equipment, owned, operated and controlled, and medical equipment leased, by any religious or benevolent corporation or society with the necessary grounds used therewith, and from which no gain or profit is derived by reason of their operation.

Approved March 18, 1975.
CHAPTER 54  
(H.B.No. 201)  
AN ACT  
APPROPRIATING $5,007,000 FROM THE PERMANENT BUILDING FUND TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSES SPECIFIED; EXPRESSING LEGISLATIVE INTENT CONCERNING USE OF SUCH FUNDS; EXEMPTING THE APPROPRIATION FROM THE PROVISIONS OF CHAPTER 36, TITLE 67, IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 67-3516, IDAHO CODE; AUTHORIZING THE USE OF TAX ANTICIPATION NOTES; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated from the Permanent Building Fund to the Permanent Building Fund Advisory Council and the Division 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 places, institutions and agencies, or their successors, named and listed in this section. The Permanent Building Fund Advisory 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. CAPITOL BUILDING: Remodeling, Room 109. $ 25,000
2. CAPITOL MALL: Service and utility tunnel extension, Len B. Jordan Building; landscaping, Len B. Jordan Building area and vacated Seventh Street. 345,000
3. STATE BOARD OF EDUCATION:
   BOISE STATE UNIVERSITY: supplementary funds, Science Building; land acquisition, pedestrian mall and development of building sites;
   IDAHO STATE UNIVERSITY: additional funding, Library Building. 3,470,000
4. DEPARTMENT OF HEALTH & WELFARE:
   YOUTH SERVICES CENTER: supplementary funds, gas-fired heating system. 75,000
5. MILITARY DEPARTMENT:
   EMMETT: Armory addition and renovation;
   GOWEN FIELD: Armory new construction. 132,000
6. DEPARTMENT OF LANDS:
   Headquarters facility, Mica Fire District, Coeur d’Alene; Pend Oreille
   Fire District facility, Sandpoint; supplementary funds, Coolin bunkhouse &
   Idaho Falls maintenance and storage sheds; equipment storage sheds,
   various locations. 422,000

7. DEPARTMENT OF PARKS & RECREATION:
   Housing, for park managers, various locations. 278,000

8. PERMANENT BUILDING FUND ADVISORY COUNCIL:
   Supplementary funds to building fund program appropriation to cover
   contingencies and overruns in the authorized construction program;
   funding for payment of interest on tax anticipation notes. 260,000

   TOTAL $5,007,000

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 67-5711, 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, and in accordance with the procedures and subject to the limitations
provided in those sections, in the same manner as though the revenues in the general fund
were being anticipated.

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 18, 1975.
CHAPTER 55
(H.B.No. 76, As Amended)

AN ACT
AMENDING SECTION 59-1210, IDAHO CODE, RELATING TO INTERDEPARTMENTAL TRANSACTIONS FOR GROUP INSURANCE PLANS, TO PROVIDE THAT EACH DEPARTMENT SHALL BE PROVIDED WITH AN ESTIMATE OF THE COST OF INSURANCE OR COVERAGE, AND TO PROVIDE THAT FUNDS RECEIVED BE DEPOSITED TO THE GROUP INSURANCE FUND; AMENDING CHAPTER 12, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1213, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF THE GROUP INSURANCE FUND; AND AMENDING CHAPTER 12, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1214, IDAHO CODE, TO PROVIDE FOR THE COLLECTION OF DELINQUENT PAYMENTS.

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

SECT 1. That Section 59-1210, Idaho Code, be, and the same is hereby amended to read as follows:

59-1210. INTER-DEPARTMENTAL TRANSACTIONS — ADMINISTRATIVE CONTRIBUTION — AMOUNTS — LIMITS — REFUNDS — APPROPRIATION. — (1) The administrator shall charge each office, department, division, board, commission, institution, agency and operation, personnel of which is currently covered under one or more group plans administered by the administrator, and receive payment in advance for its properly apportioned share of the cost thereof. To the amount otherwise so found due for payment of premiums and prepayments for coverages, the administrator shall add a separately stated administrative contribution of such percentage, rate, or proportionate amount as may reasonably be required to pay the costs of maintaining the office of the administrator, including personnel costs, operating expenditures, and expenditures for capital outlay items. The administrator shall allocate the apportioned share of the reasonable costs of administering this act to each participating state unit in the same proportion that the amount of employees of the unit, excluding temporary or part time, bears to the total number of employees, excluding temporary or part time, of all combined units covered by this act.

(2) As to a particular office, department, division, board, commission, institution, agency or operation, such charges and payments shall not exceed the sum of (a) appropriated funds currently available for the purpose, and (b) amounts currently deducted from the salaries and other compensation of covered personnel specifically for the insurance
or coverage. On or before the first day of August of each year, the administrator shall furnish each department with an estimate of the cost of insurance or coverage for the upcoming fiscal year.

(3) Refunds on premiums or prepayments, profit-sharing, experience savings and refunds and other contract returns received by the administrator on account of group policies and group contracts shall be retained by the administrator and used for application upon future premiums and prepayments as equitably apportioned by the administrator.

(4) Funds received by the administrator under this section shall be deposited to the credit of the group insurance fund, and are hereby continually appropriated to the administrator for the uses for which charged and received, or as stated in subsection (3) above. Pending such use, surplus funds of the administrator shall be invested by the state treasurer in the same manner as provided for under section 67-1210, Idaho Code, with respect to other idle funds in the state treasury. All interest or other yield on such investments shall be credited to the respective funds of the administrator from which derived.

SECTION 2. That Chapter 12, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 59-1213, Idaho Code, and to read as follows:

59-1213. GROUP INSURANCE FUND CREATED – ADMINISTRATION – PERPETUAL APPROPRIATION. – (1) There is hereby established in the state treasury a special fund, the “Group Insurance Fund,” which shall be administered by the administrator exclusively for the purposes of this act. This fund shall consist of all contributions collected pursuant to this act, and all interest earned upon any moneys in the fund.

(2) The state auditor shall maintain within the fund three (3) separate accounts: (1) a clearing account, (2) an administration account, and (3) a rate stabilization account. All moneys payable to the fund, upon receipt by the administrator, shall be forwarded to the state treasurer and initially deposited in the clearing account. At the direction of the administrator, all administrative contributions deposited since the previous transfer shall be transferred to the administration account. Immediately after each transfer from the clearing account to the administration account, the remaining balance in the clearing account which is not required for premiums, prepayments, or claims, shall be transferred to the rate stabilization account.

(3) All premiums, prepayments, or claims, shall be payable directly from the clearing account as they come due. If the amount of such premiums, prepayments, or claims payable at any time exceeds the amount in the clearing account, the payment of all or part of such expenditures may be postponed until the clearing account becomes adequate to meet all such payments, or the administrator may require a transfer from the rate stabilization account sufficient to meet all such payments.

SECTION 3. That Chapter 12, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 59-1214, Idaho Code, and to read as follows:
59-1214. REMITTANCE OF CONTRIBUTIONS — COLLECTION OF DELINQUENCIES. — (1) Between the first and twentieth day of each month, each employer, or, where the employer's payroll is paid separately by departments, each department of each employer, shall remit to the administrator all contributions required of it and its employees on the basis of salaries paid by it during the previous month. These remittances shall be accompanied by such reports as required by rules of the administrator.

(2) If any employer shall fail or refuse to remit any such contributions within thirty (30) days after the date due, the administrator may certify to the state treasurer the fact of such failure or refusal and the amount of the delinquent contribution or contributions, together with his request that such amount be set over from funds of the delinquent employer to the credit of the group insurance fund. A copy of such certification and request shall be furnished the delinquent employer.

(3) Within ten (10) days after receipt of such request, the state auditor shall draw his warrant for payment of such amount out of moneys in the state treasury allocated to the use of such employer during the current biennium. If such moneys are not so available, the director of the department of administration shall take any legal steps necessary to collect such amount.

Approved March 18, 1975.
CHAPTER 56
(H.B.No. 58)

AMENDING SECTION 57-1701, IDAHO CODE, RELATING TO THE DISTRIBUTION OF FUNDS COLLECTED BY THE IDAHO CIGARETTE TAX ACT TO THE CENTRAL TUMOR REGISTRY FUND, BY INCREASING THE MONEYS DISTRIBUTED TO THE CENTRAL TUMOR REGISTRY FUND TO FIFTY-FIVE THOUSAND DOLLARS, AND CORRECTING THE STATUTORY CROSS REFERENCE.

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

SECTION 1. That Section 57-1701, Idaho Code, be, and the same is hereby amended to read as follows:

57-1701. CREATION OF CENTRAL TUMOR REGISTRY FUND -- PURPOSE. -- There is hereby created and established in the state treasury a fund to be known as the "central tumor registry fund" to which shall be deposited the revenues derived from the tax imposed in section 63-2503(2), 63-2520(3), Idaho Code. All moneys now or hereafter in the central tumor registry fund are hereby dedicated for the purpose of contracting for and obtaining the services of a continuous registry of all tumor patients in the state of Idaho and maintaining cooperative exchange of information with other states providing similar tumor registry. The state board of health and welfare, created in section 39-102, 39-107, Idaho Code, is charged with the administration of this fund for the purposes specified herein. The amount of money credited to the central tumor registry fund from the tax imposed in section 63-2503(2), 63-2520(3), Idaho Code, shall not exceed forty thousand dollars ($40,000) per fiscal year, and any moneys in excess thereof derived from this tax shall be credited to the general fund. All claims against the fund shall be examined, audited and allowed in the manner now or hereafter provided by law for claims against the state of Idaho.

Approved March 18, 1975.
CHAPTER 57
(H.B.No. 77)
AN ACT
AMENDING SECTION 63-2520, IDAHO CODE, RELATING TO THE DISTRIBUTION
OF FUNDS COLLECTED BY THE IDAHO CIGARETTE TAX ACT TO THE
CENTRAL TUMOR REGISTRY FUND, BY INCREASING THE MONEYS
DISTRIBUTED TO THE CENTRAL TUMOR REGISTRY FUND.
Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 63-2520, Idaho Code, be, and the same is hereby amended
to read as follows:

63-2520. DISTRIBUTION OF MONEYS COLLECTED. – Revenues received from
the taxes imposed by this act, and any penalties, interest, or deficiency additions, shall be
paid over to the state treasurer by the state tax commission to be distributed as follows:

(a) To the cigarette tax refund fund, which is hereby created, and from which all
refunds authorized to be paid by this act shall be paid, the amount of money necessary to
maintain such fund at the monthly balance of three thousand dollars ($3,000) or such
greater sum as will in the judgment of the state tax commission meet any reasonable
requirement imposed upon such fund.

(b) The balance remaining with the state treasurer after deducting the amount
described in paragraph (a) above shall be distributed as follows:

1. 10.989% of such balance shall be distributed to the permanent building fund
created by section 57-1108, Idaho Code.

2. 10.989% of such balance shall be distributed to the water pollution control
fund.

3. 1.099% of such balance shall be distributed to the central tumor registry fund.
The amount of money so distributed to the central tumor registry fund shall not exceed forty thousand dollars ($40,000) fifty-five thousand dollars ($55,000) per fiscal year, and at such time as forty thousand dollars ($40,000) fifty-five thousand dollars ($55,000) has been distributed to the central tumor registry fund during any fiscal year, all such distributions in excess of forty thousand dollars ($40,000) fifty-five thousand dollars ($55,000), shall be made instead to the general fund of the state of Idaho.

4. All remaining moneys shall be distributed to the general fund of the state of
Idaho.

Approved March 18, 1975.
CHAPTER 58
(H.B.No. 124)

AN ACT
AMENDING SECTION 31-3603, IDAHO CODE, RELATING TO COUNTY HOSPITAL
BOARDS, BY PROVIDING THAT CHANGES BY THE COUNTY COMMISSION IN
THE NUMBER OF BOARD MEMBERS SHALL NOT AFFECT THE TERMS OF
THE PRESENT MEMBERS OF THE BOARD.

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

SECTION 1. That Section 31-3603, Idaho Code, be, and the same is hereby amended
to read as follows:

31-3603. MEMBERS OF BOARD. -- If the board of county commissioners orders
the creation of a county hospital board it shall, within thirty (30) days after the adoption of
the order creating such board, appoint an odd number, not less than five (5) nor more than
fifteen (15) persons, as members of such hospital board and shall make such appointments a
matter of record in the minutes of the board. The board of county commissioners may, in
its discretion, change the number of members of the board, within the prescribed limits, at
any time, but no such change in the number of members of the hospital board shall serve to
terminate any terms to be served by present members of the hospital board. The members
of the board shall be selected as nearly as practicable from the several localities of the
county and shall qualify by taking and subscribing the usual oath of office, and shall file
with the board of county commissioners a bond in the sum of not less than one thousand
dollars ($1,000) to be approved by the board of county commissioners, which bond shall
have the conditions usually included in the bonds of public officers. The members of the
county hospital board shall be selected without regard for partisan political affiliations, and
while serving as a member of the county hospital board no person shall engage in partisan
political activities or hold any office or place in any partisan political party or any
committee thereof. Not more than one (1) in excess of a half of the total board shall be
members of the same political party. In addition to the appointed members of the county
hospital board, the manager and one (1) member of the board of county commissioners
shall be ex officio members of the county hospital board, but without vote.

Approved March 18, 1975.
AN ACT
AMENDING SECTION 39-1303a, IDAHO CODE, RELATING TO THE LICENSING OF MEDICAL CARE FACILITIES, BY ADDING PROPRIETARY HOME HEALTH AGENCIES TO THOSE MEDICAL CARE FACILITIES THAT MUST BE LICENSED.

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

SECTION 1. That Section 39-1303a, Idaho Code, be, and the same is hereby amended to read as follows:

39-1303a. EXTENSION TO INTERMEDIATE CARE, NURSING HOMES AND FACILITIES. — Intermediate care facilities, extended care facilities, personal care homes, convalescent homes, proprietary home health agencies, and nursing homes shall be licensed in the state of Idaho in the same manner as the licensing of "medical care facilities" as provided by chapter 13, title 39, Idaho Code.

Approved March 18, 1975.
CHAPTER 60  
(H.B.No. 163)  
AN ACT  
CONCERNING CONSENT FOR MEDICAL CARE AND TREATMENT; STATING THE PURPOSES OF THE ACT AND PROVIDING THAT IT SHALL NOT AFFECT CHAPTER 3, TITLE 66, IDAHO CODE, OR CHAPTER 6, TITLE 18, IDAHO CODE; PROVIDING THAT THE ACT SHALL NOT BE DEEMED TO PERMIT PROVISION OF CARE CONTRARY TO RELIGIOUS BELIEFS; PROVIDING THAT CONSENT FOR MEDICAL CARE AND TREATMENT MAY BE GIVEN BY PERSONS ABLE TO COMPREHEND THE NEED, NATURE AND RISKS THEREOF; PROVIDING THAT HOSPITALS, PHYSICIANS OR DENTISTS MAY RELY ON SUCH CONSENTS; PROVIDING FOR CONSENTS RELATING TO CARE AND TREATMENT OF PERSONS UNABLE TO CONSENT; PROVIDING FOR THE PHYSICIAN OR DENTIST TO AUTHORIZE CARE OR TREATMENT IN EMERGENCIES WHERE NO COMPETENT PERSON IS AVAILABLE TO GIVE CONSENT; PROVIDING IMMUNITY FROM CIVIL LIABILITY FOR PERSONS IN GOOD FAITH CONSENTING FOR OTHERS; PROVIDING THAT NO SPECIFIC FORM OF CONSENT NEED BE FOLLOWED BUT THAT A SIGNED WRITTEN CONSENT IS PRESUMED VALID, AND PROVIDING FOR THE SUFFICIENCY AND VALIDITY OF INFORMED consents AND THE RESPONSIBILITY FOR OBTAINING THE SAME; AND DECLARING AN EMERGENCY.

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

SECTION 1. PURPOSE. — The primary purposes of this act are (1) to provide and codify Idaho law concerning consent for the furnishing of hospital, medical, dental or surgical care, treatment or procedures and concerning what constitutes an informed consent for such care, treatment or procedures and (2) to provide certainty and clarity in the law of medical consent in the furtherance of high standards of health care and its ready availability in proper cases. However, nothing in this act shall be deemed to amend or repeal the provisions of chapter 3, title 66, Idaho Code, as the same pertain to medical attendance upon or hospitalization of the mentally ill, nor the provisions of chapter 6, title 18, Idaho Code, pertaining to provision of examinations, prescriptions, devices and informational materials regarding prevention of pregnancy or pertaining to therapeutic abortions and consent to the performance thereof. Nothing in this act shall be construed to permit or require the provision of health care for a patient in contravention of his stated or implied
objection thereto upon religious grounds nor shall anything in this act be construed to require the granting of permission for or on behalf of any patient not able to act for himself by his parent, spouse or guardian in violation of the religious beliefs of the patient and/or the parent or spouse.

SECTION 2. PERSONS WHO MAY CONSENT TO THEIR OWN CARE. — Any person of ordinary intelligence and awareness sufficient for him or her generally to comprehend the need for, the nature of and the significant risks ordinarily inherent in any contemplated hospital, medical, dental or surgical care, treatment or procedure is competent to consent thereto on his own behalf. Any physician, dentist, hospital or other duly authorized person may provide such health care and services in reliance upon such a consent if the consenting person appears to the physician or dentist securing the consent to possess such requisite intelligence and awareness at the time of giving it.

SECTION 3. PERSONS WHO MAY GIVE CONSENT TO CARE FOR OTHERS. — (a) Parent, Spouse or Guardian. Consent for the furnishing of hospital, medical, dental or surgical care, treatment or procedures to any person who is not then capable of giving such consent as provided in this act or who is a minor or incompetent person, may be given or refused by any competent parent, spouse, or legal guardian of such person unless the patient is a competent adult who has refused to give such consent.

(b) Competent Relative or Other Person. If no parent, spouse or legal guardian is readily available to do so, then consent may be given by any competent relative representing himself or herself to be an appropriate, responsible person to act under the circumstances; and, in the case of a never married minor or mentally incompetent person, by any other competent individual representing himself or herself to be responsible for the health care of such person, provided, however, that this subsection shall not be deemed to authorize any person to override the express refusal by a competent adult patient to give such consent himself.

(c) Attending Physician or Dentist. Whenever there is no person readily available and willing to give or refuse consent as specified hereinabove in this act, and in the judgment of the attending physician or dentist the subject person presents a medical emergency or there is substantial likelihood of his or her life or health being seriously endangered by withholding or delay in the rendering of such hospital, medical, dental or surgical care to such patient, the attending physician or dentist may, in his discretion, authorize and/or provide such care, treatment or procedure as he or she deems appropriate, and all persons, agencies and institutions thereafter furnishing the same, including such physician or dentist, may proceed as if informed, valid consent therefor had been otherwise duly given.

(d) Immunity from Liability. No person who, in good faith, gives consent or authorization for the provision of hospital, medical, dental or surgical care, treatment or procedures to another as provided by this act shall be subject to civil liability therefor.

SECTION 4. SUFFICIENCY OF CONSENT. — Consent for the furnishing of hospital, medical, dental or surgical care, treatment or procedures shall be valid in all
respects if the person giving it is sufficiently aware of pertinent facts respecting the need for, the nature of and the significant risks ordinarily attendant upon such a patient receiving such care, as to permit the giving or withholding of such consent to be a reasonably informed decision. Any such consent shall be deemed valid and so informed if the physician or dentist to whom it is given or by whom it is secured has made such disclosures and given such advice respecting pertinent facts and considerations as would ordinarily be made and given under the same or similar circumstances, by a like physician or dentist of good standing practicing in the same community. As used in this section, the term "in the same community" refers to that geographical area ordinarily served by the licensed general hospital at or nearest to which such consent is given.

SECTION 5. FORM OF CONSENT. — It is not essential to the validity of any consent for the furnishing of hospital, medical, surgical or dental care, treatment or procedures that the same be in writing or any other form of expression; however, when the giving of such consent is recited or documented in writing and expressly authorizes the care, treatment or procedures to be furnished, and when such writing or form has been executed or initialed by a person competent to give such consent for himself or another, such written consent, in the absence of convincing proof that it was secured maliciously or by fraud, is presumed to be valid for the furnishing of such care, treatment or procedures, and the advice and disclosures of the attending physician or dentist, as well as the level of informed awareness of the giver of such consent, shall be presumed sufficient.

SECTION 6. RESPONSIBILITY FOR CONSENT AND DOCUMENTATION THEREOF. — Obtaining consent for such health care is the duty of the attending physician or dentist or of another physician or dentist acting on his or her behalf or actually providing the contemplated care, treatment or procedure; however, a licensed hospital and any medical or dental office lay or professional employee, acting with the approval of such a physician or dentist, may perform the ministerial act of documenting such consent by securing the completion and execution of a form or statement in which the giving of consent for such care is documented by or on behalf of a patient. In performing such a ministerial act, the hospital or medical or dental office lay or professional employee shall not be deemed to have engaged in the practice of medicine or dentistry.

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.

Approved March 18, 1975.
AN ACT
AMENDING CHAPTER 20, TITLE 42, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 42-2039, IDAHO CODE, TO PROVIDE THAT RESTORATION OF GRAZING AND WILDLIFE LAND USES DISPLACED BY CAREY ACT DEVELOPMENTS SHALL BE INCLUDED AS A LEGITIMATE AND NECESSARY COST OF THE RECLAMATION EFFORT TO AN AMOUNT NOT TO EXCEED FIVE DOLLARS PER ACRE.

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

SECTION 1. That Chapter 20, 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 42-2039, Idaho Code, and to read as follows:

42-2039. RESTORATION OF LANDS AUTHORIZED. — The legislature hereby recognizes and acknowledges the need to assure replacement of the grazing and wildlife land uses displaced by Carey Act developments. In order to facilitate such replacements, any settlers having contracts with the state for reclamation of lands segregated under the Carey Act shall include grazing and wildlife restoration work in total or in part to the maximum expenditure of five dollars ($5.00) per acre as a legitimate and necessary cost of the reclamation effort. The settlers are hereby authorized to subcontract with the bureau of land management, or any party designated by the bureau, for the purpose of accomplishing this restoration work. Payment by the Carey Act settlers for the restoration work shall be at the time the settler is granted patent to the lands developed. The director of the department of water resources is hereby authorized and directed to accept restoration expenditures as bona fide land development costs of the company up to an amount not to exceed five dollars ($5.00) per acre.

Approved March 18, 1975.
CHAPTER 62

(H.B.No. 85)

AN ACT
AMENDING SECTION 58-707, IDAHO CODE, RELATING TO CONCURRENT JURISDICTION OF IDAHO AND THE UNITED STATES OVER THE REAL PROPERTY COMPRISING THE VETERANS HOSPITAL, BOISE, IDAHO, BY STRIKING THE WORDS "AS CEDED" AND INSERTING IN LIEU THEREOF THE WORDS "AS PERMITTED"; AND BY PROVIDING THE PROPER PUBLIC LAW AND U.S. CODE CITATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 58-707, Idaho Code, be, and the same is hereby amended to read as follows:

58-707. CESSION OVER REAL PROPERTY OF VETERANS ADMINISTRATION AT HOSPITAL. - The state of Idaho hereby accepts the cession of concurrent jurisdiction with the United States over the real property comprising the veterans administration hospital, Boise, Idaho as permitted by Public Law 93-82 and Congress 93-82 (38 U.S.C. 5007).

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 18, 1975.
CHAPTER 63
(H.B.No. 168)

AN ACT
RELATING TO CHANGE OF NAME; AMENDING SECTION 7-802, IDAHO CODE, TO PROVIDE A PERSON MAY CHANGE HIS NAME IF HE IS EIGHTEEN YEARS OR OLDER WITHOUT THE SIGNATURE OF PARENT OR GUARDIAN.

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

SECTION 1. That Section 7-802, Idaho Code, be, and the same is hereby amended to read as follows:

7-802. PETITION FOR CHANGE. – All applications for change of names must be made to the district court of the county where the person whose name is proposed to be changed resides, by petition, signed by such person; and if such person is under the age of eighteen years, by one of the parents, if living; or if both be dead, then by the guardian; and if there be no guardian, then by some near relative or friend. The petition must specify the place of birth and residence of such person, his or her present name, the name proposed, and reason for such change of name, and must, if the father of such person be not living, name, as far as known to the petitioner, the near relatives of such person, and their place of residence. Any religious, benevolent, literary or scientific corporation, or any corporation bearing or having for its name, or using or being known by the name of any benevolent or charitable order or society, may, by petition, apply to the district court of the county in which the property of said corporation is situated, for a change of its corporate name. Such petition must be signed by the trustees of the corporation, or by a majority of them, and must specify the date of the formation of the corporation, its present name, the name proposed, and the reason for such change of name. Upon filing such petition on behalf of such corporation, the same proceedings must be had as upon applications for changes of names of natural persons.

Approved March 18, 1975.
CHAPTER 64
(H.B.No. 169)

AN ACT

REPEALING SECTION 9-205, IDAHO CODE, RELATING TO INTERPRETERS;
AMENDING CHAPTER 2, TITLE 9, IDAHO CODE, BY THE ADDITION OF A
NEW SECTION 9-205, IDAHO CODE, PROVIDING FOR THE APPOINTMENT OF
INTERPRETERS IN CIVIL OR CRIMINAL ACTIONS FOR ANY WITNESS OR
PARTY WHO DOES NOT UNDERSTAND OR SPEAK THE ENGLISH LANGUAGE
OR WHO HAS A HANDICAP WHICH PREVENTS HIM FROM HEARING OR
SPEAKING THE ENGLISH LANGUAGE, AND PROVIDING COMPENSATION
FOR SUCH INTERPRETER AT COUNTY EXPENSE; AMENDING SECTION
9-1603, IDAHO CODE, RELATING TO INTERPRETERS' FEES BY PROVIDING
THAT INTERPRETERS SHALL RECEIVE SUCH FEES FOR THEIR SERVICES
AS SET AND DETERMINED BY THE COURT.

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

SECTION 1. That Section 9-205, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 2, Title 9, Idaho Code, be, and the same is hereby
amended by the addition thereto of a new section, to be known and designated as Section
9-205, Idaho Code, and to read as follows:

9-205. INTERPRETERS. — In any civil or criminal action in which any witness or a
party does not understand or speak the English language, or who has a physical handicap
which prevents him from fully hearing or speaking the English language, then the court shall
appoint a qualified interpreter to interpret the proceedings to and the testimony of such
witness or party. Upon appointment of such interpreter, the court shall cause to have the
interpreter served with a subpoena as other witnesses, and such interpreter shall be sworn to
accurately and fully interpret the testimony given at the hearing or trial to the best of his
ability before assuming his duties as an interpreter. The court shall determine a reasonable
fee for all such interpreter services which shall be paid out of the general county funds.

SECTION 3. That Section 9-1603, Idaho Code, be, and the same is hereby amended
to read as follows:

9-1603. INTERPRETERS’ FEES. — The interpreters are entitled to receive ten
dollars per day for each day's actual attendance upon a court of justice under a subpoena,
and such fee for their services as set and determined by the court together with
twenty-five cents (25¢) per mile one way for each mile actually traveled; to be paid out of the county
treasury in the name of the clerk, judge, or magistrate, by order of the court in both
civil and criminal actions.

Approved March 18, 1975.
C.65 '75 IDAHO SESSION LAWS

CHAPTER 65
(H.B. No. 173)

AN ACT
AMENDING SECTION 12-120, IDAHO CODE, RELATING TO ATTORNEY FEES IN CIVIL ACTIONS, BY RAISING THE MAXIMUM AMOUNT PLEADED IN AN ACTION, BY STRIKING REFERENCE THEREIN TO DAMAGES FOR INJURY OR WRONG TO THE PERSON OR PROPERTY OF ANOTHER, AND BY PROVIDING THAT IN CIVIL ACTIONS ON OPEN ACCOUNTS AND OTHER AGREEMENTS FOR THE PURCHASE OF GOODS, THE PREVAILING PARTY SHALL BE ENTITLED TO A REASONABLE ATTORNEY FEE.

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

SECTION 1. That Section 12-120, Idaho Code, be, and the same is hereby amended to read as follows:

12-120. ATTORNEY FEES IN CIVIL ACTIONS. - In (1) Except as provided in subsection (2) of this section, 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) ($2,500) 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 amount awarded to the plaintiff.

If the defendant pleads a counterclaim, not to exceed one thousand five hundred dollars ($1,500) ($2,500) and the defendant is awarded damages on his counterclaim at least equal to ninety-five per cent (95%) of the amount pleaded awarded on the counterclaim, 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.

(2) In any civil action to recover on an open account, account stated, note, bill, negotiable instrument, or contract relating to the purchase or sale of goods, wares, or merchandise, unless otherwise provided by law, the prevailing party shall be allowed a reasonable attorney fee to be set by the court, to be taxed and collected as costs.

Approved March 18, 1975.
CHAPTER 66
(H.B.No. 182)

AN ACT
AMENDING SECTION 34-1003, IDAHO CODE, RELATING TO THE ISSUANCE OF
ABSENTEE BALLOTS, BY PROVIDING THE METHOD FOR SUPPLYING A
WITNESS BY THE POLITICAL PARTY TO ACCOMPANY THE CLERK OR
DEPUTY CLERK WHEN PERSONALLY DELIVERING ABSENTEE BALLOTS TO
PERSONS UNABLE TO VOTE AT THEIR DESIGNATED POLLING PLACES ON
THE DATE OF THE ELECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-1003, Idaho Code, be, and the same is hereby amended
to read as follows:

34-1003. ISSUANCE OF ABSENTEE BALLOT. — 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 arrange for the
applicant to vote by absent elector's ballot in the following manner:

(1) If the applicant is classed under section 34-1002A(1), Idaho Code, the clerk shall
deliver to the applicant 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 the applicant is classed under section 34-1002A(2), Idaho Code, and if the
applicant 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 elector's ballot and other materials as above set forth.

(3) If the applicant is classed under section 34-1002A(3), Idaho Code, the county
clerk shall forthwith notify the applicant that he shall appear personally and vote at the
“absent elector's voting place” in the county courthouse during the time prescribed.

(4) If the applicant is classed under section 34-1002A(4), Idaho Code, the county
clerk shall forthwith notify the applicant by setting forth the time and place at which the
county clerk or deputy clerk and witnesses shall personally deliver the absentee ballot. Each
political party which desires to have a witness accompany the clerk or deputy clerk shall
supply the county clerk with a list of the names of persons and the addresses of such:
persons to act as witnesses no later than sixty (60) days prior to the election. As soon as possible after receiving an application under section 34-1002A(5), Idaho Code, the clerk shall notify the witnesses who will accompany him or his deputy.

(5) If the applicant is classed under section 34-1002A(5), Idaho Code, the county clerk or deputy clerk shall personally deliver the absentee ballot. Each political party which desires to have a witness accompany the clerk or deputy clerk shall supply the county clerk with the names of such persons who intend to be present in the clerk's office on day of election.

(4) In the case of applicants classified under subsections (1) and (2) of this section, 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. In the case of applicants classified under subsection (4), the absent elector's ballot and other materials shall be delivered to the absent elector as soon as practicable; provided, however, that no such ballot shall be delivered prior to ten (10) days preceding the election.

(5) If the applicant is classed under section 34-1002A(4), Idaho Code, the county clerk shall forthwith notify the applicant by setting forth the time and place at which the county clerk or deputy clerk and witnesses shall personally deliver the absentee ballot. Each political party which desires to have a witness accompany the clerk or deputy clerk shall supply the county clerk with the name of its county chairman or an alternate who may be delegated to act on behalf of said political party no later than sixty (60) days prior to the election.

The clerk, upon receiving an application under section 34-1002A(5), Idaho Code, shall notify the county chairman of each political party or the person authorized to act for the party, of the date and approximate hour the clerk or deputy clerk intends to deliver the ballot.

If the political party desires to supply a witness, it shall be the party's duty to supply the names of witnesses and it shall have the duty to see that said witness is present at the appointed time. If the clerk so requests, a witness may be required to be available throughout the business day on which the ballot is to be delivered.

Should the witness so designated fail to appear or if the political party does not desire to have a witness present, the clerk may proceed as prescribed by law, without further compliance with subsection (5) of this section.

A candidate for public office or a spouse of a candidate for public office shall not sign as a witness or as a deputy clerk in the personal delivery of absentee ballots under section 34-1002A(5), Idaho Code.

(6) An elector physically unable to mark his own ballot may receive assistance in marking such ballot from the officer delivering same or an available person of his own choosing. In the event the election officer is requested to render assistance in marking an
absent elector's ballot, the officer shall ascertain the desires of the elector and shall vote the applicant's ballot accordingly. When such ballot is marked by an election officer, the witnesses on hand shall be allowed to observe such marking. No county clerk, deputy, or other person assisting a disabled voter shall attempt to influence the vote of such elector in any manner.

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 18, 1975.

CHAPTER 67
(H.B.No. 239)

AN ACT

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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amount to the Legislative Council for major programs for the period July 1, 1975, through June 30, 1976.

FOR:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Providing research assistance to Idaho Legislature</td>
<td>$194,200</td>
</tr>
<tr>
<td>Idaho's dues to Council of State Governments</td>
<td>$16,200</td>
</tr>
</tbody>
</table>

TOTAL $210,400

FROM:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$183,600</td>
</tr>
<tr>
<td>Highway Fund</td>
<td>2,800</td>
</tr>
<tr>
<td>Interaccount Billings</td>
<td>24,000</td>
</tr>
</tbody>
</table>

TOTAL $210,400

Approved March 19, 1975.
CHAPTER 68
(H.B.No. 240)

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE OFFICE OF THE STATE BOARD OF EDUCATION; AND APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE OFFICE OF THE STATE BOARD OF EDUCATION TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976.

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

SECTION 1. It is legislative intent that the expenditures for the Office of the State Board of Education not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

FOR:

Personnel Costs $546,000
Operating Expenditures 384,500
Capital Outlay 5,000
Trustee & Benefit Payments 2,555,400
TOTAL $3,490,900

FROM:

General Fund $2,439,400

Federal Funds:

Idaho State Commission for Higher Education Fund 127,800
Continuing Education Fund 144,800
Corporation for Public Broadcasting Fund 292,100
HEW Equipment Grant 234,100
Local School District Contributions Fund 252,700
TOTAL $3,490,900

SECTION 2. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:
<table>
<thead>
<tr>
<th>Program</th>
<th>FROM:</th>
<th>FOR TRUSTEE AND</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>General Fund</td>
<td>Personnel Costs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Operating Costs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital Expenditures</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Outlay Payments</td>
</tr>
<tr>
<td></td>
<td></td>
<td>TOTAL</td>
</tr>
<tr>
<td>A. STATE BOARD OF EDUCATION PROGRAM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Fund</td>
<td>$48,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$32,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$80,200</td>
</tr>
<tr>
<td>B. GENERAL ADMINISTRATION PROGRAM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Fund</td>
<td>$45,300</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$14,900</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$60,200</td>
</tr>
<tr>
<td>C. RESEARCH, PLANNING, SCHOLARSHIPS &amp; POSTSECONDARY EDUCATION PROGRAM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Fund</td>
<td>$58,600</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$21,400</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$73,000</td>
</tr>
<tr>
<td></td>
<td>Idaho State Commission for Higher Education Fund</td>
<td>$42,400</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$10,400</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$75,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$127,800</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$101,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$31,800</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$148,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$280,800</td>
</tr>
<tr>
<td>D. CONTINUING EDUCATION, MEDICAL EDUCATION AND CURRICULUM PLANNING:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Fund</td>
<td>$68,800</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$21,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$919,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1,009,200</td>
</tr>
<tr>
<td></td>
<td>Continuing Education Fund</td>
<td>$12,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$12,300</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$120,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$144,800</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$81,300</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$33,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1,039,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1,154,000</td>
</tr>
<tr>
<td>E. EDUCATIONAL TELEVISION PROGRAM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Fund</td>
<td>$33,800</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$6,300</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$2,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$842,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$884,100</td>
</tr>
<tr>
<td></td>
<td>Corporation for Public Broadcasting Fund</td>
<td>$292,100</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$292,100</td>
</tr>
<tr>
<td></td>
<td>HEW Equipment Grant</td>
<td>$234,100</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$234,100</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$33,800</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$6,300</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$2,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1,368,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1,410,300</td>
</tr>
<tr>
<td>F. STATEWIDE EDUCATIONAL PLANNING AND REPORTING PROGRAM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Fund</td>
<td>$118,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$133,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$252,700</td>
</tr>
<tr>
<td></td>
<td>Local School District Contributions Fund</td>
<td>$118,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$133,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$252,700</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$236,400</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$266,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$505,400</td>
</tr>
<tr>
<td></td>
<td>GRAND TOTAL</td>
<td>$546,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$384,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$5,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$2,555,400</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$3,490,900</td>
</tr>
</tbody>
</table>

Approved March 19, 1975.
CHAPTER 69
(H.B.No. 241)

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE INDUSTRIAL COMMISSION; AND APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE INDUSTRIAL COMMISSION TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976.

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

SECTION 1. It is legislative intent that the expenditures for the Industrial Commission not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

FOR:

Personnel Costs $673,300
Operating Expenditures 198,000
Capital Outlay 28,200

TOTAL $899,500

FROM:

Dedicated Funds:

Industrial Administration Fund $863,500
Industrial Special Indemnity Fund 36,000

TOTAL $899,500

SECTION 2. There is hereby appropriated to the Industrial Commission the following amounts to be expended for designated programs according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:
### ADMINISTRATION PROGRAM:

<table>
<thead>
<tr>
<th></th>
<th>FROM Industrial Administration FUND</th>
<th>FROM Special Indemnity FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personnel Costs</strong></td>
<td>$394,900</td>
<td>$22,200</td>
<td>$417,100</td>
</tr>
<tr>
<td><strong>Operating Expenditures</strong></td>
<td>98,900</td>
<td>13,800</td>
<td>112,700</td>
</tr>
<tr>
<td><strong>Capital Outlay</strong></td>
<td>13,700</td>
<td></td>
<td>13,700</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$507,500</td>
<td>$36,000</td>
<td>$543,500</td>
</tr>
</tbody>
</table>

### REHABILITATION PROGRAM:

<table>
<thead>
<tr>
<th></th>
<th>FROM Industrial Administration FUND</th>
<th>FROM Special Indemnity FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personnel Costs</strong></td>
<td>$128,400</td>
<td></td>
<td>$128,400</td>
</tr>
<tr>
<td><strong>Operating Expenditures</strong></td>
<td>41,600</td>
<td></td>
<td>41,600</td>
</tr>
<tr>
<td><strong>Capital Outlay</strong></td>
<td>14,500</td>
<td></td>
<td>14,500</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$184,500</td>
<td></td>
<td>$184,500</td>
</tr>
</tbody>
</table>

### STATISTICS PROGRAM:

<table>
<thead>
<tr>
<th></th>
<th>FROM Industrial Administration FUND</th>
<th>FROM Special Indemnity FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personnel Costs</strong></td>
<td>$127,800</td>
<td></td>
<td>$127,800</td>
</tr>
<tr>
<td><strong>Operating Expenditures</strong></td>
<td>43,700</td>
<td></td>
<td>43,700</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$171,500</td>
<td></td>
<td>$171,500</td>
</tr>
</tbody>
</table>

**GRAND TOTALS**

<table>
<thead>
<tr>
<th></th>
<th>FROM Industrial Administration FUND</th>
<th>FROM Special Indemnity FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTALS</strong></td>
<td>$863,500</td>
<td>$36,000</td>
<td>$899,500</td>
</tr>
</tbody>
</table>

Approved March 19, 1975.
CHAPTER 70
(S.B.No. 1193)

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE
DEPARTMENT OF SELF-GOVERNING AGENCIES; AND APPROPRIATING
MONEYS FROM THE FUNDS ENUMERATED TO THE AGENCIES LISTED TO
BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED
EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1,

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

SECTION 1. It is legislative intent that the expenditures for the Department of
Self-Governing Agencies not exceed the following amounts for the period July 1, 1975,
through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,098,600</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>4,027,500</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>30,700</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$5,156,800</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Dedicated Funds:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$35,600</td>
</tr>
<tr>
<td>Apple Commission Fund</td>
<td>35,000</td>
</tr>
<tr>
<td>Bean Marketing &amp; Production Promotion Fund</td>
<td>130,300</td>
</tr>
<tr>
<td>Cherry Commission Fund</td>
<td>24,000</td>
</tr>
<tr>
<td>Dairy Products Commission Fund</td>
<td>675,000</td>
</tr>
<tr>
<td>Potato Commission Fund</td>
<td>2,500,000</td>
</tr>
<tr>
<td>Wheat Commission Fund</td>
<td>501,100</td>
</tr>
<tr>
<td>Idaho Prune Commission Fund</td>
<td>26,100</td>
</tr>
<tr>
<td>Athletic Fund</td>
<td>1,500</td>
</tr>
<tr>
<td>Pharmacy Board Fund</td>
<td>87,900</td>
</tr>
<tr>
<td>Pharmacy-Triplicate Prescription Program Fund</td>
<td>18,300</td>
</tr>
<tr>
<td>State Board of Accountancy Fund</td>
<td>33,200</td>
</tr>
<tr>
<td>State Board of Dentistry Fund</td>
<td>44,400</td>
</tr>
<tr>
<td>Professional Engineers Fund</td>
<td>57,900</td>
</tr>
</tbody>
</table>
State Board of Medicine Fund 79,200
State Board of Nursing Fund 192,700
Occupational License Fund 220,700
Public Works Contractors State License Board Fund 133,900
Idaho Real Estate Brokers Commission Fund 208,800
Real Estate Education Research & Recovery Fund 71,200
Professional Geologists’ Fund 10,500
State Board of Optometry Fund 8,300
Outfitters & Guides Board Fund 61,200

TOTAL $5,156,800

SECTION 2. There is hereby appropriated to the Idaho Apple Commission the following amounts, to be expended for the designated program according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:

IDAHO APPLE COMMISSION PROGRAM:
FOR:
Personnel Costs $ 2,300
Operating Expenditures 32,600
Capital Outlay 100
TOTAL $ 35,000
FROM:
Apple Commission Fund
TOTAL $ 35,000

SECTION 3. There is hereby appropriated to the Idaho Bean Commission the following amounts, to be expended for the designated program according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:

IDAHO BEAN COMMISSION PROGRAM:
FOR:
Personnel Costs $ 12,700
Operating Expenditures 117,600
TOTAL $130,300
FROM:
Bean Marketing & Production Promotion Fund
TOTAL $130,300

SECTION 4. There is hereby appropriated to the Idaho Cherry Commission the following amounts, to be expended for the designated program according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:

IDAHO CHERRY COMMISSION PROGRAM:
FOR:
Personnel Costs $ 1,800
Operating Expenditures 22,100
### Idaho Dairy Products Commission Program

<table>
<thead>
<tr>
<th>Type</th>
<th>Amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>57,700</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>617,300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>675,000</strong></td>
</tr>
</tbody>
</table>

**From:**
- Dairy Products Commission Fund: 675,000

### Idaho Potato Commission Program

<table>
<thead>
<tr>
<th>Type</th>
<th>Amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>230,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>2,268,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>1,300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,500,000</strong></td>
</tr>
</tbody>
</table>

**From:**
- Potato Commission Fund: 2,500,000

### Idaho Wheat Commission Program

<table>
<thead>
<tr>
<th>Type</th>
<th>Amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>48,800</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>451,300</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>1,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>501,100</strong></td>
</tr>
</tbody>
</table>

**From:**
- Wheat Commission Fund: 501,100
SECTION 8. There is hereby appropriated to the Idaho Prune Commission the following amounts, to be expended for the designated program according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:

**IDAHO PRUNE COMMISSION PROGRAM:**

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$ 800</td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>25,300</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$ 26,100</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho Prune Commission Fund</td>
<td>$ 26,100</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$ 26,100</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 9. There is hereby appropriated to the State Athletic Director the following amounts, to be expended for the designated program according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:

**SUPERVISION OF WRESTLING & BOXING IN IDAHO PROGRAM:**

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Expenditures</td>
<td>$ 5,500</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$ 5,500</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>$ 4,000</td>
<td></td>
</tr>
<tr>
<td>Athletic Fund</td>
<td>1,500</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$ 5,500</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 10. There is hereby appropriated to the Pharmacy Board the following amounts, to be expended for the designated programs according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PROTECTING PUBLIC HEALTH PROGRAM:**

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Pharmacy Board Fund</td>
<td>$ 62,400</td>
<td>$ 24,800</td>
<td>$ 700</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$ 62,400</td>
<td>$ 24,800</td>
<td>$ 700</td>
</tr>
</tbody>
</table>

**TRIPlicate PRESCRIPTION PROGRAM:**

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$ 31,200</td>
<td>$ 400</td>
<td></td>
</tr>
<tr>
<td>Pharmacy-Triplicate Prescription Program Fund</td>
<td>$ 18,300</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$ 31,200</td>
<td>$ 18,700</td>
<td></td>
</tr>
<tr>
<td><strong>GRAND TOTALS</strong></td>
<td>$ 93,600</td>
<td>$ 43,500</td>
<td>$ 700</td>
</tr>
</tbody>
</table>
SECTION 11. There is hereby appropriated to the Board of Accountancy the following amounts, to be expended for the designated program according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:

STATE BOARD OF ACCOUNTANCY PROGRAM:

FOR:

Personnel Costs $ 8,900
Operating Expenditures 24,300
TOTAL $ 33,200

FROM:

State Board of Accountancy Fund $ 33,200
TOTAL $ 33,200

SECTION 12. There is hereby appropriated to the Board of Dentistry the following amounts, to be expended for the designated program according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:

BOARD OF DENTISTRY PROGRAM:

FOR:

Personnel Costs $ 30,000
Operating Expenditures 14,000
Capital Outlay 400
TOTAL $ 44,400

FROM:

State Board of Dentistry Fund $ 44,400
TOTAL $ 44,400

SECTION 13. There is hereby appropriated to the Board of Engineering Examiners the following amounts, to be expended for the designated program according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:

ENGINEERING EXAMINERS PROGRAM:

FOR:

Personnel Costs $ 32,400
Operating Expenditures 23,900
Capital Outlay 1,600
TOTAL $ 57,900

FROM:

Professional Engineers Fund $ 57,900
TOTAL $ 57,900

SECTION 14. There is hereby appropriated to the Board of Medicine the following amounts, to be expended for the designated program according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:
ENFORCING MEDICAL PRACTICES ACT PROGRAM:
FOR:
Personnel Costs $55,600
Operating Expenditures 19,900
Capital Outlay 3,700
TOTAL $79,200
FROM:
State Board of Medicine Fund $79,200

SECTION 15. There is hereby appropriated to the Board of Nursing the following amounts, to be expended for the designated program according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:
BOARD OF NURSING PROGRAM:
FOR:
Personnel Costs $108,500
Operating Expenditures 77,200
Capital Outlay 7,000
TOTAL $192,700
FROM:
State Board of Nursing Fund $192,700

SECTION 16. There is hereby appropriated to the Department of Self-Governing Agencies for the functions to be performed by the Occupational License Bureau the following amounts, to be expended for the designated program according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:
OCCUPATIONAL LICENSE BUREAU PROGRAM:
FOR:
Personnel Costs $125,200
Operating Expenditures 89,600
Capital Outlay 5,900
TOTAL $220,700
FROM:
Occupational License Fund $220,700

SECTION 17. There is hereby appropriated to the Public Works Contractors State License Board the following amounts, to be expended for the designated program according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:
PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD PROGRAM:

FOR:

Personnel Costs $94,900
Operating Expenditures 38,300
Capital Outlay 700
TOTAL $133,900

FROM:

Public Works Contractors State License Board Fund $133,900
TOTAL $133,900

SECTION 18. There is hereby appropriated to the Real Estate Commission the following amounts, to be expended for the designated programs according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADMINISTRATION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho Real Estate Brokers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commission Fund</td>
<td>$119,100</td>
<td>$78,800</td>
<td>$3,500</td>
<td>$201,400</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$119,100</td>
<td>$78,800</td>
<td>$3,500</td>
<td>$201,400</td>
</tr>
<tr>
<td>EDUCATION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho Real Estate Brokers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commission Fund</td>
<td>$</td>
<td>$7,400</td>
<td>$</td>
<td>$7,400</td>
</tr>
<tr>
<td>Real Estate Education Research &amp; Recovery Fund</td>
<td>38,100</td>
<td>30,100</td>
<td>3,000</td>
<td>71,200</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$38,100</td>
<td>$37,500</td>
<td>$3,000</td>
<td>$78,600</td>
</tr>
<tr>
<td>GRAND TOTALS</td>
<td>$157,200</td>
<td>$116,300</td>
<td>$6,500</td>
<td>$280,000</td>
</tr>
</tbody>
</table>

SECTION 19. There is hereby appropriated to the Professional Geologists Board the following amounts, to be expended for the designated program according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:

PROFESSIONAL GEOLOGISTS BOARD PROGRAM:

FOR:

Personnel Costs $4,900
Operating Expenditures 5,400
Capital Outlay 200
TOTAL $10,500

FROM:

Professional Geologists’ Fund $10,500
TOTAL $10,500
SECTION 20. There is hereby appropriated to the Board of Optometry the following amounts, to be expended for the designated program according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:

BOARD OF OPTOMETRY PROGRAM:

FOR:
- Personnel Costs: $3,300
- Operating Expenditures: 4,700
- Capital Outlay: 300
- TOTAL: $8,300

FROM:
- State Board of Optometry Fund: $8,300

SECTION 21. There is hereby appropriated to the Outfitters and Guides Board the following amounts, to be expended for the designated program according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:

OUTFITTERS & GUIDES PROGRAM:

FOR:
- Personnel Costs: $30,000
- Operating Expenditures: 30,000
- Capital Outlay: 1,200
- TOTAL: $61,200

FROM:
- Outfitters & Guides Board Fund: $61,200
- TOTAL: $61,200

Approved March 18, 1975.
CHAPTER 71  
(S.B.No. 1195)  

AN ACT  

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

SECTION 1. There is hereby appropriated out of the enumerated funds the following amounts, or so much thereof as may be necessary, to the Department of Parks and Recreation for the purpose specified, for the period July 1, 1975, through June 30, 1976:

FOR: 
Payment of principal and interest on endowment land purchase \( \$733,300 \)

FROM: 
General Fund \( \$359,600 \)
Park and Recreation Fund \( \$373,700 \)

TOTAL \( \$733,300 \)

Approved March 18, 1975.
CHAPTER 72
(S.B.No. 1196)

AN ACT
APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE PUBLIC UTILITIES TRANSPORTATION COUNCIL TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUND FOR THE PERIOD JULY 1, 1975 THROUGH JUNE 30, 1976.

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

SECTION 1. There is hereby appropriated to the Public Utilities Transportation Council the following amount to be expended for the designated program, according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:

A. TRAFFIC MANAGEMENT AND RESEARCH PROGRAM:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$10,400</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>800</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$11,200</strong></td>
</tr>
</tbody>
</table>

FROM:

General Fund $11,200

Approved March 18, 1975.
CHAPTER 73
(S.B.No. 1197)

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR COLLEGES AND UNIVERSITIES AND JUNIOR COLLEGE SUPPORT; APPROPRIATING $2,479,200 FROM THE GENERAL FUND TO THE STATE BOARD OF EDUCATION FOR JUNIOR COLLEGE SUPPORT FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976; APPROPRIATING $49,032,900 FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR DESIGNATED PROGRAMS AT BOISE STATE UNIVERSITY, IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE COLLEGE AND THE UNIVERSITY OF IDAHO FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976; AND MAKING CERTAIN CODE PROVISIONS SPECIFICALLY AVAILABLE TO THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 1976 ONLY.

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

SECTION 1. It is legislative intent that the expenditures for Colleges and Universities and Junior College Support not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

FOR:

Educational Programs $51,512,100

FROM:

General Fund $45,787,100

Federal Endowment Funds 206,600

State Endowment Funds:

Lewis-Clark Normal School Income Fund 366,400

Idaho State University Income Fund 120,800

Idaho State University Teacher Training Fund 366,400

University of Idaho Income Fund 365,900

Agricultural College Income Fund 276,300

School of Science Income Fund 821,400

Receipts to Appropriation 3,201,200

TOTAL $51,512,100

SECTION 2. There is hereby appropriated out of the fund enumerated the following
amount to the State Board of Education for the State Junior College Fund for junior college support for the period July 1, 1975, through June 30, 1976:

FOR:
Junior College Support $2,479,200

FROM:
General Fund $2,479,200

SECTION 3. There is hereby appropriated out of the funds enumerated to the State Board of Education and the Board of Regents of the University of Idaho for Boise State University, Idaho State University, Lewis-Clark State College and the University of Idaho the following amounts, to be expended for designated programs for the period July 1, 1975, through June 30, 1976:

FOR:
General Education Programs $49,032,900

FROM:
General Fund $43,307,900
Federal Endowment Funds 206,600
State Endowment Funds:
Lewis-Clark Normal School Income Fund 366,400
Idaho State University Income Fund 120,800
Idaho State University Teacher Training Fund 366,400
University of Idaho Income Fund 365,900
Agricultural College Income Fund 276,300
School of Science Income Fund 821,400
Receipts to Appropriation 3,201,200

TOTAL $49,032,900

SECTION 4. The provisions of sections 67-3608, 67-3609, 67-3610 and 67-3611, Idaho Code, are hereby specifically made available to the State Board of Education and the Board of Regents of the University of Idaho for fiscal year 1976 only, the provisions of section 67-3516(1), (3) and (4), Idaho Code, notwithstanding.

Approved March 18, 1975.
CHAPTER 74
(S.B.No. 1199)

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES; AND APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Labor and Industrial Services not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

FOR:
Personnel Costs $1,470,000
Operating Expenditures 468,800
Capital Outlay 31,600
Trustee & Benefit Payments 2,000
TOTAL $1,972,400

FROM:
General Fund $ 494,700
Dedicated Funds:
  Electrical Board Fund 828,000
  Plumbing Board Fund 376,500
  Factory Built Housing Fund 273,200
TOTAL $1,972,400

SECTION 2. There is hereby appropriated to the Department of Labor and Industrial Services the following amounts to be expended for designated programs according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:
### A. ADMINISTRATION PROGRAM:

<table>
<thead>
<tr>
<th>Source Fund</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$34,800</td>
<td>$1,600</td>
<td>$2,200</td>
<td></td>
<td>$38,600</td>
</tr>
<tr>
<td>Electrical Board Fund</td>
<td>$17,400</td>
<td>800</td>
<td>1,100</td>
<td></td>
<td>19,300</td>
</tr>
<tr>
<td>Factory Built Housing Fund</td>
<td>$17,400</td>
<td>800</td>
<td>1,100</td>
<td></td>
<td>19,300</td>
</tr>
<tr>
<td>Plumbing Board Fund</td>
<td>$17,400</td>
<td>800</td>
<td>1,100</td>
<td></td>
<td>19,300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$87,000</td>
<td>$4,000</td>
<td>$5,500</td>
<td></td>
<td>$96,500</td>
</tr>
</tbody>
</table>

### B. INDUSTRIAL SAFETY, WAGE & HOUR, & LABOR RELATIONS BUREAU PROGRAM:

<table>
<thead>
<tr>
<th>Source Fund</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$244,000</td>
<td>$54,400</td>
<td>$13,600</td>
<td></td>
<td>$312,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$244,000</td>
<td>$54,400</td>
<td>$13,600</td>
<td></td>
<td>$312,000</td>
</tr>
</tbody>
</table>

### C. MINE SAFETY BUREAU PROGRAM:

<table>
<thead>
<tr>
<th>Source Fund</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$107,800</td>
<td>26,900</td>
<td>$9,400</td>
<td></td>
<td>$144,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$107,800</td>
<td>26,900</td>
<td>$9,400</td>
<td></td>
<td>$144,100</td>
</tr>
</tbody>
</table>

### D. MOBILE HOME, RECREATIONAL VEHICLES & MANUFACTURED HOUSING BUREAU PROGRAM

<table>
<thead>
<tr>
<th>Source Fund</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Factory Built Housing Fund</td>
<td>$167,800</td>
<td>$85,300</td>
<td>$800</td>
<td></td>
<td>$253,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$167,800</td>
<td>$85,300</td>
<td>$800</td>
<td></td>
<td>$253,900</td>
</tr>
</tbody>
</table>

### E. ELECTRICAL SAFETY BUREAU PROGRAM:

<table>
<thead>
<tr>
<th>Source Fund</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical Board Fund</td>
<td>$596,500</td>
<td>$210,700</td>
<td>$1,500</td>
<td></td>
<td>$808,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$596,500</td>
<td>$210,700</td>
<td>$1,500</td>
<td></td>
<td>$808,700</td>
</tr>
</tbody>
</table>

### F. PLUMBING SAFETY BUREAU PROGRAM:

<table>
<thead>
<tr>
<th>Source Fund</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plumbing Board Fund</td>
<td>$266,900</td>
<td>$87,500</td>
<td>$800</td>
<td>$2,000</td>
<td>$357,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$266,900</td>
<td>$87,500</td>
<td>$800</td>
<td>$2,000</td>
<td>$357,200</td>
</tr>
</tbody>
</table>

**Grand Total** $1,470,000 $468,800 $31,600 $2,000 $1,972,400

Approved March 18, 1975.
CHAPTER 75
(S.B.No. 1200)

AN ACT

APPROPRIATING $45,500 FROM THE GENERAL FUND TO THE LIEUTENANT GOVERNOR TO BE EXPENDED FOR THE DESIGNATED PROGRAM, ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976.

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

SECTION 1. There is hereby appropriated to the Lieutenant Governor the following amount from the general fund, to be expended for the designated program, according to expense classes designated for the period July 1, 1975, through June 30, 1976:

A. LIEUTENANT GOVERNOR PROGRAM:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$25,600</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>20,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$45,800</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$45,800</td>
</tr>
</tbody>
</table>

Approved March 18, 1975.
CHAPTER 76
(S.B.No. 1203)

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR VOCATIONAL REHABILITATION AND VOCATIONAL EDUCATION; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL REHABILITATION, TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL EDUCATION, TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976; APPROPRIATING MONEYS FROM FISCAL YEAR 1975 GENERAL FUND MONEYS TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL EDUCATION FOR THE DESIGNATED PURPOSES FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1976; AND DECLARING AN EMERGENCY FOR SECTION 4 OF THIS ACT.

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

SECTION 1. It is legislative intent that the expenditures for Vocational Rehabilitation and Vocational Education enumerated in sections 2 and 3 of this act not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

FOR:

Vocational Rehabilitation  $6,044,300
Vocational Education  9,477,700
TOTAL  $15,522,000

FROM:

General Fund  $7,776,600

Federal Funds:

Vocational Rehabilitation Fund  5,273,500
Vocational Education Amendments of 1968 Fund  2,418,100
Vocational Education Advisory Council Fund  53,800
TOTAL  $15,522,000
SECTION 2. There is hereby appropriated to the State Board of Education for Vocational Rehabilitation the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR TRUSTEE AND</th>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>OPERATING EXPENDITURES</td>
<td>CAPITAL OUTLAY</td>
<td>BENEFIT PAYMENTS</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. RENAL DISEASE PROGRAM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Fund</td>
<td>$175,000</td>
<td>$175,000</td>
<td></td>
</tr>
<tr>
<td>B. VOCATIONAL REHABILITATION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Fund</td>
<td>$595,800</td>
<td>$595,800</td>
<td></td>
</tr>
<tr>
<td>Vocational Rehabilitation Fund</td>
<td>$1,703,300</td>
<td>$414,300</td>
<td>$23,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,703,300</td>
<td>$414,300</td>
<td>$23,300</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,703,300</td>
<td>$414,300</td>
<td>$23,300</td>
</tr>
</tbody>
</table>

SECTION 3. There is hereby appropriated to the State Board of Education for Vocational Education the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:

| JA. VOCATIONAL EDUCATION PROGRAM: |                 |
| FROM: General Fund | $601,300 | $135,300 | $11,300 | $6,257,900 | $7,005,800 |
| Vocational Education Amendments of 1968 Fund | 2,418,100 | 2,418,100 |
| TOTAL | $601,300 | $135,300 | $11,300 | $8,676,000 | $9,423,900 |

| B. ADVISORY COUNCIL PROGRAM: |                 |
| FROM: Vocational Education Advisory Council Fund | $31,100 | $22,700 |
| TOTAL | $31,100 | $22,700 | $53,800 |
| GRAND TOTAL | $632,400 | $158,000 | $11,300 | $8,676,000 | $9,477,700 |

SECTION 4. There is hereby appropriated to the State Board of Education for Vocational Education from fiscal year 1975 general fund moneys the following amount, to be expended for the designated purposes, for the period from the effective date of this act through June 30, 1976:

FOR:
New equipment, furnishings and fixtures for new facilities under construction at Boise State University, College of Southern Idaho, North Idaho College and Eastern Idaho Vocational School

$243,500
FROM:
Fiscal Year 1975 General Fund moneys $243,500

SECTION 5. This act shall be in full force and effect on and after July 1, 1975, except for section 4 hereof. An emergency existing therefor, which emergency is hereby declared to exist, section 4 shall be in full force and effect on and after passage and approval of this act.

Approved March 18, 1975.
CHAPTER 77
(S.B.No. 1206)
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE ATTORNEY GENERAL; AND APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE ATTORNEY GENERAL TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975 THROUGH JUNE 30, 1976.

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

SECTION 1. It is legislative intent that the expenditures for the Attorney General not exceed the following amounts for the period July 1, 1975 through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,790,100</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>101,600</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>13,800</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,905,500</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$641,900</td>
</tr>
<tr>
<td>Federal Funds</td>
<td></td>
</tr>
<tr>
<td>PEP Joint Operations Fund</td>
<td>13,300</td>
</tr>
<tr>
<td>Attorney General – Law Enforcement Planning Fund</td>
<td>46,200</td>
</tr>
<tr>
<td>Interaccount Billings</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,905,500</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Attorney General the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1975 through June 30, 1976:
### For Personnel Operating Costs

<table>
<thead>
<tr>
<th>Program</th>
<th>General Fund</th>
<th>PEP Joint Operations Fund</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Administration and Investigation Program</td>
<td>$258,700</td>
<td>$13,300</td>
<td>$272,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$13,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$314,900</td>
</tr>
<tr>
<td>B. Legal-Civil Program</td>
<td>$129,200</td>
<td>$6,500</td>
<td>$135,700</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$135,700</td>
</tr>
<tr>
<td>C. Legal-Criminal Program</td>
<td>$118,400</td>
<td>25,800</td>
<td>$144,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$144,200</td>
</tr>
<tr>
<td>D. Organized-Crime Program</td>
<td>$66,400</td>
<td>19,800</td>
<td>$86,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>600</td>
<td>$86,800</td>
</tr>
<tr>
<td></td>
<td></td>
<td>20,400</td>
<td>$101,600</td>
</tr>
<tr>
<td><strong>Grand Totals</strong></td>
<td>$1,790,100</td>
<td>$101,600</td>
<td>$1,891,700</td>
</tr>
</tbody>
</table>

Approved March 18, 1975.
C.78 '75

CHAPTER 78
(S.B.No. 1204)

AN ACT

AMENDING SECTION 1, CHAPTER 281, LAWS OF 1974, TO PROVIDE A STATEMENT OF INTENT FOR INCREASED APPROPRIATIONS TO THE DEPARTMENT OF REVENUE AND TAXATION; AMENDING SECTION 2, CHAPTER 281, LAWS OF 1974, BY INCREASING THE APPROPRIATION TO THE DEPARTMENT OF REVENUE AND TAXATION FOR THE STATE TAX COMMISSION BY THE AMOUNT OF $46,600; AMENDING SECTION 3, CHAPTER 281, LAWS OF 1974, TO PROVIDE A REVISED APPROPRIATION TO THE DEPARTMENT OF REVENUE AND TAXATION FOR THE MULTI-STATE TAX COMPACT PROGRAM; AMENDING SECTION 4, CHAPTER 281, LAWS OF 1974, TO PROVIDE A REVISED APPROPRIATION TO THE DEPARTMENT OF REVENUE AND TAXATION FOR THE BOARD OF TAX APPEALS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 281, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 1. It is legislative intent that the expenditures for the enumerated program activities in the Department of Revenue and Taxation not exceed the following amounts for the period July 1, 1974, through June 30, 1975:

FOR:
Personnel Costs $2,418,149 2,423,949
Operating Expenditures 800,956 841,756
Capital Outlay 14,495
TOTAL $3,233,600 3,280,200

FROM:
General Fund $3,033,100 3,084,700
State Highway Fund 185,000
Miscellaneous Receipts Fund 10,500
TOTAL $3,233,600 3,280,200

SECTION 2. That Section 2, Chapter 281, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Revenue and Taxation, for the functions to be performed by the State Tax Commission, the following
amounts to be expended for designated programs according to expense classes designated therein from the listed funds for the period July 1, 1974, through June 30, 1975:

<table>
<thead>
<tr>
<th>FROM</th>
<th>FROM</th>
<th>FROM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
<td>STATE HIGHWAY</td>
<td>MISC. RECEIPTS</td>
<td></td>
</tr>
<tr>
<td>A. ADMINISTRATION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Personnel Costs</td>
<td>$279,888</td>
<td>$15,162</td>
</tr>
<tr>
<td></td>
<td>Operating Expenditures</td>
<td>$104,825</td>
<td>7,868</td>
</tr>
<tr>
<td></td>
<td>Capital Outlay</td>
<td>8,675</td>
<td>95</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$393,388</td>
<td>23,125</td>
</tr>
<tr>
<td>B. TAX COLLECTION &amp; AUDITING PROGRAM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Personnel Costs</td>
<td>$1,667,354</td>
<td>$99,795</td>
</tr>
<tr>
<td></td>
<td>Operating Expenditures</td>
<td>$566,290</td>
<td>60,520</td>
</tr>
<tr>
<td></td>
<td>Capital Outlay</td>
<td>4,165</td>
<td>1,560</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$2,237,809</td>
<td>161,875</td>
</tr>
<tr>
<td>C. AD VALOREM TAX PROGRAM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Personnel Costs</td>
<td>$336,550</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td>Operating Expenditures</td>
<td>$74,053</td>
<td>2,000</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$410,603</td>
<td>2,000</td>
</tr>
<tr>
<td></td>
<td>GRAND TOTALS</td>
<td>$2,906,809</td>
<td>185,000</td>
</tr>
</tbody>
</table>

SECTION 3. That Section 3, Chapter 281, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 3. There is hereby appropriated to the Department of Revenue and Taxation, for the functions to be performed by the Multi-State Tax Compact, the following amounts to be expended for designated programs according to expense classes designated therein from the listed fund for the period July 1, 1974, through June 30, 1975:

A. MULTI-STATE TAX COMPACT PROGRAM:

<table>
<thead>
<tr>
<th>FROM</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Operating Expenditures</td>
<td>$9,500</td>
<td>9,500</td>
</tr>
<tr>
<td></td>
<td>FROM: General Fund</td>
<td></td>
<td>$10,500</td>
</tr>
</tbody>
</table>

SECTION 4. That Section 4, Chapter 281, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 4. There is hereby appropriated to the Department of Revenue and Taxation, for the functions to be performed by the Board of Tax Appeals, the following amounts to be expended for designated programs according to expense classes designated therein from the listed fund for the period July 1, 1974, through June 30, 1975:
### A. TAX APPEAL HEARING & APPEALS PROGRAM:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$25,200</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$8,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$33,400</strong></td>
</tr>
</tbody>
</table>

**FROM:**

- General Fund $33,400

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 18, 1975.
CHAPTER 79
(S.B.No. 1207)

AN ACT


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

SECTION 1. There is hereby appropriated out of the funds enumerated the sum of $4,431,600 to the Supreme Court to be expended for the designated programs from the listed funds for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FROM GENERAL FUND</th>
<th>FROM MISCELLANEOUS RECEIPTS FUND</th>
<th>FROM ALCOHOL SAFETY ACTION PROGRAM FUND</th>
<th>FROM FEDERAL FUNDS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>$938,000</td>
<td>$206,000*</td>
<td></td>
<td>$1,454,000</td>
</tr>
<tr>
<td>Law Library</td>
<td>133,200</td>
<td></td>
<td></td>
<td>133,200</td>
</tr>
<tr>
<td>District Court</td>
<td>1,321,900</td>
<td></td>
<td></td>
<td>1,321,900</td>
</tr>
<tr>
<td>Magistrate Division</td>
<td>1,372,400</td>
<td></td>
<td></td>
<td>1,372,400</td>
</tr>
<tr>
<td>Judicial Council</td>
<td>27,900</td>
<td></td>
<td></td>
<td>27,900</td>
</tr>
<tr>
<td>Matching Funds –</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Grants</td>
<td>22,200</td>
<td></td>
<td>400,000</td>
<td>422,200</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$3,815,600</td>
<td>$10,000</td>
<td></td>
<td>$4,431,600</td>
</tr>
</tbody>
</table>

* Line item veto – new figures inserted by Governor.

Approved March 18, 1975.
CHAPTER 80
(S.B.No. 1194)

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF CORRECTION; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF CORRECTION TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976; AND PROVIDING THAT WHEN FEDERAL FUNDS RECEIVED EXCEED THE AMOUNT APPROPRIATED, THE GENERAL FUND APPROPRIATION SHALL BE REDUCED.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Correction not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

FOR:
Personnel Costs $3,040,700
Operating Expenditures 1,615,500
Capital Outlay 141,800

TOTAL $4,798,000

FROM:
General Fund $3,993,400
Penitentiary – Law Enforcement Planning Fund 307,500
Miscellaneous Receipts Fund 131,500
Endowment Funds 365,600

TOTAL $4,798,000

SECTION 2. There is hereby appropriated to the Department of Correction the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:
A. ADMINISTRATION PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$ 386,100</td>
<td>$ 113,100</td>
<td>$ 6,900</td>
<td>$ 506,100</td>
</tr>
<tr>
<td>Penitentiary-Law Enforcement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning Fund</td>
<td>17,300</td>
<td></td>
<td></td>
<td>17,300</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 403,400</td>
<td>$ 113,100</td>
<td>$ 6,900</td>
<td>$ 523,400</td>
</tr>
</tbody>
</table>

B. SUPPORT SERVICES PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$ 179,300</td>
<td>$ 216,200</td>
<td>$ 28,900</td>
<td>$ 424,400</td>
</tr>
<tr>
<td>Penitentiary Income Fund</td>
<td></td>
<td>245,600</td>
<td></td>
<td>245,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td></td>
<td>21,400</td>
<td></td>
<td>21,400</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 179,300</td>
<td>$ 483,200</td>
<td>$ 28,900</td>
<td>$ 691,400</td>
</tr>
</tbody>
</table>

C. SECURITY PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$1,319,700</td>
<td>$ 140,700</td>
<td>$ 8,900</td>
<td>$1,469,300</td>
</tr>
<tr>
<td>Penitentiary Income Fund</td>
<td></td>
<td>95,000</td>
<td></td>
<td>95,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td></td>
<td>22,000</td>
<td></td>
<td>22,000</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$1,319,700</td>
<td>$ 257,700</td>
<td>$ 8,900</td>
<td>$1,586,300</td>
</tr>
</tbody>
</table>

D. HABILITATION PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$ 386,500</td>
<td>$ 66,800</td>
<td>$ 6,900</td>
<td>$ 460,200</td>
</tr>
<tr>
<td>Penitentiary-Law Enforcement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning Fund</td>
<td>5,400</td>
<td>4,200</td>
<td>9,600</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>18,100</td>
<td>50,000</td>
<td>68,100</td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 410,000</td>
<td>$ 121,000</td>
<td>$ 6,900</td>
<td>$ 537,900</td>
</tr>
</tbody>
</table>

E. MAJOR MEDICAL EMERGENCY TREATMENT PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$ 77,200</td>
<td></td>
<td></td>
<td>$ 77,200</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 77,200</td>
<td></td>
<td></td>
<td>$ 77,200</td>
</tr>
</tbody>
</table>

F. FARM INDUSTRIES PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$ 99,100</td>
<td>$ 82,100</td>
<td>$ 70,900</td>
<td>$ 252,100</td>
</tr>
<tr>
<td>Penitentiary Income Fund</td>
<td></td>
<td>25,000</td>
<td></td>
<td>25,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td></td>
<td>20,000</td>
<td></td>
<td>20,000</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 99,100</td>
<td>$ 127,100</td>
<td>$ 70,900</td>
<td>$ 297,100</td>
</tr>
</tbody>
</table>
G. PROBATION AND PAROLE PROGRAM:

FROM:

<table>
<thead>
<tr>
<th></th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$ 527,000</td>
<td>$ 210,500</td>
<td>$ 16,300</td>
<td>$ 753,800</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 527,000</td>
<td>$ 210,500</td>
<td>$ 16,300</td>
<td>$ 753,800</td>
</tr>
</tbody>
</table>

H. NORTH IDAHO CORRECTIONAL INSTITUTION PROGRAM:

FROM:

<table>
<thead>
<tr>
<th></th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$ 27,400</td>
<td>$ 22,900</td>
<td></td>
<td>$ 50,300</td>
</tr>
<tr>
<td>Penitentiary-Law Enforcement Planning Fund</td>
<td>$ 74,800</td>
<td>$ 202,800</td>
<td>$ 3,000</td>
<td>$ 280,600</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 102,200</td>
<td>$ 225,700</td>
<td>$ 3,000</td>
<td>$ 330,900</td>
</tr>
<tr>
<td>GRAND TOTALS</td>
<td>$3,040,700</td>
<td>$1,615,500</td>
<td>$141,800</td>
<td>$4,798,000</td>
</tr>
</tbody>
</table>

* **SECTION 3.** In the event that the amount of federal funds received by the Department of Correction is in excess of those appropriated in section 2 hereof, the general funds appropriated in section 2 shall be reduced by such excess and shall revert to the general fund.

* Item veto by Governor.

Approved March 18, 1975.
CHAPTER 81
(S.B.No. 1111)
AN ACT
AMENDING SECTION 61-622, IDAHO CODE, RELATING TO THE FINDING OF THE
COMMISSION NECESSARY FOR INCREASE IN RATES, BY PROVIDING THAT
THE SUSPENSION PERIOD FOR SCHEDULE OF RATES FILED WITH THE
COMMISSION SHALL NOT EXTEND BEYOND THIRTY DAYS, PROVIDING
FURTHER THAT AN EXTENSION OF THE SUSPENSION SHALL NOT EXCEED
AN ADDITIONAL FIVE MONTHS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 61-622, Idaho Code, be, and the same is hereby amended
to read as follows:

61-622. FINDING OF COMMISSION NECESSARY FOR INCREASE IN RATE. –
No public utility shall raise any rate, fare, toll, rental or charge or so alter any classification,
contract, practice, rule or regulation as to result in an increase in any rate, fare, toll, rental
or charge, under any circumstances whatsoever, except upon a showing before the
commission and a finding by the commission that such increase is justified. The commission
shall have power, and is hereby given authority, either upon complaint or upon its own
initiative without complaint, at once, and if it so orders, without answer or other formal
pleadings by the interested public utility or utilities, but upon reasonable notice, to enter
upon a hearing concerning the propriety of such rate, fare, toll, rental, charge, classification,
contract, practice, rule or regulation, and pending the hearing and decision thereon, such
rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not go
into effect; provided, that the period of suspension of such rate, fare, toll, rental, charge,
classification, contract, practice, rule or regulation shall not extend beyond thirty (30) days
when such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation
would otherwise go into effect, unless the commission in its discretion extends the period of
suspension for a further period not exceeding five (5) months; provided further, that prior
to the expiration of said periods of suspension the commission may, with the consent in
writing signed by the party filing such schedule, permanently or further suspend the same.
On such hearing, the commission shall establish the rates, fares, tolls, rentals, charges,
classifications, contracts, practices, rules or regulations proposed, in whole or in part, or
others in lieu thereof, which it shall find to be just and reasonable.

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 21, 1975
CHAPTER 82
(S.B.No. 1184)
AN ACT
AMENDING SECTION 33-506, IDAHO CODE, RELATING TO SCHOOL BOARDS OF TRUSTEES, BY PROVIDING FOR COMPENSATION FOR ACTUAL EXPENSES INCURRED FOR TRAVEL TO AND FROM, AND ATTENDANCE OF MEETINGS OF THE BOARD; AND PROVIDING THAT SUCH COMPENSATION SHALL BE PAID FROM THE DISTRICT SCHOOL FUNDS.

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

SECTION 1. That Section 33-506, Idaho Code, be, and the same is hereby amended to read as follows:

33-506. ORGANIZATION AND GOVERNMENT OF BOARD OF TRUSTEES. - Each board of school district trustees shall organize at its annual meeting and elect a chairman, a vice-chairman, a clerk, and in other than elementary school districts, a treasurer. The clerk and the treasurer may be members of the board of trustees; or, in the discretion of the board, either or both may be selected from among competent and responsible persons outside the membership of the board. The board in its discretion may allow compensation for the clerk, and for the treasurer if other than the county treasurer, but no compensation shall be allowed to any person who is a member of the board of trustees.

Each member of the board not otherwise compensated by public moneys shall be compensated for actual expenses incurred for travel to, from, and attending meetings of the board. Such compensation shall be paid from the district school funds.

It shall be the duty of each member of the board of trustees to attend all meetings, both regular and special; and the board shall have the following powers and duties:

1. To make by-laws, rules and regulations for its government and that of the district, consistent with the laws of the state of Idaho and the rules and regulations of the state board of education;
2. To call special meetings or elections for such purpose as may be necessary for the proper conduct and management of the school or schools of the district;
3. To employ an attorney or attorneys when deemed for the best interests of the district, or for the purpose of defending the district against any suit or for bringing action deemed necessary to be commenced by the board.

Approved March 21, 1975.
CHAPTER 83  
(S.B.No. 1178)  
AN ACT  
AMENDING SECTION 27 OF AN ACT ENTITLED "AN ACT TO CREATE THE INDEPENDENT SCHOOL DISTRICT OF EMMETTSVILLE, IN ADA COUNTY," APPROVED JANUARY 31, 1885, AS SAID ACT WAS AMENDED AND ADDED TO BY SENATE BILL NO. 45 OF THE 1907 IDAHO SESSION LAWS, AND AS SAID SECTION 27 WAS AMENDED BY HOUSE BILL NO. 129 OF THE 1909 IDAHO SESSION LAWS, BY CHAPTER 231 OF THE 1951 IDAHO SESSION LAWS, BY CHAPTER 49 OF THE 1957 IDAHO SESSION LAWS, AND BY CHAPTER 105 OF THE 1963 IDAHO SESSION LAWS, RELATING TO THE ASSESSMENTS, LEVY, COLLECTION AND PAYMENT OF TAXES IN SAID SCHOOL DISTRICT, BY PROVIDING THAT THE BOARD OF TRUSTEES SHALL PROPOSE A BUDGET BY MAY 15 OF EACH YEAR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 27 of an Act entitled "An Act to create the Independent School District of Emmettsville, in Ada County," approved January 31, 1885, as said Act was amended and added to by Senate Bill No. 45 of the 1907 Idaho Session Laws, and as said Section 27 was amended by House Bill No. 129 of the 1909 Idaho Session Laws, by Chapter 231 of the 1951 Idaho Session Laws, by Chapter 49 of the 1957 Idaho Session Laws, and by Chapter 105 of the 1963 Session Laws, be, and the same is hereby amended to read as follows:

27. The board of trustees of the independent school district of Emmettsville shall on or before the 15th day of April or May in each year propose a budget for the succeeding year and shall also give notice of a public hearing thereon by posting a synopsis of the proposed budget at least ten days prior to the date set for said hearing at a main door of each of the schools of the district, and in addition thereto notice shall be given by printing said synopsis in a newspaper published in Gem County, Idaho, for at least once a week for not less than two successive weeks immediately prior to said hearing. After such public hearing, the said board shall adopt a final budget and ascertain and determine the amount of money required to be raised for all school purposes, according to the budget, and levy limitation stipulated herein.

Assessments for the taxes of the Independent School District of Emmettsville, now
located in Gem and Boise Counties, Idaho, shall be made by the county assessors of the counties wherein said district is located, each on the taxable property of said district in his own county, separately, at the same time that assessments for State and county taxes are made, and a list of the taxable property of said district in said county and the value thereof shall be separately shown. On or before the third Monday of July in each year said county assessors shall each deliver to the clerk of the board of trustees of said independent school district a statement showing the aggregate valuation of all the taxable property in said independent school district within his own county.

The board of trustees of said independent school district shall, on or before the second Monday in August in each year, determine the rate of school tax for all purposes for said district, and levy the same by resolution, which tax shall not exceed forty-five (45) mills on the dollar of assessed valuation, and shall certify the rate and levy to the clerks of the boards of county commissioners of each of said counties. The county commissioners of each of said counties, as a board of equalization, shall have power, and it is their duty, to equalize the assessment roll for said independent school district, as to the property thereof in their own county, at the times and in the manner provided by law for equalizing assessments for State and county taxes. In each of said counties, the county commissioners thereof shall adopt the said levy made by the trustees of said independent school district as the levy upon all the taxable property of said district within their county, and certify said levy to the county auditor of said county, and said county auditor shall extend said levy on the rolls of his county as other county taxes are extended, and such taxes shall become due and payable at the same time as state and county taxes, and in all respects collected in the same way, except that the tax collector or other officer charged with the collection of taxes must keep a separate list thereof, and when paid must name said taxes in his receipt to the taxpayer as a separate tax, and said taxes must be paid as other taxes are paid in said county.

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 21, 1975.
CHAPTER 84
(S.B.No. 1125)
AN ACT
AMENDING SECTION 54-502, IDAHO CODE, TO PROVIDE DEFINITIONS OF THE PRACTICE OF BARBERING; AMENDING SECTION 54-503, IDAHO CODE, TO PROVIDE THAT A REGISTERED BARBER MAY SUPERVISE ONLY ONE APPRENTICE AT A TIME AND BY REMOVING THE RESTRICTION AS TO THE NUMBER OF APPRENTICES TRAINING IN A SHOP; AMENDING SECTION 54-505, IDAHO CODE, BY EXTENDING FROM SIX MONTHS TO NINE MONTHS THE COURSE REQUIREMENT, BY STRIKING OBSOLETE PROVISIONS, BY REQUIRING THAT THE EXAMINATION BE SUCCESSFULLY PASSED, AND BY CHANGING THE ADDITIONAL APPRENTICESHIP REQUIRED TO QUALIFY FOR REEXAMINATION FROM SIX MONTHS TO THREE MONTHS; AMENDING SECTION 54-506, IDAHO CODE, BY INCREASING THE REQUIRED NUMBER OF HOURS IN THE COURSE OF INSTRUCTION AND EXTENDING THE PERIOD FOR COMPLETION OF THE COURSE IN A SCHOOL OF BARBERING; AMENDING SECTION 54-507, IDAHO CODE, BY CHANGING THE NUMBER OF HOURS IN A COURSE OF INSTRUCTION AND INCREASING THE PERIOD OF TIME IN A COURSE OF INSTRUCTION, AND BY CHANGING THE HOUR THAT A COLLEGE MAY BEGIN INSTRUCTION; AMENDING SECTION 54-516, IDAHO CODE, BY ADDING REVOCATION OF LICENSE AS AN ACTION THAT MAY BE TAKEN BY THE BOARD; AMENDING SECTION 54-518, IDAHO CODE, BY ESTABLISHING A FEE OF TEN DOLLARS FOR THE ISSUANCE OF A TEMPORARY PERMIT.

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

SECTION 1. That Section 54-502, Idaho Code, be, and the same is hereby amended to read as follows:

54-502. PRACTICE DEFINED. — Any one or any combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or without payment for the public generally) constitutes the practice of barbering:

Shaving or trimming the beard or cutting, trimming, arranging, dressing, curling, waving by any method, straightening, cleansing, singeing, bleaching, coloring, or similar work upon the hair;
Fitting, cutting or dressing hairpieces or toupees;

Giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances;

Shaving, shampooing or dyeing the hair or applying hair tonic;

Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, neck or upper part of the body.

SECTION 2. That Section 54-503, Idaho Code, be, and the same is hereby amended to read as follows:

54-503. PRACTICE OF APPRENTICE. – No registered apprentice may independently practice barbering, but he may as an apprentice, do any or all the acts constituting the practice of barbering under the immediate personal supervision of a registered barber, and a registered barber may have only one such apprentice employed in any barber shop under his supervision.

SECTION 3. That Section 54-505, Idaho Code, be, and the same is hereby amended to read as follows:

54-505. QUALIFICATIONS FOR CERTIFICATE OF REGISTRATION AS REGISTERED BARBER. – A person is qualified to receive a certificate of registration to practice barbering:

1. Who is qualified under the provisions of section 54-506, Idaho Code.
2. Who is of good moral character and temperate habits.
3. Who has completed a nine (9) month course in an approved school of barbering and who has practiced as a registered apprentice barber for a period of eighteen (18) months under the immediate personal supervision of a registered barber, provided that the period of apprenticeship for those persons who possess a certificate of registration as a registered apprentice at the time this section becomes law shall be one (1) year; and they shall be required to submit to and successfully pass a barber’s examination under the supervision of the board of barber examiners.
4. An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the board must practice as a registered apprentice barber for an additional three (3) months under the immediate personal supervision of a registered barber before he is again entitled to take the examination for a registered barber. It shall be unlawful to practice as a barber without a certificate as a registered barber.

SECTION 4. That Section 54-506, Idaho Code, be, and the same is hereby amended to read as follows:

54-506. QUALIFICATIONS FOR CERTIFICATE OF REGISTRATION AS REGISTERED APPRENTICE. – A person is qualified to receive a certificate of registration as a registered apprentice:

1. Who has two (2) years of high school or an equivalent education as determined by an examination conducted by the board.
2. Who is at least sixteen and one-half (16½) years of age and who is a citizen of the United States or has declared intentions of becoming a citizen, provided, however, that the matter of citizenship shall not apply to persons who are ineligible for citizenship due to treaties with foreign nations.

3. Who is of good moral character and temperate habits.

4. Who has completed a course consisting of at least one thousand two hundred forty-eight (1,248) fifteen hundred (1500) hours within a period of seven and one-half (7½) nine (9) months in a school of barbering approved by the board.

5. An applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination must complete a further course of three (3) months of not less than five hundred (500) hours in an approved school of barbering before he is entitled to take an examination again.

6. It shall be unlawful to practice as an apprentice without a certificate of registered apprentice.

SECTION 5. That Section 54-507, Idaho Code, be, and the same is hereby amended to read as follows:

54-507. APPROVED BARBER COLLEGES – REQUIREMENTS – BOND. – No school teaching the art or science of barbering shall be approved by the board nor shall it operate or be recognized as a school of barbering, unless the entrance requirements are equal to those which are required for apprentices under section 54-506, Idaho Code. An approved college may teach special courses, but as a prerequisite to graduation the college must give a course of instruction of not less than one thousand (1,000) fifteen hundred (1500) hours over a period of not less than six (6) nine (9) months and include in its course of instruction the following subjects:

Scientific fundamentals for barbering: hygiene; bacteriology; histology of the hair, skin, nails, muscles and nerves; structure of the head, face and neck; elementary chemistry relating to sterilization and antiseptics; diseases of the skin, hair, glands and nails; massaging and manipulating the muscles of the upper body; hair cutting; shaving; and arranging, dressing, coloring, bleaching and tinting of the hair.

For the purpose of this chapter, a recognized approved barber school or college (hereinafter referred to as a college) shall be understood to be a college that has met with the provisions of this chapter, and has a valid unrevoked certificate issued by the board, to the effect that said college is approved by the state of Idaho.

No college in the state shall advertise or use any signs or terms to indicate that the college is approved, recognized, accredited, or certified, unless said college is approved by the board. Every college shall advertise as a college and make known to the public and customers that the work is being done by students.

All instructors in an approved college must be licensed in the state of Idaho to practice barbering.

Every instructor in an approved college shall devote his or her entire time during class
hours to that of instructing the students and shall not apply his time to that of private or public practice during the school or class hours.

School hours for the purpose of instruction in an approved college shall not begin before 9:00 A.M., or continue longer than 6 P.M., and shall be conducted for at least five (5) days during the week except Sunday and holidays.

The school day in an approved college shall not be divided into periods that may work to the detriment of the students. Each student shall be required to work or receive instruction in the college at least seven (7) hours each day. Credit will be allowed students for their actual time in attendance at the college, but not to exceed eight (8) hours per day.

A college furnishing satisfactory evidence that it is maintaining the requirements set forth in this chapter, whether located within or without the state, shall, upon the payment of the required fee, be issued a certificate to the effect that the college is approved by the board.

A certificate issued to a college must be renewed annually on July first of each year. Should a college fail or refuse to renew a certificate said college shall cease to operate if within the state of Idaho and be removed from the list of the approved colleges.

The board may cancel or refuse to renew a certificate issued to a college upon proof that said college has failed or refused to meet with the requirements for approved colleges set forth in this chapter.

One (1) instructor must be employed to each fifteen (15) students or fractional part thereof.

Every school or college approved by the board shall deliver to the board, a bond to the state of Idaho in a form approved by the board, and renew the same annually, in the sum of two thousand dollars ($2,000), executed by a corporate surety company duly authorized to do business in this state, conditioned that such school or college shall continue to give its courses of instruction, in accordance with the provision of this chapter, until it has completed all such courses for which students have enrolled, and conditioned that such school or college shall fully comply with all promises or representations made to enrolled students as an inducement to such students to enroll. Any student so enrolled who may be damaged by reason of the failure of such school or college to comply with such conditions, shall have a right of action in his or her own name, on such bonds, for such damage.

SECTION 6. That Section 54-516, Idaho Code, be, and the same is hereby amended to read as follows:

54-516. REFUSAL, REVOCATION OR SUSPENSION OF CERTIFICATE AND LICENSE. – The board of barber examiners may either refuse to issue or renew or may suspend or revoke any certificate of registration for any one (1) or combination of the following causes:

1. Conviction of a felony shown by a certified copy of the record of the court of conviction;
2. Gross malpractice or gross incompetency;
3. Failure to meet the sanitary and health requirements as promulgated for barbers under the provisions of this chapter by the department of health and welfare of the state of Idaho;
4. Advertising by means of knowingly false or deceptive statements;
5. Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit-forming drugs;
6. Immoral or unprofessional conduct; and,
7. The commission of any of the offenses described in section 54-519, subdivisions 3, 4, and 6., Idaho Code.

The board may suspend for not more than thirty (30) days or until compliance with the requirements, a barber shop license if the owner and operator fail to meet the sanitary requirements of the department of health and welfare and if either the owner or operator employs unlicensed apprentice barbers or unlicensed barbers in the shop.

SECTION 7. That Section 54-518, Idaho Code, be, and the same is hereby amended to read as follows:

54-518. FEES. — The fee for a certificate to operate an approved barber college within the state, shall be one hundred dollars ($100) per annum. The fee for the issuance of a certificate to an approved barber college located outside the state, shall be twenty dollars ($20.00) per annum, or for any part of a year. All certification issued to colleges shall expire on June thirtieth of each year following the date of issuance and may be renewed upon the payment of the proper fee. The fee for a certificate issued to a college located within the state shall not be prorated, except that a certificate may be issued for a period of not to exceed six (6) months for seventy dollars ($70.00), but in any event certificates shall expire on June thirtieth following date of issuance.

The fee to be paid by an applicant required to take an examination to determine his fitness to receive a certificate of registration to practice barbering, shall be twenty-five dollars ($25.00). Should the applicant fail in the examination the fee is not returnable. All applicants who pass the examination shall be issued a license upon the payment of a certificate fee of twelve dollars ($12.00). The annual fee for renewal of a license shall be twelve dollars ($12.00). The fee for reinstatement shall be as provided in section 67-2614, Idaho Code.

The fee to be paid by an applicant to determine his fitness to receive a certificate of registration as an apprentice shall be twenty-five dollars ($25.00). Should the applicant fail in the examination the fee is not returnable. All applicants who pass shall be issued a license upon payment of twelve dollars ($12.00), the certificate fee.

The fee to be paid by an applicant for an original barber shop license shall be thirty dollars ($30.00); the fee for renewal of a barber shop license which must be renewed annually shall be fifteen dollars ($15.00); the fee to be paid by an applicant required to take an examination to determine his fitness to receive a teachers certificate shall be one hundred
dollars ($100). Should the applicant for a teachers certificate fail in the examination, the fee is not returnable. Teachers certificates shall be renewable annually upon payment of a renewal fee of twelve dollars ($12.00).

The board shall, when necessary, examine the applicant to determine his preliminary education, upon the payment of five dollars ($5.00). **The fee for a temporary permit issued by the board shall be ten dollars ($10.00).** All fees shall be paid to the bureau of occupational licenses.

Approved March 21, 1975.
CHAPTER 85
(S.B.No. 1090)

AN ACT

AMENDING SECTION 37-1915, IDAHO CODE, RELATING TO CERTAIN MEAT INSPECTION REQUIREMENTS, TO STRIKE THE REQUIREMENT THAT HOLDING COOLERS FOR WILD GAME AND UNINSPECTED CARCASSES MUST BE SEPARATE UNITS OR PARTITIONED OFF FROM THE PORTION OF THE PREMISES USED FOR SLAUGHTER OF COMMERCIAL MEAT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 37-1915, Idaho Code, be, and the same is hereby amended to read as follows:

37-1915. EXCEPTIONS TO INSPECTION REQUIREMENTS. – (a) The provisions of this act requiring inspection of the slaughter of animals and the preparation of the carcases, parts thereof, meat and meat food products at establishments conducting such operations shall not apply

(1) to the slaughtering by any person of animals of his own raising, or of any game animals, and the preparation by him and transportation in intrastate commerce of the carcases, parts thereof, meat and meat food products of such animals exclusively for use by him and members of his household and/or his nonpaying guests and employees; nor

(2) to the custom slaughter by any person, firm, or corporation of cattle, sheep, swine or goats at the request of the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in intrastate commerce of the carcases, parts thereof, meat and meat food products of such animals, exclusively for use, in the household of such owner by him, and members of his household and/or his nonpaying guests and employees; whether such slaughterers operate an establishment or operate from a mobile unit engaged in custom slaughter or both; nor

(3) to the custom preparation by any person, firm or corporation of carcases, parts thereof, meat or meat food products, derived from the slaughter by any person of cattle, sheep, swine, goats, or from game animals, at the request of the owner thereof for such custom preparation, and transportation in commerce of such custom prepared articles, exclusively for use in the household of such owner, by him and members of his household and/or his nonpaying guests and employees.
Provided, that in cases where such person, firm, or corporation engages in such custom operations at an establishment at which inspection under this title is maintained, the director may exempt from such inspection at an establishment any animals slaughtered or any meat or meat food products otherwise prepared on a custom basis; provided further, that custom operations at any establishment shall be exempt from inspection requirements as provided by this section only if the establishment at all times keeps meat and meat products from inspected and noninspected animals properly separated and clearly marked "NOT FOR SALE" immediately after being slaughtered, processed or packaged and kept so identified and separated until delivered to the owner, his agent or employee. Properly separated for the purpose of this section, shall mean that all inspected and noninspected animals shall be slaughtered and processed at separate and distinct intervals and that after noninspected animals are slaughtered or processed all premises and equipment thus used shall be properly sanitized in accordance with the rules of sanitation promulgated by the director; provided further that at no time shall inspected and noninspected meat and meat products be commingled or come in contact with each other and the holding coolers must have areas clearly marked for inspected or noninspected carcasses or parts of carcasses whichever the case might be. The holding coolers shall either be separate units or one unit if such unit is large enough to be properly partitioned in order that contact of inspected and noninspected meat products can at all times be prevented.

(b) The provisions of this act requiring inspection of the slaughter of animals and the preparation of carcasses, parts thereof, meat and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments.

(c) The slaughter of animals and preparation of articles referred to in paragraphs (a)(2), (a)(3), and (b) of this section shall be conducted in accordance with such sanitary conditions as the director may by regulations prescribe. Violation of any such regulation is prohibited.

(d) The adulteration and misbranding provisions of this act and the regulations made hereunder, other than the requirement of the inspection legend, shall apply to articles which are not required to be inspected under this section.

(e) This section shall be enforced and construed so that its requirements shall be equal to the Federal Wholesome Meat Act or any regulations promulgated thereunder and shall not be enforced or construed as allowing lower requirements or standards than those provided for by the Federal Wholesome Meat Act or any regulations promulgated thereunder which will endanger the state's ability to continue to carry on a meat inspection program and the director may adopt and enforce all regulations necessary to fulfill this purpose and carry out the provisions of this section.

SECTION 2. This act shall be in full force and effect on and after July 1, 1975.

Approved March 21, 1975.
CHAPTER 86
(H.B. No. 14)

AN ACT
AMENDING SECTIONS 63-3057 AND 63-3065, IDAHO CODE, RELATING TO COLLECTION OF INCOME TAXES, BY CHANGING THE PERIOD OF LIMITATION FROM SIXTY DAYS TO THIRTY DAYS, THEREBY CONFORMING THESE SECTIONS TO SECTION 63-3045, IDAHO CODE, AND STRIKING REFERENCES TO TAX COLLECTOR AND SUBSTITUTING IDAHO STATE TAX COMMISSION.

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

SECTION 1. That Section 63-3057, Idaho Code, be, and the same is hereby amended to read as follows:

63-3057. DISTRAINT ON PERSONAL PROPERTY. — In addition to all other remedies or actions provided by this act, it shall be lawful for the tax collector commission, or any of its agents or deputies, to collect any taxes (the word “taxes”, as used in this section including any deficiencies in respect of such taxes) with such interest, penalties, and other additional amounts as are permitted by law, by distraint and sale, in the manner provided herein, of the property of any person liable to pay any taxes, interest, penalties, or other additional amounts, who neglects or refuses to pay the same within sixty (60) thirty (30) days from the mailing of notice and demand for payment thereof, and who has not appealed from the assessment of such taxes, interest, penalties and other additional amounts pursuant to the provisions of the act or who has not satisfied or discharged any lien filed under this act. The term “property” as used herein shall be construed to mean personal property, both tangible and intangible, any right, title, and interest to such personal property and shall include, without limitation, stocks, securities, bank accounts, and evidences of debt.

SECTION 2. That Section 63-3065, Idaho Code, be, and the same is hereby amended to read as follows:

63-3065. JEOPARDY ASSESSMENTS. — (a) If the tax collector commission finds that a taxpayer is about to depart from the state of Idaho or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partially ineffectual proceedings to collect the tax for the taxable year then last past or the taxable year then current unless such proceedings be brought without delay, the tax collector commission shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such findings and
declaration to be given the taxpayer, together with a demand for immediate payment of the
tax for the taxable period so declared terminated and of the tax for the preceding taxable
year or so much of said taxes as is unpaid, whether or not the time otherwise allowed by law
for filing returns and paying the tax has expired; and such taxes shall thereupon become
immediately due and payable. In any proceedings in court brought to enforce payment of
taxes made due and payable by virtue of the provisions of this section the finding of the tax
collector commission, made as herein provided, whether made after notice to the taxpayer
or not, shall be for all purposes prima facie evidence of the taxpayer's design.

(b) Collection procedures may be instituted immediately; however, any taxpayer
deeming himself aggrieved by any act of the tax collector commission pursuant to the
provisions of this section may, within sixty (60) thirty (30) days of receipt of said notice,
petition the tax collector commission for a redetermination or commence action for refund
or redetermination upon payment of the tax together with interest and penalty or upon
filing a bond in double the amount of the assessment.

(c) A taxpayer who is not in default in making any return or paying any taxes
assessed under this chapter may furnish to the state of Idaho under regulations to be
prescribed by the tax collector commission, security approved by the tax collector
commission that he will duly make the return next thereafter required to be filed and pay
the tax next thereafter required to be paid. The tax collector commission may approve and
accept in like manner security for return and payment of taxes made due and payable by
virtue of the provisions of this section.

(d) If security is approved and accepted pursuant to the provisions of this section and
such further or other security with respect to the tax or taxes covered thereby is given as the
tax collector commission shall from time to time find necessary and require, payment of
such taxes shall not be enforced by any proceedings under the provisions of this section
prior to the expiration of the time otherwise allowed for paying such respective taxes.

(e) In the case of a bona fide resident of the state of Idaho about to depart from the
state of Idaho the tax collector commission may, at its discretion, waive any or all of the
requirements placed upon the taxpayer by this section.

(f) If a taxpayer violates or attempts to violate this section there shall, in addition to
all other penalties, be added as part of the tax twenty-five percentum (25%) of the total
amount of the tax or deficiency in the tax.

(g) If the taxpayer owing tax is not within this state or has departed from the state
and ignores all demands for payment, the tax collector commission is authorized to employ
the services of any qualified collection agency or attorney and to pay fees for such services
out of monies recovered.

Approved March 21, 1975.
CHAPTER 87
(H.B.No. l9, As Amended in the Senate)

AN ACT

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

SECTION 1. There is hereby appropriated out of the funds made available to the department of employment of the state of Idaho, pursuant to section 903 of the social security act, as amended, the sum of three hundred thousand dollars ($300,000), or such lesser amount thereof as may become available as this state's share of funds allocated under the provisions of said section 903 of the social security act, as amended, to be used for the purpose of purchasing real estate and constructing office buildings to be used by the department of employment of the state of Idaho as authorized by section 72-1348(d), Idaho Code.

SECTION 2. No part of the money hereby appropriated may be obligated after the expiration of the two (2) year period beginning with the first day of July, 1975.

SECTION 3. The amount obligated pursuant to this act during any twelve (12) month period beginning on July 1 and ending on the next June 30 shall not exceed the amount by which (a) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act during such twelve (12) month period and the twenty-four (24) preceding twelve (12) month periods exceeds (b) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such twenty-five (25) twelve (12) month periods.

Approved March 21, 1975.
CHAPTER 88
(H.B.No. 69)

AN ACT
AMENDING SECTION 33-1103, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN BONDING CAPACITY IN CERTAIN SCHOOL DISTRICTS FROM TWENTY PER CENTUM TO TWENTY-FIVE PER CENTUM OF ASSESSED VALUES.

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

SECTION 1. That Section 33-1103, Idaho Code, be, and the same is hereby amended to read as follows:

33-1103. DEFINITIONS — BONDS — LIMITATION ON AMOUNT — ELECTIONS TO AUTHORIZE ISSUANCE. — For the purposes of this chapter the following definitions shall have the meanings specified: “Assessed valuation” means the amount of the last preceding equalized assessment of all taxable property within the school district on the tax rolls completed and available as of the date of approval by the electorate in the school bond election. “Aggregate outstanding indebtedness” means the total sum of unredeemed outstanding bonds, minus all moneys in the bond interest and redemption fund or funds accumulated for the redemption of such outstanding bonds, and minus the sum of all taxes levied for the redemption of such bonds, with the exception of that portion of such tax levies required for the payment of interest on bonds, which taxes remain uncollected. “Issue,” “issued,” or “issuance” mean a formal delivery of bonds to any purchaser thereof and payment therefor to the school district.

The board of trustees of any school district, upon approval of a majority thereof, may submit to the qualified school district electors of the district the question as to whether the board shall be empowered to issue negotiable coupon bonds of the district in an amount and for a period of time to be named in the notice of election.

A school district operating an elementary school or schools, and a secondary school or schools, or issuing bonds for the acquisition of a secondary school or schools, may issue bonds in an amount not to exceed twenty per centum (20%) of the assessed valuation thereof, less the aggregate outstanding indebtedness; and no other school district shall issue bonds in an amount to exceed at any time ten per centum (10%) of the assessed valuation thereof less the aggregate outstanding indebtedness. The assessed valuation, the aggregate outstanding indebtedness and the unexhausted debt-incurring power of the district shall each be determined as of the date of approval by the electors in the school bond election.
Notice of the bond election shall be given, the election shall be conducted and the returns thereof canvassed, and the qualifications of electors voting or offering to vote shall be, as provided in sections 33-401 - 33-406, Idaho Code.

The question shall be approved only if the percentage of votes cast at such election were cast in favor thereof is that which now, or may hereafter be, set by the Constitution of the State of Idaho. Upon such approval of the issuance of bonds, the same may be issued at any time within two (2) years from the date of such election.

Approved March 21, 1975.
CHAPTER 89
(H.B.No. 97)
AN ACT
AMENDING SECTION 40-1003, IDAHO CODE, RELATING TO EXPENDITURES FOR WHICH BIDS ARE REQUIRED FOR HIGHWAY AND GOOD ROADS DISTRICTS, BY INCREASING THE MINIMUM AMOUNT FOR WHICH A BID IS REQUIRED FROM $2,500 TO $5,000.

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

SECTION 1. That Section 40-1003, Idaho Code, be, and the same is hereby amended to read as follows:

40-1003. BIDS REQUIRED. - When the expenditure contemplated exceeds two thousand five hundred dollars ($2,500), five thousand dollars ($5,000), it shall be contracted for and let to the lowest responsible bidder.

Approved March 21, 1975.
CHAPTER 90
(H.B.No. 103)
AN ACT
RELATING TO THE IDAHO INCOME TAX ACT; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE THAT INTEREST FROM SECURITIES ISSUED BY THE STATE OF IDAHO, ITS CITIES, OR POLITICAL SUBDIVISIONS IS NOT SUBJECT TO IDAHO INCOME TAX; AND DECLARING AN EMERGENCY AND GIVING RETROACTIVE APPLICATION.

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

SECTION 1. 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, other than those issued by the state of Idaho, its cities and 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) Add the net operating loss deduction used in arriving at taxable income as defined in section 63 of the Internal Revenue Code.

(d) 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. Net operating losses incurred by a corporation during a year in which such corporation had no Idaho business situs may not be subtracted. Net operating losses incurred by a person, other than a corporation, in business activities not taxable by Idaho may not be subtracted.

(e) 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.

(f) In the case of a corporation, subtract an amount equal to eighty-five per cent (85%) 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 fifty per cent (50%) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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 corrected for the other adjustments required by this section.

(k) In the case of an individual who is on active duty as a full-time officer, enlistee or draftee, with the armed forces of the United States, which full-time duty is or will be continuous and uninterrupted for one hundred twenty (120) consecutive days or more, deduct compensation paid for services performed outside this state by the armed forces of the United States; provided that appropriate adjustments shall be made in his standard deductions and exemptions as described in section 63-3027(t), Idaho Code.
(l) In the case of a corporation, add any capital loss deducted which loss was incurred during any year in which such corporation had no Idaho business situs. In the case of persons, other than corporations, add any capital loss deducted which was incurred in business activities not taxable by Idaho at the time such loss was incurred.

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, 1975.

Approved March 21, 1975.
CHAPTER 91
(H.B.No. 119)

AN ACT
AMENDING SECTION 31-3615, IDAHO CODE, RELATING TO THE CONTRACTING AND PROCUREMENT POWERS OF COUNTY HOSPITAL BOARDS, BY EXCEPTING BOARD EXPENDITURES WHICH ARE NOT IN EXCESS OF TEN THOUSAND DOLLARS FROM THE PROVISIONS OF SECTION 31-4003, IDAHO CODE, IF THE BOARD BELIEVES THERE IS ONLY ONE SUPPLIER.

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

SECTION 1. That Section 31-3615, Idaho Code, be, and the same is hereby amended to read as follows:

31-3615. CONTRACTING AND PROCUREMENT POWERS OF BOARD. - The county hospital board shall have power to contract for, purchase and pay for all material, equipment, services and supplies necessary or convenient for the efficient, economical and successful operation and maintenance of the county hospital properties, but shall not have power to purchase real estate, or to contract for or construct or acquire new or additional buildings. Notwithstanding the provisions of section 31-4003, Idaho Code, the county hospital board may make expenditures which are not in excess of ten thousand dollars ($10,000) without submitting the expenditure to bidding procedures if the board believes that only one (1) supplier is available for the product or service to be purchased.

Approved March 21, 1975.
CHAPTER 92
(H.B.No. 125)

AN ACT
AMENDING CHAPTER 22, TITLE 37, IDAHO CODE, BY THE ADDITION THERETO
OF A NEW SECTION 37-2204A, IDAHO CODE, TO PROVIDE LABELING
REQUIREMENTS AND DIRECTIONS OR CAUTIONARY STATEMENTS ON
PRESCRIPTION DRUGS.

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

SECTION 1. That Chapter 22, 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
37-2204A, Idaho Code, and to read as follows:

37-2204A. LABELING OF PRESCRIPTION. — (a) Any drug dispensed by filling or
refilling a written or oral prescription of a practitioner licensed by law to prescribe such
drug, shall bear a label, affixed to the container bearing the name of pharmacy or the
dispenser, the serial number and date of the prescription, or of its filling, the name of the
prescriber and the name of the patient, and the directions for use and any cautionary
statements contained in such prescription.

(b) When, in the judgment of the pharmacist, directions to the patient and/or
cautionary statements are necessary, either for clarification or to ensure proper administra-
tion of the medication, the pharmacist may add such directions or cautionary statements to
those indicated by the practitioner on the original prescription.

Approved March 21, 1975.
CHAPTER 93
(H.B.No. 143)

AN ACT
AMENDING SECTION 50-1718, IDAHO CODE, RELATING TO THE EFFECTIVE DATE OF THE ORDINANCE CONFIRMING THE ASSESSMENT ROLL OF A LOCAL IMPROVEMENT DISTRICT, REQUIRING RECORDED NOTICE THEREOF WITH DESCRIPTION OF DISTRICT AREA OR BOUNDARIES; AND AMENDING SECTION 50-1720, IDAHO CODE, RELATING TO THE LIEN AND DUE DATE OF A LOCAL IMPROVEMENT DISTRICT ASSESSMENT.

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

SECTION 1. That Section 50-1718, Idaho Code, be, and the same is hereby amended to read as follows:

50-1718. ASSESSMENT ROLL — CONFIRMATION. — Upon the passage of an ordinance, as herein provided, creating any local improvement district, or at such later time as the council may determine, the committee on streets together with the engineer, or other proper authorities of such municipality, shall make an assessment roll according to the provisions of said ordinance which shall contain, among other things, the number of the assessment, the name of the owner, if known, or if not known that the name is unknown, a description of each tract assessed and the total amount of the assessment; and shall certify the same to the council of such municipality and such council shall thereupon fix a time when objections thereto by the property owners in said district will be heard and cause such roll to be filed in the office of the clerk. Notice of the intent of any municipality to assert an assessment against property within any improvement district as provided in the Code or to levy an assessment against said property shall be given by the clerk by postcard in the manner specified in section 50-1714, Idaho Code. Upon hearing on the assessment roll and with any revisions made thereto as the council shall deem advisable, the council by ordinance shall confirm the assessment roll and the assessments made by the confirmed assessment roll shall be a lien upon the property assessed from and after the date the following notice is recorded. Immediately upon passage of the confirming ordinance the city clerk shall file with the county recorder a notice which shall contain the date of the confirming ordinance and a description of the area or boundaries of the district.

SECTION 2. That Section 50-1720, Idaho Code, be, and the same is hereby amended to read as follows:

50-1720. ASSESSMENTS — WHEN A LIEN AND DUE AND PAYABLE. — Whenever any municipality shall have levied any assessments against property within any
improvement district as provided in this code, the clerk shall immediately upon the confirmation of the assessment roll, certify and file the same with the treasurer, and said assessments shall be a lien from and be due and payable to the treasurer twenty (20) days from the effective date of confirmation of said assessment roll by the council and if not paid within thirty (30) days thereafter shall become delinquent and shall be collected in the same manner and with the same penalties and interest added thereto as hereinafter provided for other delinquent assessment. Should the council determine to make said assessments payable in instalments and to issue and sell instalment bonds for such assessments as herein provided, then said assessments shall be a lien from the said effective date and be due and payable annually in not to exceed thirty (30) consecutive years to the treasurer or other proper officer, by the owner of each lot or parcel of land assessed for the improvement within such improvement district. The first annual instalment, however, may be more or less than one thirtieth (1/30) of said assessment, with the amount of one (1) year's interest on all unpaid instalments at the rate of interest specified in said bonds. The first payment aforesaid shall be due and payable at the expiration of four (4) months from the date of such bonds, if said bonds bear semi-annual interest, or ten (10) months from the date of said bonds if they bear annual interest, and subsequent instalments at the expiration of each year thereafter: provided, that if any instalment is not paid within twenty (20) days from the date said instalment shall become due, the same shall become due and delinquent and the treasurer shall add a penalty of two per cent (2%) thereto.

If the council determines to make said assessments payable in instalments and to issue registered warrants, then instalments shall be due and payable to conform with provisions of section 50-1737, Idaho Code.

Approved March 21, 1975.
CHAPTER 94
(H.B.No. 149)
AN ACT
AMENDING SECTION 50-418, IDAHO CODE, RELATING TO THE DESIGNATION OF POLLING PLACES, BY ALLOWING THE CITY COUNCIL TO DESIGNATE A POLLING PLACE OUTSIDE OF THE PRECINCT IF NO SUITABLE POLLING PLACE CAN BE FOUND WITHIN THE PRECINCT, AND PROVIDING PROPER CODE CITATIONS.

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

SECTION 1. That Section 50-418, Idaho Code, be, and the same is hereby amended to read as follows:

50-418. DESIGNATION OF POLLING PLACES. – Prior to the time of posting the notice of election, the city council shall designate a suitable polling place in each voting precinct of the city for the conduct of such election. If there is no suitable polling place within the precinct, the city council may designate a polling place outside the precinct, but as close and convenient as possible for the electors of the precinct. Said polling places and voting facilities shall be, as nearly as may be practicable, the same as provided in section 34-502 34-301, Idaho Code, for county and state election.

Approved March 21, 1975.
CHAPTER 95
(H.B.No. 161)

AN ACT
RELATING TO PUBLIC PURCHASES OR WORK PROJECTS; PROVIDING CIVIL PENALTIES FOR ANY PUBLIC OFFICERS WHO SPLIT OR SEPARATE PURCHASES OR WORK PROJECTS FOR THE PURPOSE OF EVADING LAWS WHICH REQUIRE COMPETITIVE BIDDING WHEN THE PURCHASE OR PROJECT EXCEEDS A SPECIFIC DOLLAR AMOUNT.

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

SECTION 1. It is a violation of this section for any public officer or officers of the state, a political subdivision or a city in this state to split or separate purchases or work projects for the purpose of evading any laws of the state which require competitive bidding for such purchases or work projects when the amount of the anticipated purchase or work project exceeds a specific dollar amount. Any public officer or officers violating this section shall be liable for civil penalties not to exceed five hundred dollars ($500) for each offense.

Approved March 21, 1975.
AN ACT

AMENDING SECTION 63-3622, IDAHO CODE, RELATING TO EXEMPTIONS FROM SALES AND USE TAXES, BY ADDING A NEW SUBSECTION THERETO PROVIDING THAT ALL IRRIGATION EQUIPMENT AND SUPPLIES USED FOR AGRICULTURAL PRODUCTION PURPOSES, EXCEPT HAND TOOLS, SHALL BE EXEMPT FROM THE SALES AND USE TAXES, WHETHER OR NOT THE EQUIPMENT AND SUPPLIES BECOME A PART OF REAL ESTATE AND WHETHER OR NOT INSTALLED BY A FARMER, A CONTRACTOR OR A SUBCONTRACTOR.

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

SECTION 1. That Section 63-3622, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622. EXEMPTIONS. – There are exempted from the taxes imposed by this act the following:

(a) The sale at retail, storage, use, or other consumption of tangible personal property which this state is prohibited from taxing under the Constitution of the United States.

(b) The sale of tangible personal property to resident contractors for subsequent incorporation into real property outside this state in the performance of a contract to improve the out-of-state realty unless this provision would result in subjection of said property to a use or similar excise tax in another state.

(c) Purchases which are subject to the motor fuels tax imposed by chapter 12, title 49, Idaho Code, motor fuels subject to tax under section 49-127 (d), Idaho Code, and the motor fuels tax imposed by chapter 24, title 63, Idaho Code.

(d) Receipts from the sale, storage, use or other consumption in this state of tangible personal property which will enter into and become an ingredient or component part of tangible personal property manufactured, processed, mined, produced or fabricated for ultimate sale at retail within or without this state, and tangible personal property primarily and directly used or consumed in or during such manufacturing, processing, mining, farming, or fabricating operation by a business or segment of a business which is primarily devoted to such operation or operations, provided that the use or consumption of such tangible personal property is necessary or essential to the performance of such operation.
Chemicals, catalysts, and other materials which are used for the purpose of producing or inducing a chemical or physical change or for removing impurities or otherwise placing a product in a more marketable condition are included within this exemption, as are other articles of tangible personal property used in the actual manufacturing, processing, mining, farming or fabricating operations. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the manufacturing, processing, mining, farming or fabricating operation such as maintenance and janitorial equipment and supplies, and hand tools with a unit purchase price not in excess of one hundred dollars ($100); nor does it include tangible personal property used in any activities other than the actual manufacturing, processing, mining, farming or fabricating operation such as office equipment and supplies, equipment and supplies used in selling or distributing activities, in research, or in transportation activities; nor shall this exemption include motor vehicles required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put; nor shall this exemption include tangible personal property used or consumed in processing, producing or fabricating tangible personal property exempted from this act by subsections (f), (g), (h), (k) and (o) of this section.

(e) All sales of irrigation equipment and supplies, except hand tools as defined in subsection (d) of this section, to be used for agricultural production purposes, whether or not such equipment and supplies are to become a part of real estate and whether or not installed by the farmer, a contractor or subcontractor.

(f) The sale or purchase of containers in the following categories:
1. Nonreturnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container.
2. Containers when sold with the contents if the sales price of the contents is not required to be included in the measure of the taxes imposed by this act.
3. Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for filling.

(g) The sale or purchase of gas, electricity, and water when delivered to consumers.

(h) The sale or purchase of any matter used to produce heat by burning, including wood, coal, petroleum and gas.

(i) The sale or purchase of tangible personal property used for the performance of a contract on public works executed prior to the passage and approval of this act.

(j) The sale or purchase of tangible personal property used for the performance of a written contract entered into prior to the passage and approval of this act, but such exemption shall extend only until July 1, 1967.

(k) The sale or purchase, or the storage, use or other consumption of religious literature, pamphlets, periodicals, tracts and books published and sold by a bona fide church or religious denomination, no part of the net earnings of which inures to the benefit of any private individual or shareholder.

(l) The sale of meals by public or private schools under the Federal School Lunch
Program or under programs that provide nutritional meals for the aging (Title VII of the Older Americans Act, PL 93-29), and the sale of meals by a church to its members at a church function.

\((\text{c})\text{m}\) Occasional sales of tangible personal property; providing, however, that this exemption shall not apply to the sale, purchase, or use of self-propelled motor vehicles unless they are transferred in a transaction falling within the scope of section 63-3612A(b), Idaho Code, a change in the form of doing business, or section 63-3612A(c), Idaho Code, the sale of a going business.

\((\text{m})\text{n}\) The sale of articles through a coin-operated vending machine for a total consideration of fifteen cents ($0.15) or less and individual transactions involving a total sales price of less than fifteen cents ($0.15).

\((\text{n})\text{q}\) Sales of liquor by the state liquor dispensary.

\((\text{p})\text{p}\) Sales of drugs, sold by a registered pharmacist, and the sale of oxygen, all upon the prescription of a practitioner licensed to prescribe drugs to human beings in the course of his professional practice.

\((\text{q})\text{r}\) Sales to the Boy Scouts of America of supplies and materials for national and international encampments within the state of Idaho and sales by the Boy Scouts of America to participants in national and international encampments within the state of Idaho if such sales are made within the confines of Farragut State Park.

\((\text{r})\text{s}\) Sales to and purchases by hospitals, educational institutions, and canal companies which are nonprofit organizations. As used in this subsection, these words shall have the following meanings:

1. Educational institution shall mean resident nonprofit colleges, universities, primary and secondary schools the income of which is devoted solely to education and in which systematic instruction in the usual branches of learning is given. This definition does not include schools primarily teaching business, dancing, dramatics, music, cosmetology, writing, gymnastics, exercise and other special accomplishments nor parent-teacher associations, parent groups, alumni or other auxiliary organizations with purposes related to the educational function of an institution or collective group of institutions.

2. Hospital as used herein shall include nonprofit institutions licensed by the state for the care of ill persons. It shall not extend to nursing homes or similar institutions or organizations.

3. Canal companies as used herein shall include nonprofit corporations which are incorporated solely for the purpose of operating and maintaining and are engaged solely in operation and maintenance of dams, reservoirs, canals, lateral and drainage ditches, pumps or pumping plants.

\((\text{s})\text{s}\) The sale or purchase of tangible personal property shipped by the seller via the purchasing carrier under a bill of lading whether the freight is paid in advance, or the shipment is made freight charges collect, to a point outside this state if the property is
actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier.

(u) The sale or purchase of tangible personal property which is shipped to a point outside this state for use outside this state pursuant to a contract of sale by delivery by the vendor to such point by means of (1) facilities operated by the vendor, (2) delivery by the vendor to a carrier for shipment to a consignee at such point, or (3) delivery by the vendor to a customs broker or forwarding agent for shipment outside this state.

(v) Sales of motor vehicles and trailers for use outside of this state, even though delivery be made within this state, but only when (1) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state and (2) said motor vehicles and trailers will be registered and licensed immediately under the laws of another state, will not be used in this state more than three (3) months, and will not be required to be registered and licensed under the laws of this state.

(w) To prevent evasion of the sales and use tax, it shall be presumed that all articles are subject to the taxes imposed by this act and the retailer shall have the burden of establishing the facts giving rise to such exemption by clear and convincing evidence unless the purchaser delivers to the retailer an exemption certificate in such form as the tax commission may prescribe, signed by the purchaser and setting forth the reason for the claimed exemption.

(x) Any person who gives an exemption certificate with the intention of evading payment of the amount of the tax applicable to the transaction is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars ($1,000) or imprisonment for not more than one (1) year or by both such fine and imprisonment.

Approved March 21, 1975.
CHAPTER 97
(H.B.No. 224)

AN ACT
RELATING TO FARM IMPLEMENT DEALERS; PROVIDING FOR THE REPURCHASE OF FARM MACHINERY OR IMPLEMENTS UPON TERMINATION OF A CONTRACT WITH A WHOLESALER, MANUFACTURER OR DISTRIBUTOR; PROVIDING FOR REPURCHASE OF PARTS; PROVIDING THAT THIS ACT IS SUPPLEMENTAL TO THE TERMS OF ANY CONTRACT; PROVIDING FOR REPURCHASE UPON THE DEATH OF A DEALER; ESTABLISHING LIABILITY FOR FAILURE TO MAKE PAYMENTS AS PROVIDED BY THE ACT; PROVIDING EXCEPTIONS TO THE ACT; DEFINING FARM IMPLEMENTS; PROVIDING CERTAIN CONDITIONS BEFORE WHICH PAYMENT OF INDEBTEDNESS CAN BE ALTERED; PROVIDING THAT THE PRINCIPAL CANNOT REQUIRE THE PLEDGE OF MORE ASSETS THAN THE ACTUAL AMOUNT OF INDEBTEDNESS; PROVIDING A PENALTY FOR FAILURE TO GIVE NOTICE OR OBTAIN CONSENT; DEFINING THE AGREEMENTS SUBJECT TO THE ACT; AND PROVIDING SEVERABILITY.

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

SECTION 1. REPURCHASE OF FARM MACHINERY, IMPLEMENTS, ATTACHMENTS AND PARTS UPON TERMINATION OF CONTRACT AND OBLIGATION TO REPURCHASE. – Whenever any person, firm, or corporation engaged in the business of selling and retailing farm implements and repair parts for farm implements enters into a written contract, sales agreement or security agreement whereby the retailer agrees with any wholesaler, manufacturer, or distributor of farm implements, machinery, attachments or repair parts to maintain a stock of parts or complete or whole machines, or attachments, and thereafter the written contract, sales agreement or security agreement is terminated, cancelled or discontinued, then the wholesaler, manufacturer, or distributor shall pay to the retailer or credit to the retailer’s account, if the retailer has outstanding any sums owing the wholesaler, manufacturer, or distributor, unless the retailer should desire and has a contractual right to keep such merchandise, a sum equal to one hundred per cent (100%) of the net cost of all unused complete farm implements, machinery and attachments in new condition which have been purchased by the retailer from the wholesaler, manufacturer or distributor within the twenty-four (24) months immediately preceding notification by either party of intent to cancel or discontinue the contract, including the transportation
charges to the retailer and from the retailer to the destination designated by the wholesaler, manufacturer, or distributor, which have been paid by the retailer, or invoiced to retailer's account by the wholesaler, manufacturer or distributor.

SECTION 2. REPURCHASE OF REPAIR PARTS. — Whenever any person, firm, or corporation engaged in the business of selling and retailing farm implements and repair parts for farm implements enters into a written contract, sales agreement or security agreement whereby the retailer agrees with any wholesaler, manufacturer, or distributor of farm implements, machinery, attachments or repair parts to maintain a stock of parts or complete or whole machines, or attachments, and thereafter the written contract, sales agreement or security agreement is terminated, cancelled or discontinued, then the wholesaler, manufacturer, or distributor shall pay to the retailer or credit to the retailer's account, if the retailer has outstanding any sums owing the wholesaler, manufacturer, or distributor, unless the retailer should desire and has a contractual right to keep such merchandise, a sum equal to one hundred per cent (100%) of the current net prices, including the transportation charges from the retailer to the destination designated by the wholesaler, manufacturer or distributor, which have been paid by the retailer, or invoiced to a retailer's account by the wholesaler, manufacturer or distributor, on repair parts, including superseded parts listed in current price lists or catalogs in use by the wholesaler, manufacturer or distributor on the date of cancellation or discontinuance of the contract, which parts had previously been purchased by the retailer from the wholesaler, manufacturer, or distributor and are held by the retailer on the date of the cancellation or discontinuance of the contract or thereafter received by the retailer from the wholesaler, manufacturer or distributor. The wholesaler, manufacturer, or distributor shall also pay the retailer or credit to his account a sum equal to five per cent (5%) of the current net price of all parts returned for the handling, packing, and loading of the parts back to the wholesaler, manufacturer, or distributor unless the wholesaler, manufacturer or distributor elects to perform inventorying, packing and loading of the parts itself. Upon the payment or allowance of credit to the retailer's account of the sum required by this section and section 1 of this act, the title to the farm implements, farm machinery, attachments or repair parts shall pass to the manufacturer, wholesaler or distributor making the payment or allowing the credit and the manufacturer, wholesaler or distributor shall be entitled to the possession of the farm implements, machinery, attachments or repair parts. However, this section and section 1 of this act shall not in any way affect any security interest which the wholesaler, manufacturer or distributor may have in the inventory of the retailer.

SECTION 3. PROVISIONS OF CONTRACT SUPPLEMENTED. — The provisions of this section shall be supplemental to any agreement between the retailer and the manufacturer, wholesaler or distributor covering the return of farm implements, machinery, attachments and repair parts. The retailer can elect to pursue either his contract remedy or the remedy provided herein, and an election by the retailer to pursue his contract remedy shall not bar his right to the remedy provided herein as to those farm implements,
machinery, attachments and repair parts not affected by the contract remedy. Notwithstanding anything contained herein, the rights of a manufacturer, wholesaler or distributor to charge back to the retailer's account amounts previously paid or credited as a discount incident to the retailer's purchase of goods shall not be affected. Further, any repurchase hereunder shall not be subject to the provisions of the bulk sales law.

SECTION 4. DEATH OF DEALER – REPURCHASE FROM HEIRS. – In the event of the death of the retail dealer or a stockholder in a corporation operating a retail dealership in the business of selling and retailing farm implements, machinery, attachments or repair parts therefor, at the election of the dealer or corporation, the manufacturer, wholesaler or distributor shall, unless the heir or heirs of the deceased elect to continue to operate the dealership, repurchase the merchandise from the heir or heirs upon the same terms and conditions as are otherwise provided in this act. In the event the heir or heirs do not agree to continue to operate the retail dealership, it shall be deemed a cancellation or discontinuance of the contract by the retailer under the provisions of sections 1 and 2 of this act.

SECTION 5. FAILURE TO PAY SUMS SPECIFIED ON CANCELLATION OF CONTRACTS – LIABILITY. – In the event that any manufacturer, wholesaler, or distributor of farm implements, machinery, attachments and repair parts, upon the cancellation of a contract by either a retailer or such manufacturer, wholesaler or distributor, fails or refuses to make payment to the dealer or his heir or heirs as required by this section, the manufacturer, wholesaler or distributor shall be liable in a civil action to be brought by the retailer or his heir or heirs for (a) one hundred per cent (100%) of the net cost of the farm implements, machinery and attachments, (b) transportation charges required in sections 1 and 2 of this act which have been paid by the retailer, or invoiced to the retailer's account, (c) one hundred per cent (100%) of the current net price of repair parts, and (d) five per cent (5%) for handling, packing and loading, if applicable.

SECTION 6. EXCEPTIONS. – This act shall not require the repurchase from a retailer of a repair part where the retailer previously has failed to return the repair part to the wholesaler, manufacturer or distributor after being offered a reasonable opportunity to return the repair part at a price not less than one hundred per cent (100%) of the net price of the repair part as listed in the then current price list or catalog. This act shall not require the repurchase from a retailer of repair parts which have a limited storage life or are otherwise subject to deterioration, such as rubber items, gaskets and batteries; repair parts in broken or damaged packages; single repair parts priced as a set of two (2) or more items; and repair parts which because of their condition are not resalable as new parts without new packaging or reconditioning.

SECTION 7. DEFINITION. – For the purposes of this act “farm implements” mean every vehicle designed or adapted and used exclusively for agricultural operations and only incidentally operated or used upon the highways and all other consumer products supplied by the wholesaler, manufacturer or distributor of farm implements, machinery, attachments
or repair parts to the retailer pursuant to a written contract, sales agreement or security agreement.

SECTION 8. GUARANTY AND SECURITY AGREEMENT NOTICE REQUIREMENTS. — All wholesalers, manufacturers, or distributors of farm implements, machinery, attachments or repair parts shall give the retailer a minimum of sixty (60) days notice in writing and obtain consent from the dealer before changing the time and manner of payment of any indebtedness owed by retailer to manufacturer, distributor or wholesaler, and before taking and making any changes in notes or security for any indebtedness, and before releasing or adding additional guarantors, and before granting renewals or extensions of such indebtedness.

SECTION 9. GUARANTY AND SECURITY AGREEMENT PERSONAL ASSET LIMIT. — No party or person signing a security agreement or guaranty agreement with a manufacturer, distributor or wholesaler, shall be required to pledge or encumber its or his personal assets in a value in excess of the amount of the indebtedness secured.

SECTION 10. PENALTY FOR FAILURE TO GIVE NOTICE OR OBTAIN CONSENT. — In the event that any manufacturer, wholesaler or distributor of farm implements, machinery, attachments and repair parts fails to give notice or obtain consent pursuant to section 8 of this act, or fails or refuses to comply with section 9 of this act, the guaranty or security agreement thereby affected will be deemed cancelled and terminated.

SECTION 11. APPLICATION. — This act shall apply to all franchise agreements, security agreements and guaranty agreements dated prior to July 1, 1975, and all franchise agreements, security agreements and guaranty agreements dated on or after July 1, 1975.

SECTION 12. SEVERABILITY. — If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Approved March 21, 1975.
CHAPTER 98
(H.B.No. 242)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE
DEPARTMENT OF WATER RESOURCES; AND APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF WATER RESOURCES TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Water Resources not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

FOR:

Personnel Costs $1,347,000
Operating Expenditures 457,200
Capital Outlay 4,700
Trustee & Benefit Payments 350,400
TOTAL $2,159,300

FROM:

General Fund $1,810,000
Water Administration Fund 65,100
Federal Funds 237,200
Receipts to Appropriations 47,000
TOTAL $2,159,300

SECTION 2. There is hereby appropriated to the Department of Water Resources the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:
## A. Administration Program:

<table>
<thead>
<tr>
<th></th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee and Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$ 144,200</td>
<td>$ 77,500</td>
<td></td>
<td>$ 57,800</td>
<td>$ 279,500</td>
</tr>
<tr>
<td>Water Admin.</td>
<td>100</td>
<td>7,800</td>
<td></td>
<td></td>
<td>7,900</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 144,300</td>
<td>$ 85,300</td>
<td></td>
<td>$ 57,800</td>
<td>$ 287,400</td>
</tr>
</tbody>
</table>

## B. Planning Program:

<table>
<thead>
<tr>
<th></th>
<th>General Fund</th>
<th>Water Admin. Fund</th>
<th>Water Resource &amp; Planning Fund</th>
<th>Soil Conservation Service Grant Fund</th>
<th>Miscellaneous Receipts Fund</th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 453,300</td>
<td>$ 81,100</td>
<td>$234,100</td>
<td>106,400</td>
<td>47,000</td>
<td>$ 999,300</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>27,300</td>
<td>27,300</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 545,400</td>
<td>$161,300</td>
<td>$292,600</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## C. Operations Program:

<table>
<thead>
<tr>
<th></th>
<th>General Fund</th>
<th>Water Admin. Fund</th>
<th>Waste Well Disposal Fund</th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 645,000</td>
<td>29,900</td>
<td>80,700</td>
<td>$ 872,600</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>29,900</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 657,300</td>
<td>$210,600</td>
<td></td>
<td>$ 350,400</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRAND TOTALS</td>
<td>$1,347,000</td>
<td>$457,200</td>
<td>$4,700</td>
<td>$2,159,300</td>
<td></td>
</tr>
</tbody>
</table>

Approved March 21, 1975.
CHAPTER 99
(H.B.No. 243)
AN ACT
MAKING CERTAIN SUMS AVAILABLE FROM APPROPRIATIONS MADE FOR FISCAL
YEAR 1976 TO LISTED AGENCIES, DEPARTMENTS OR OFFICES FOR THE
PURPOSE OF ROOF REPAIRS, COATINGS, AND/OR ROOF REPLACEMENTS;
AND PROVIDING THAT THE DIVISION OF PUBLIC WORKS SHALL HAVE
SUPERVISION OF THE REPAIRS AS IF THE MONEY HAD BEEN APPROPRIATED TO THE DIVISION OF PUBLIC WORKS.

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

SECTION 1. There is hereby made available from any appropriation made for fiscal
year 1976 operations of the following listed state agencies, departments or offices, the
amounts of money listed for the purposes of roof repairs, coatings, and/or roof
replacements. The amounts listed shall be made available at such times as the Division of
Public Works may direct, and need not be done simultaneously for each agency, department
or office.

AGENCY
A. STATE BOARD OF EDUCATION:
   1. Boise State University $ 900
   2. University of Idaho 84,200
   3. Idaho State University 9,200
   4. Lewis-Clark State College 12,000
   5. College of Southern Idaho 1,800
   6. Deaf and Blind School 2,000
   Sub-Total $110,100

B. DEPARTMENT OF HEALTH AND WELFARE:
   1. State Hospital South $ 1,200
   2. Idaho State School and Hospital 6,000
   3. Youth Services Center 9,900
   Sub-Total $17,100
C. MILITARY DEPARTMENT:

1. National Guard Armory - Hailey $ 1,100
2. National Guard Armory - Nampa 3,700

Sub-Total $ 4,800
TOTAL $132,000

SECTION 2. The Division of Public Works shall have supervision of roof repairs, coatings, and/or roof replacements at the agencies, departments or offices specified and listed in section 1 hereof, as if the moneys had been appropriated to the Division of Public Works for such purposes.

Approved March 21, 1975.
CHAPTER 100
(H.B.No. 244)
AN ACT
APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE TREASURER TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975 THROUGH JUNE 30, 1976.

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

SECTION 1. There is hereby appropriated to the State Treasurer the following amounts, to be expended for the designated programs, according to expense classes, designated therein from the listed funds for the period July 1, 1975 through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING COSTS</th>
<th>FOR CAPITAL EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$160,700</td>
<td>$ 62,600</td>
<td>$ 1,800</td>
<td>$225,100</td>
</tr>
<tr>
<td>Receipts to Appropriations</td>
<td>400</td>
<td></td>
<td></td>
<td>400</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$160,700</td>
<td>$ 63,000</td>
<td>$ 1,800</td>
<td>$225,500</td>
</tr>
</tbody>
</table>

Approved March 21, 1975.
AN ACT

APPROPRIATING $396,400 FROM THE GENERAL FUND TO THE DEPARTMENT OF INSURANCE TO BE EXPENDED FOR THE DESIGNATED PROGRAM, ACCORDING TO DESIGNATED EXPENSE CLASSES, FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976.

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

SECTION 1. There is hereby appropriated to the Department of Insurance the following amount to be expended for the designated program, according to expense classes designated for the period July 1, 1975, through June 30, 1976:

A. REGULATION OF INSURANCE INDUSTRY PROGRAM:

<table>
<thead>
<tr>
<th>Expense Class</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$306,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>88,400</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>2,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$396,400</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$396,400</td>
</tr>
</tbody>
</table>

Approved March 21, 1975.
CHAPTER 102
(H.B.No. 248)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF AGRICULTURE; AND APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF AGRICULTURE, TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Agriculture not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$4,817,500</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>1,364,200</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>145,200</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>181,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$6,507,900</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$1,677,500</td>
</tr>
<tr>
<td>Dedicated Funds:</td>
<td></td>
</tr>
<tr>
<td>Agriculture Department Inspection Fund</td>
<td>104,500</td>
</tr>
<tr>
<td>Bee Inspection Fund</td>
<td>8,300</td>
</tr>
<tr>
<td>Fresh Fruit &amp; Vegetable Inspection Fund</td>
<td>3,040,000</td>
</tr>
<tr>
<td>Public Livestock Market Fund</td>
<td>4,400</td>
</tr>
<tr>
<td>Sheep Commission Fund</td>
<td>185,900</td>
</tr>
<tr>
<td>Commercial Feed &amp; Fertilizer Fund</td>
<td>165,500</td>
</tr>
<tr>
<td>Pesticide Fund</td>
<td>41,700</td>
</tr>
<tr>
<td>Livestock Disease Control &amp; T.B. Indemnity Fund</td>
<td>504,000</td>
</tr>
<tr>
<td>Dairy Industry &amp; Inspection Fund</td>
<td>127,600</td>
</tr>
<tr>
<td>Idaho Honey Advertising Commission Fund</td>
<td>7,400</td>
</tr>
<tr>
<td>Egg Inspection Fund</td>
<td>41,300</td>
</tr>
</tbody>
</table>
Federal Funds:
- Plant Industries Fund: 36,000
- Meat Inspection Fund: 491,000
- Wheat Statistics Fund: 2,900
- Egg & Poultry Inspection Fund: 69,900

**TOTAL**: $6,507,900

**SECTION 2.** There is hereby appropriated to the Department of Agriculture the following amounts, to be expended for designated programs according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FROM GENERAL FUND</th>
<th>FROM DEDICATED FUNDS</th>
<th>FROM FEDERAL FUNDS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**A. ADMINISTRATION PROGRAM:**

**FOR:**

<table>
<thead>
<tr>
<th>Personnel Costs</th>
<th>$149,200</th>
<th>$19,700</th>
<th>$168,900</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Expenditures</td>
<td>77,300</td>
<td></td>
<td>77,300</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>1,200</td>
<td></td>
<td>1,200</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$227,700</td>
<td>$19,700</td>
<td>$247,400</td>
</tr>
</tbody>
</table>

**B. ANIMAL INDUSTRY PROGRAM:**

**FOR:**

<table>
<thead>
<tr>
<th>Personnel Costs</th>
<th>$482,900</th>
<th>$351,200</th>
<th>$834,100</th>
<th>$1,222,100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Expenditures</td>
<td>160,000</td>
<td>308,200</td>
<td>99,900</td>
<td>568,100</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>7,200</td>
<td>30,500</td>
<td>3,100</td>
<td>40,800</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$650,100</td>
<td>$689,900</td>
<td>$491,000</td>
<td>$1,831,000</td>
</tr>
</tbody>
</table>

**C. FEDERAL-STATE INSPECTION PROGRAM:**

**FOR:**

<table>
<thead>
<tr>
<th>Personnel Costs</th>
<th>$2,553,800</th>
<th></th>
<th>$2,553,800</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Expenditures</td>
<td>311,500</td>
<td></td>
<td>311,500</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>28,400</td>
<td></td>
<td>28,400</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>166,000</td>
<td></td>
<td>166,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$3,059,700</td>
<td></td>
<td>$3,059,700</td>
</tr>
</tbody>
</table>

**D. PLANT INDUSTRY PROGRAM:**

**FOR:**

<table>
<thead>
<tr>
<th>Personnel Costs</th>
<th>$204,900</th>
<th>$172,500</th>
<th>$377,400</th>
<th>$392,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Expenditures</td>
<td>91,400</td>
<td>92,000</td>
<td>183,400</td>
<td>189,800</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>14,900</td>
<td>16,100</td>
<td>31,000</td>
<td></td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>15,000</td>
<td></td>
<td>15,000</td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$311,200</td>
<td>$280,600</td>
<td>$36,600</td>
<td>$627,800</td>
</tr>
</tbody>
</table>
### E. MARKETS PROGRAM:

<table>
<thead>
<tr>
<th>Description</th>
<th>From General Fund</th>
<th>From Dedicated Funds</th>
<th>From Federal Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$305,400</td>
<td>$122,800</td>
<td>$52,500</td>
<td>$480,700</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>139,300</td>
<td>57,900</td>
<td>20,300</td>
<td>217,500</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>43,800</td>
<td></td>
<td></td>
<td>43,800</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$488,500</strong></td>
<td><strong>$180,700</strong></td>
<td><strong>$72,800</strong></td>
<td><strong>$742,000</strong></td>
</tr>
<tr>
<td><strong>GRAND TOTALS</strong></td>
<td><strong>$1,677,500</strong></td>
<td><strong>$4,230,600</strong></td>
<td><strong>$599,800</strong></td>
<td><strong>$6,507,900</strong></td>
</tr>
</tbody>
</table>

Approved March 21, 1975.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO THE EXPENDITURES FOR
THE DEPARTMENT OF SPECIAL SERVICES; AND APPROPRIATING MONEYS
FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF SPECIAL
SERVICES TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING
TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE
PERIOD JULY 1, 1975 THROUGH JUNE 30, 1976.

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

SECTION 1. It is legislative intent that the expenditures for the Department of
Special Services not exceed the following amounts for the period July 1, 1975 through June
30, 1976:

FOR:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$575,800</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>380,000</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>1,565,600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$2,521,400</td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$149,000</td>
</tr>
<tr>
<td>Federal Funds:</td>
<td></td>
</tr>
<tr>
<td>Special Services Fund</td>
<td>990,500</td>
</tr>
<tr>
<td>Older Americans Fund</td>
<td>1,381,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$2,521,400</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Special Services, the
following amounts to be expended for designated programs, according to expense classes
designated therein from the listed funds for the period July 1, 1975 through June 30, 1976:
<table>
<thead>
<tr>
<th></th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. ECONOMIC OPPORTUNITY PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td></td>
<td>$ 4,400</td>
<td>$</td>
<td>$ 4,400</td>
</tr>
<tr>
<td>Special Services Fund</td>
<td>64,600</td>
<td>186,300</td>
<td>35,000</td>
<td>285,900</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$ 64,600</td>
<td>$190,700</td>
<td>$ 35,000</td>
<td>$ 290,300</td>
</tr>
<tr>
<td><strong>B. SENIOR CITIZEN SERVICES PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 24,600</td>
<td>$ 15,600</td>
<td>$</td>
<td>$ 40,200</td>
</tr>
<tr>
<td>Special Services Fund</td>
<td>183,400</td>
<td>75,600</td>
<td>148,700</td>
<td>407,700</td>
</tr>
<tr>
<td>Older Americans Fund</td>
<td></td>
<td>1,381,900</td>
<td></td>
<td>1,381,900</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$208,000</td>
<td>$ 91,200</td>
<td>$1,530,600</td>
<td>$1,829,800</td>
</tr>
<tr>
<td><strong>C. WORK TRAINING PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 7,100</td>
<td></td>
<td>$</td>
<td>$ 7,100</td>
</tr>
<tr>
<td>Special Services Fund</td>
<td>$188,700</td>
<td>64,300</td>
<td></td>
<td>253,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$188,700</td>
<td>$ 71,400</td>
<td></td>
<td>$ 260,100</td>
</tr>
<tr>
<td><strong>D. ADMINISTRATION PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 87,600</td>
<td>$ 9,700</td>
<td>$</td>
<td>$ 97,300</td>
</tr>
<tr>
<td>Special Services Fund</td>
<td>26,900</td>
<td>17,000</td>
<td></td>
<td>43,900</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$114,500</td>
<td>$ 26,700</td>
<td></td>
<td>$ 141,200</td>
</tr>
<tr>
<td><strong>GRAND TOTALS</strong></td>
<td>$575,800</td>
<td>$380,000</td>
<td>$1,565,600</td>
<td>$2,521,400</td>
</tr>
</tbody>
</table>

Approved March 21, 1975.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR DESIGNATED PROGRAMS FOR PUBLIC SCHOOLS; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED FOR DEPOSIT IN THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO BE DISBURSED BY THE STATE BOARD OF EDUCATION FOR THE TEACHERS' RETIREMENT PROGRAM AND THE PUBLIC SCHOOL FOUNDATION PROGRAM FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976; APPROPRIATING ACCRUING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO THE STATE BOARD OF EDUCATION TO BE EXPENDED PURSUANT TO LAW; AND APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE SCHOOL FOR THE DEAF AND THE BLIND TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976.

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

SECTION 1. It is legislative intent that the following amounts shall be expended for the designated programs for public schools for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>PUBLIC SCHOOL SUPPORT</th>
<th>TEACHERS' RETIREMENT</th>
<th>TEACHERS' SOCIAL SECURITY</th>
<th>DEAF &amp; BLIND SCHOOL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$ 76,937,000</td>
<td>$9,376,000</td>
<td>$</td>
<td>$1,354,400</td>
<td>$ 87,667,400</td>
</tr>
<tr>
<td>Funds received under the &quot;State &amp; Local Assistance Act of 1972&quot;</td>
<td>8,200,000</td>
<td></td>
<td></td>
<td></td>
<td>8,200,000</td>
</tr>
<tr>
<td>Sales Tax:</td>
<td></td>
<td></td>
<td></td>
<td>5,658,500</td>
<td>5,658,500</td>
</tr>
<tr>
<td>School Districts Inventory</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phase-Out</td>
<td>6,188,700</td>
<td></td>
<td></td>
<td></td>
<td>6,188,700</td>
</tr>
</tbody>
</table>
SECTION 2. There is hereby appropriated out of the funds enumerated the following moneys to be deposited with the public school income fund for the designated programs for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR</th>
<th>PUBLIC SCHOOL SUPPORT</th>
<th>FOR TEACHERS' RETIREMENT</th>
<th>FOR TEACHERS' SOCIAL SECURITY</th>
<th>FOR DEAF &amp; BLIND SCHOOL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counties Inventory</td>
<td>$1,513,500</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$1,513,500</td>
</tr>
</tbody>
</table>

Endowment Funds:

Public School Endowment
- Income Fund: $7,304,500

State School for the Deaf & Blind
- Income Fund: $19,900

Mineral royalties, car company tax & miscellaneous receipts: $485,000

Interaccount Billings: $500

Receipts to Appropriation: $15,900

Federal Funds:
- Deaf & Blind Children Fund: $242,600

Vocational Education: $750,000

SECTION 3. There is hereby appropriated out of the public school income fund the following moneys, to be disbursed by the State Board of Education for the designated programs for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR</th>
<th>PUBLIC SCHOOL FOUNDATION PROGRAM</th>
<th>FOR TEACHERS' RETIREMENT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$76,937,000</td>
<td>$9,376,000</td>
<td>$86,313,000</td>
</tr>
<tr>
<td>Funds received under the “State &amp; Local Assistance Act of 1972”</td>
<td>$8,200,000</td>
<td></td>
<td>$8,200,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$85,137,000</td>
<td>$9,376,000</td>
<td>$94,513,000</td>
</tr>
</tbody>
</table>
SECTION 4. There is hereby appropriated from the public school income fund to the State Board of Education to be expended pursuant to law all moneys which may accrue to such fund for the period July 1, 1975, through June 30, 1976.

SECTION 5. There is hereby appropriated to the State Board of Education for the Idaho State School for the Deaf and the Blind the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND CAPITAL BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
</table>
| **A. EDUCATIONAL AND SUPPORTIVE SERVICES PROGRAM:**
| FROM:               |                            |                   |                                        |       |
| General Fund        | $1,171,700                 | $162,900          | $18,800                                | $1,354,400 |
| State School for the Deaf & Blind |                   |                   |                                        |       |
| Income Fund         | 19,900                     |                   |                                        | 19,900 |
| Interaccount Billings | 500                        |                   |                                        | 500   |
| Receipts to Appropriations | 15,900                   |                   |                                        | 15,900 |
| **TOTAL**           | $1,171,700                 | $199,200          | $18,800                                | $1,390,700 |
| **B. SPECIAL SERVICES PROGRAM:**
| FROM:               |                            |                   |                                        |       |
| Deaf & Blind Children |                       |                   |                                        |       |
| Fund                | $178,200                   | $51,100           | $13,300                                | $242,600 |
| **TOTAL**           | $178,200                   | $51,100           | $13,300                                | $242,600 |
| **GRAND TOTALS**    | $1,349,900                 | $250,300          | $32,100                                | $1,633,300 |

Approved March 21, 1975.
CHAPTER 105
(H.B.No. 155)

AN ACT
AMENDING SECTION 33-2601, IDAHO CODE, RELATING TO SCHOOL COMMUNITY LIBRARIES, BY INCREASING THE AUTHORIZED LEVY FROM TWO MILLS TO THREE MILLS.

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

SECTION 1. That Section 33-2601, Idaho Code, be, and the same is hereby amended to read as follows:

33-2601. SCHOOL-COMMUNITY LIBRARIES. – The board of trustees of any school district in which is situated no incorporated town or village having a population in excess of one thousand (1,000), and in which no public library is maintained under any other provision of law, shall, upon petition of twenty (20) or more school district electors, submit to the school district electors of the district the question whether there shall be a public library established by the district for the benefit of the citizens thereof.

The election on the question shall be held at the same time as the election of school district trustees, next following the filing of said petition, and notice shall be given, the election conducted, and the returns canvassed, as provided in sections 33-401 through 33-406, Idaho Code.

If a majority of the school district electors voting in said election vote in favor of the question, the board of trustees of the school district is authorized to levy annually thereafter, upon the assessed value of taxable property in the school district, a tax not to exceed two (2) three (3) mills for the purpose of establishing and maintaining such library and the procuring of suitable building or rooms therefor.

The board of trustees of any school district which establishes a public library under the provisions of this section shall perform the duties required of, and have the power and authority granted to, the council, commissioners, or board of trustees of any city or village under the provisions of law relating to library districts, and the treasurer of the school district shall serve as treasurer for said public library.

The board of trustees of the school district, serving as the board of trustees of the library, may contract for specified services with an existing library district or public library, and may submit to the school district electors of the district, at an election called and conducted as provided herein but without precedent petition, the question whether the public library established hereunder shall become a part of an existing library district organized under the provisions of law.

Approved March 24, 1975.
CHAPTER 106
(H.B. No. 55)

AN ACT
AMENDING SECTION 63-3029, IDAHO CODE, RELATING TO INCOME TAX OF NONRESIDENTS AND PART-YEAR RESIDENTS, BY STRIKING THE PROVISION FOR CREDIT FOR INCOME TAXES PAID TO OTHER STATES; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. 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 granted shall be limited to the proportion of the tax computed under this chapter, but before the allowance of this credit, which the adjusted gross income as defined in section 62 of the Internal Revenue Code from such other state or territory bears to total 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 of territory where he resides which his adjusted gross income as defined in section 62 of the Internal Revenue Code subject to taxation under this chapter bears to his entire adjusted gross income as defined in section 62 of the Internal Revenue Code upon which the tax so payable is computed.
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 or 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;

2. Impose a tax upon the personal income of its residents derived from sources in this state and exempt from taxation the personal income 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.

(b) The credit shall not be allowed if such other state allows the individuals a credit against taxes imposed by such state for taxes paid or payable under this act.

(c) To substantiate the credit allowed under this section, the 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 state tax commission is hereby authorized to enter into reciprocal agreements with the taxing authorities of the several states and territories.

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, 1975.

Approved March 24, 1975.
CHAPTER 107
(H.B. No. 192)

AN ACT
AMENDING SECTION 33-512, IDAHO CODE, RELATING TO THE GOVERNMENT OF SCHOOLS, BY PROVIDING THAT A PERSON WHO DISRUPTS THE EDUCATIONAL PROCESS OR WHOSE PRESENCE IS DETRIMENTAL TO THE MORALS, HEALTH, SAFETY, ACADEMIC LEARNING OR DISCIPLINE OF THE PUPILS OR WHO LOITERS IN SCHOOLHOUSES OR ON SCHOOL GROUNDS IS GUILTY OF A MISDEMEANOR.

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

SECTION I. That Section 33-512, Idaho Code, be, and the same is hereby amended to read as follows:

33-512. GOVERNMENT OF SCHOOLS. — The board of trustees of each school district shall have the following powers and duties:

1. To determine the length of the school term which in no case shall be less than nine (9) months;
2. To adopt and carry on, and provide for the financing of, a total educational program for the district. Such programs in other than elementary school districts may include education programs for out-of-school youth and adults; and such districts may provide classes in kindergarten;
3. To provide, or require pupils to be provided with, suitable textbooks and supplies;
4. To protect the morals and health of the pupils;
5. To exclude from school, children not of school age;
6. To prescribe rules for the disciplining of unruly or insubordinate pupils;
7. To exclude from school, pupils with contagious or infectious diseases or who are under quarantine as provided in section 39-313, Idaho Code; and to close school on order of the state board of health or local health authorities as provided in section 39-315, Idaho Code;
8. To equip and maintain a suitable library or libraries in the school or schools and to exclude therefrom, and from the schools, all books, tracts, papers, and catechisms of sectarian nature;
9. To determine school holidays. Any listing of school holidays shall include not less than the following: New Year’s Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. Other days listed in section 73-108, Idaho Code, or amendments
thereto; if the same shall fall on a school day, shall be observed with appropriate ceremonies; and any days the state board of education may designate, following the proclamation by the governor, shall be school holidays;

10. To erect and maintain on each schoolhouse or school grounds a suitable flagstaff or flagpole, and display thereon the flag of the United States of America on all days, except during the inclement weather, when the school is in session.

11. To prohibit entrance to each schoolhouse or school grounds, to prohibit loitering in schoolhouses or on school grounds and to provide for the removal from each schoolhouse or school grounds of any individual or individuals who disrupt the educational processes or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils. A person who disrupts the educational process or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils or who loiters in schoolhouses or on school grounds, is guilty of a misdemeanor.

Approved March 24, 1975.
CHAPTER 108
(H.B.No. 218)

AN ACT
AMENDING SECTION 33-702, IDAHO CODE, RELATING TO SCHOOL WARRANTS,
BY INCREASING THE INTEREST RATE FOR SCHOOL DISTRICT WARRANTS
NOT PAID FOR WANT OF FUNDS FROM FOUR PER CENT PER ANNUM TO
SIX PER CENT PER ANNUM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-702, Idaho Code, be, and the same is hereby amended
to read as follows:

33-702. SCHOOL WARRANTS — HOW DRAWN. – Whenever the board of trustees
has approved and ordered payment of salaries, wages, or other claim against the school
district, and the same is not paid by regular bank check, the clerk of the board of trustees
shall issue a school district warrant, or order for warrant drawn against the appropriate fund,
and shall sign the same.

The clerk of the board of trustees of any elementary school district shall execute an
order for warrant or warrants in duplicate, and present the same to the county auditor of
the county, or of the home county, in which the district lies. The county auditor shall
thereupon issue his warrant drawn against the school district fund as shown by the order for
warrant.

All warrants so issued shall be presented to the treasurer of the school district for
payment by the persons holding the same. If there not be sufficient money to the credit of
the fund on which the warrant is drawn, the treasurer shall endorse on the back of said
warrant, “Not paid for want of funds” and hand the same to the person presenting the
warrant for payment. Warrants so endorsed by the treasurer shall bear interest at the rate of
six per cent (4% - 6%) per annum from date of the endorsement until ten (10) days after
said warrant is called for payment.

Warrants issued by, or in behalf of, any school district shall be paid in the order of
their issuance from funds accruing for the year in which they are issued. After all
outstanding indebtedness for general school purposes for any one (1) year has been paid,
any balance in the general school fund for that year shall be transferred to a warrant
redemption fund for payment of any registered warrants. Where there is no outstanding
indebtedness for general school purposes, nor any registered warrants, any such balance may
be used for the payment of current expenses for the next fiscal year.
SECTION 2. An emergency existing therfor, 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 24, 1975.
CHAPTER 109
(H.B. No. 238)

AN ACT
AMENDING SECTION 33-601, IDAHO CODE, RELATING TO REAL AND PERSONAL
PROPERTY ACQUISITION, USE OR DISPOSAL OF SAME, BY INCREASING
THE MINIMUM AMOUNT FOR WHICH A BID IS REQUIRED FROM $2,500 TO
$5,000 AND BY PROVIDING THAT PURCHASES MAY BE MADE IN COOPERA-
TION WITH THE DIVISION OF PURCHASING AND/OR COOPERATIVELY WITH
OTHER SCHOOL DISTRICTS OR PUBLIC AGENCIES.

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

SECTION 1. That Section 33-601, Idaho Code, be, and the same is hereby amended
to read as follows:

33-601. REAL AND PERSONAL PROPERTY — ACQUISITION, USE OR DIS-
POSAL OF SAME. — The board of trustees of each school district shall have the following
powers and duties:
1. To rent to or from others, school buildings or other property used, or to be used, for
school purposes.
2. To contract for the acquisition, purchase, construction or repair of any school
building, other property, or equipment, necessary for the operation of the school
district.

No such contract shall be executed which entails the expenditure of two five
thousand five hundred dollars ($2,500) ($5,000) or more without notice first being
given by posting, and publishing twice in the manner required by section 33-401,
Idaho Code, unless in cooperation with the division of purchasing or cooperative
agency established pursuant to chapter 23, title 67, and/or sections 33-315 — 33-318
inclusive, Idaho Code. The board of trustees may let the contract to the lowest
responsible bidder, or reject any bid, or reject all bids and post and publish notice for
bids, as before. If, thereafter, no satisfactory bid is received, the board may proceed
under its own direction, subject to the approval of the state board of education.
3. To designate and purchase any site necessary for school purposes or in the operation
of the district, or remove any building, or dispose of any site. In elementary school
districts, except upon removal for highway purposes, a site may be designated or
changed only after approval of two-thirds (2/3) or more of the electors voting at the
annual meeting.
To convey, except as provided by subsection (b) of this section, by deed, bill of sale, or other appropriate instrument, all of the estate and interest of the district in any property, real or personal. In elementary school districts, except such conveyance as is authorized by subsection 6 of this section, any of the transactions authorized in this subsection shall be subject to the approval of two-thirds (2/3) or more of the electors voting at the annual meeting.

Prior to such sale or conveyance, the board shall have the property appraised by three (3) disinterested residents of the district, which appraisal shall be entered in the records of the board of trustees. The property may be sold at public auction or by sealed bids, as the board of trustees shall determine, to the highest cash bidder. Notice of the time and the conditions of such sale shall be posted, and published twice, and proof thereof made, in accordance with section 33-401, Idaho Code, except that when the appraised value of the property is less than five hundred dollars ($500), one (1) single notice by publication shall be sufficient and the property shall be sold by sealed bids.

The board of trustees may accept the highest bid, may reject any bid, or reject all bids and have new appraisals made and again post and publish notice for bids, as before. If, thereafter, no satisfactory bid is made and received, the board may proceed under its own direction to sell and convey the property, subject to the approval of the state board of education. In no case shall any real property of the school district be sold for less than its appraisal.

The board of trustees may sell personal property, with an estimated value of less than five hundred dollars ($500), without appraisal, by sealed bid or at public auction, provided that there has been not less than one (1) published advertisement prior to the sale of said property.

Real and personal property may be exchanged hereunder for other property if the consideration received by said school district shall be deemed adequate by the board of trustees, provided, however, that aside from the provisions of subsection (b) hereof, any school district may by a vote of one-half (1/2) plus one (1) of the members of the full board of trustees, by resolution duly adopted, authorize the transfer or conveyance of any real or personal property owned by such school district to the government of the United States, any city, county, the state of Idaho, any hospital district organized under chapter 13, title 39, Idaho Code, any other school district, any library district, any junior college district, or any recreation district, with or without any consideration accruing to the school district, when in the judgment of the board of trustees it is for the best interest of such school district that said transfer or conveyance be made.
5. To enter into contracts with any city located within the boundaries of the school district for the joint purchase, construction, development, maintenance and equipping of playgrounds, ball parks, swimming pools, and other recreational facilities upon property owned either by the school district or the city.

6. To convey rights-of-ways and easements for highway, public utility, and other purposes over, upon or across any school property and, when necessary to the use of such property for any such purpose, to authorize the removal of school buildings to such new location, or locations, as shall be determined by the board of trustees, and such removal shall be made at no cost or expense to the school district.

7. To authorize the use of any school building of the district as a community center, or for any public purpose, and to establish a policy of charges, if any, to be made for such use.

8. To exercise the right of eminent domain under the provisions of chapter 7, title 7, Idaho Code, for any of the uses and purposes provided in section 7-701, Idaho Code. Approved March 24, 1975.
CHAPTER 110
(H.B.No. 63)

AN ACT
AMENDING SECTION 49-601, IDAHO CODE, RELATING TO THE TRANSPORTATION BOARD ADOPTING A SIGN MANUAL, BY STRIKING REFERENCE TO THE AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS, AND PROVIDING FOR CONFORMANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; REPEALING SECTION 49-605, IDAHO CODE; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-605, IDAHO CODE, PROVIDING FOR TRAFFIC CONTROL SIGNALS; REPEALING SECTION 49-606, IDAHO CODE, AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-606, IDAHO CODE, PROVIDING FOR PEDESTRIAN CONTROL SIGNALS; AMENDING SECTION 49-713, IDAHO CODE, RELATING TO FURTHER LIMITATIONS ON DRIVING TO LEFT OF CENTER OF ROADWAY, BY PROVIDING FOR ADDITIONAL CIRCUMSTANCES UNDER WHICH A VEHICLE MAY BE DRIVEN LEFT OF CENTER OF ROADWAY; REPEALING SECTION 49-751, IDAHO CODE; AND AMENDING CHAPTER 7, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-751, IDAHO CODE, PROVIDING FOR STOP SIGNS AND YIELD SIGNS.

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

SECTION 1. That Section 49-601, Idaho Code, be, and the same is hereby amended to read as follows:

49-601. BOARD OF TRANSPORTATION TO ADOPT SIGN MANUAL. - The Idaho transportation board shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this act for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways and other standards issued or endorsed by the federal highway administrator.

SECTION 2. That Section 49-605, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 6, 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
49-605, Idaho Code, and to read as follows:

49-605. TRAFFIC CONTROL SIGNALS. — Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one (1) at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green Indication
1. Vehicular traffic facing a circular, green signal may proceed straight through or turn right or left unless a sign at such place prohibits either of such turns. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
2. Vehicular traffic facing a lighted green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrows, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
3. Unless otherwise directed by a pedestrian-control signal, as provided in section 49-606, Idaho Code, pedestrians facing any green signal except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady Yellow Indication
1. Vehicular traffic facing a steady, circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.
2. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in section 49-606, Idaho Code, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(c) Steady Red Indication
1. Vehicular traffic facing a steady, circular red signal alone shall stop before entering the intersection, clear of any crosswalks, and shall remain standing until an indication to proceed is shown except as provided in subsection (c) 2.
2. Except when there is a sign prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to turn right or turn left from a one-way roadway onto a one-way roadway after stopping as required by subsection (c) 1, herein. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully
3. Vehicular traffic facing a steady red arrow indication shall not enter the intersection to make the movement indicated by such arrow. Unless entering the intersection to make a movement permitted by another indication, the vehicle shall stop before entering the intersection, clear of any crosswalk, and shall remain standing until an indication permitting the movement indicated by such red arrow is shown.

4. Unless otherwise directed by a pedestrian-control signal, as provided in section 49-606, Idaho Code, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

(d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

SECTION 4. That Section 49-606, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 6, 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 49-606, Idaho Code, and to read as follows:

49-606. PEDESTRIAN CONTROL SIGNALS. – Whenever special pedestrian-control signals exhibiting the words “Walk” or “Don’t Walk” are in place such signals shall indicate as follows:

(a) Flashing or Steady Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal. Every driver of a vehicle shall yield the right-of-way to such pedestrians.

(b) Flashing or Steady Don’t Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the “Walk” signal shall proceed to a sidewalk or safety island while the “Don’t Walk” signal is showing.

SECTION 6. That Section 49-713, Idaho Code, be, and the same is hereby amended to read as follows:

49-713. FURTHER LIMITATIONS ON DRIVING TO LEFT OF CENTER OF ROADWAY. – (a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. When approaching or upon the crest of a grade or upon a curve in the highway where the driver’s view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

2. When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing, unless otherwise indicated by official
traffic control devices;

3. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway—nor under the conditions described in section 49-708(a)2, Idaho Code, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

SECTION 7. That Section 49-751, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Chapter 7, 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 49-751, Idaho Code, and to read as follows:

49-751. STOP SIGNS AND YIELD SIGNS. — The Idaho transportation department with reference to state highways, and local authorities with reference to other roadways under their jurisdiction may erect and maintain stop signs, yield signs, or other official traffic control devices to designate through highways, or to designate intersections or other roadway junctions at which vehicular traffic on one (1) or more of the roadways should yield or stop and yield before entering the intersection or junction.

Approved March 24, 1975.
CHAPTER 111
(H.B.No. 65)

AN ACT
AMENDING SECTION 21-503, IDAHO CODE, RELATING TO AIRPORT ZONING, BY REMOVING EXCLUSIVE STATE ZONING AUTHORITY AROUND AIRPORTS.

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

SECTION 1. That Section 21-503, Idaho Code, be, and the same is hereby amended to read as follows:

21-503. AIRPORT ZONING REGULATIONS. – (1) Power to Adopt Regulations. In order to prevent the creation or establishment of airport hazard, the state of Idaho, by and through the Idaho transportation department, shall adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for airport hazard areas within the state, which regulations may divide such area into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow.

(2) Method of Adopting Zoning Regulations. The department shall promulgate and adopt in the manner and in conformance with the procedure set forth in this act such reasonable regulations for the zoning of airports, airport hazard areas and airport hazards within the state as may be reasonably necessary to accomplish the highest degree of safety for airflight operations. Prior to adopting any zoning regulations:

(A) The director shall cause to be prepared a map or maps as the individual situation may require, for each airport, and surrounding airport hazard area to be zoned. Such map shall contain a description of the exterior boundaries of the area to be included within the zoning regulations, the boundaries and runways of the airport and shall disclose the existing and any planned approaches to the subject airport, the proposed glide angles and restricted areas deemed necessary by the director, and such other information as may be deemed helpful by the director to fairly portray the areas involved and the airspace required.

(B) The director shall also cause to be prepared proposed regulations setting forth the various zones within the area and the restrictions applicable to each. Zones may be named or numbered or otherwise designated to distinguish one zone from another.
(C) Such proposed regulations and the map or maps of the area involved shall be filed with the county recorder of the county or counties in which the airport or any part thereof is situated.

(D) To amend any adopted zoning regulations the director shall proceed in the same manner set forth for the adoption of regulations except that he need only give notice and file maps and regulations that relate to the particular amendment to be made.

Upon the approval and designation of any airport in this state the department may immediately thereafter take such steps necessary under this act to zone the airport hazard area adjacent to such airport and the department shall, if requested by the owners of any existing airport which has heretofore been approved and designated and which is open to public use, take such steps necessary under this act to zone the airport hazard area adjacent to such airport, or the director may proceed to zone any such area without such a request.

Approved March 24, 1975.
CHAPTER 112
(H.B.No. 202)

AN ACT
AMENDING SECTION 40-1618, IDAHO CODE, RELATING TO COMPENSATION FOR HIGHWAY DISTRICT COMMISSIONERS, BY CHANGING THE COMPENSATION FROM TEN DOLLARS PER DAY TO TWENTY-FIVE DOLLARS PER DAY.

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

SECTION 1. That Section 40-1618, Idaho Code, be, and the same is hereby amended to read as follows:

40-1618. EXPENSES OF HIGHWAY COMMISSIONERS — COMPENSATION OF OFFICERS, AGENTS, AND EMPLOYEES. — The highway commissioners shall receive as compensation for their services as commissioners not to exceed $25.00 twenty-five dollars ($25.00) per day plus actual expenses for the time actually employed in the performance of their duties, including mileage and other out-of-pocket expenses necessary in the performance of their duties, either as commissioners, or in the administration of their office as commissioners, and that the total amount to be received as compensation per diem as commissioner shall not exceed the sum of $1,000 one thousand dollars ($1,000) per year, said sum so specifically limited herein shall not include the amount of necessary and actual expenses incurred by the commissioners in the performance of their duties herein required to be done. Said amount shall be paid from the funds of the district upon the presentation of itemized vouchers, signed by the commissioners and under oath made to the secretary of the district. Provided, however, when the secretary is a commissioner, the two (2) remaining commissioners may fix the compensation to be paid him for his services as such secretary. The secretary shall be entitled to his necessary and actual expenses but shall not be entitled to draw a per diem as a commissioner when placed upon a salary. The board shall fix the compensation to be paid to the other officers named in this chapter, and of the agents and employees of the board, to be paid out of the treasury of the district.

Approved March 24, 1975.
CHAPTER 113
(H.B.No. 229)

AN ACT
AMENDING SECTION 21-105, IDAHO CODE, RELATING TO MUNICIPAL AIRPORTS, BY PROVIDING THAT NO PUBLIC AIRPORT SHALL SUBMIT TO ANY FEDERAL AGENCY AN APPLICATION UNDER THE PROVISIONS OF ANY ACT OF CONGRESS WHICH PROVIDES AIRPORT PLANNING FUNDS OR AIRPORT CONSTRUCTION AND DEVELOPMENT FUNDS FOR THE EXPANSION AND IMPROVEMENT OF THE AIRPORT SYSTEM UNLESS THE PROJECT HAS FIRST BEEN SUBMITTED TO AND APPROVED BY THE IDAHO TRANSPORTATION DEPARTMENT.

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

SECTION 1. That Section 21-105, Idaho Code, be, and the same is hereby amended to read as follows:

21-105. MUNICIPAL AIRPORTS. — (a) Technical Services of the Department. The department may, insofar as is reasonably possible, make available its engineering and other technical services, with or without charge, to any municipality or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance or operation of airports or air navigation facilities.

(b) State Financial Assistance. The department may render financial assistance by grant or loan or both to any municipality or municipalities acting jointly, in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled by such municipality or municipalities, out of appropriations made by the legislature for such purposes. Such financial assistance may be furnished in connection with federal or other financial aid for the same purposes.

(c) Federal Aid. The department is authorized to act as agent of any municipality or municipalities acting jointly, upon the request of such municipality or municipalities, in accepting, receiving, receipting for and disbursing federal moneys, and other moneys public or private, made available to finance, in whole or part, the planning, acquisition, construction, improvement, maintenance, or operation of a municipal airport or air navigation facility; and if requested by such municipality or municipalities may act as its or their agent in contracting for and supervising such planning, acquisition, construction, improvement, maintenance or operation; and all municipalities are authorized to designate the department their agent for the foregoing purposes. The department, as principal on
behalf of the state, and any municipality, on its own behalf, may enter into any contracts, with each other or with the United States or with any person, which may be required in connection with a grant or loan of federal moneys for municipal airport or air navigation facility purposes. All federal moneys accepted under this section shall be accepted and transferred or expended by the department upon such terms and conditions as are prescribed by the United States. All moneys received by the department pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purposes for which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available.

(d) No municipality, county, regional airport authority in this state, except airports serving regularly scheduled airlines certified by an agency of the federal government, whether acting alone or jointly with another local public entity or with the state, shall submit to any federal agency or department of the United States any project application under the provisions of any act of congress which provides airport planning funds, or airport construction and development funds for the expansion and improvement of the airport system, unless the pre-application for federal assistance has been first submitted to and approved by the Idaho transportation department.

Approved March 24, 1975.
CHAPTER 114
(H.B. No. 208)

AN ACT
AUTHORIZING A NEEDS STUDY OF HIGHWAYS, ROADS AND STREETS; PROVIDING FOR THE CREATION OF A SPECIAL LEGISLATIVE COMMITTEE COMPOSED OF THE JOINT HOUSE AND SENATE TRANSPORTATION COMMITTEES, PROVIDING FOR PAYMENT OF ALLOWANCES AND EXPENSES, PROVIDING FOR MEETINGS; PROVIDING THE COMMITTEE MAY MEET WITH THE DEPARTMENT OF TRANSPORTATION HIGHWAYS PLANNING AND PROGRAMS SECTION; PROVIDING FOR PROGRESS REPORTS, AND PROVIDING FOR A REPORT TO THE SECOND REGULAR SESSION OF THE FORTY-THIRD IDAHO LEGISLATURE AND THE FIRST REGULAR SESSION OF THE FORTY-FOURTH IDAHO LEGISLATURE; AND APPROPRIATING MONEYS OUT OF THE HIGHWAY FUND FOR THE PURPOSES OF THE COMMITTEE.

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

SECTION 1. The legislature hereby finds and recognizes the necessity of continuing the thorough, impartial and factual needs study of state, county, district and city streets, roads and highways, under the general supervision and direction of the board of transportation 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 the current joint house and senate transportation committees, which shall hold four (4) meetings during 1975 and 1976. The committee shall meet in Boise, when the Idaho board of transportation is in session, on call of the house and senate transportation committee chairmen, and at their first meeting select their own chairman and vice-chairman.

SECTION 3. The committee may meet with the highway planning and program section of the department of transportation. Progress reports on the study shall be submitted from time to time by the department to the interim committee and the Idaho transportation board meeting in joint session as the committee or the board determines advisable. The interim committee and the board shall jointly report findings and recommendations to the second regular session of the forty-third Idaho legislature and the first regular session of the forty-fourth Idaho legislature.
SECTION 4. There is hereby appropriated out of the highway fund the sum of fourteen thousand dollars ($14,000), or so much thereof as may be necessary, for the purpose of the department of transportation to pay the allowance and expenses of the interim committee during the 1975-76 biennium as established by this act. The department of transportation is hereby authorized to pay, from funds appropriated herein, to individual members of the interim committee the cost of travel, food, lodging, and twenty-five ($25.00) a day, incurred in the furtherance of interim committee business.

Approved March 24, 1975.
CHAPTER 115
(H.B.No. 264)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE STATE LIBRARY BOARD AND THE IDAHO STATE HISTORICAL SOCIETY; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE STATE LIBRARY BOARD, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE HISTORICAL SOCIETY, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976; AND PROVIDING THAT WHEN FEDERAL FUNDS RECEIVED BY THE STATE LIBRARY BOARD EXCEED THE AMOUNT APPROPRIATED THE GENERAL FUND APPROPRIATION SHALL BE REDUCED.

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

SECTION 1. It is legislative intent that the expenditures for the State Library Board and the Idaho State Historical Society not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

FOR:
Personnel Costs $ 657,000
Operating Expenditures 256,000
Capital Outlay 120,300
Trustee and Benefit Payments 766,900
TOTAL $1,800,200

FROM:
General Fund $ 999,100
Dedicated Funds:
State Historical Society Foundation Fund 139,500
Federal Funds:
Library Services & Construction Act – Titles I & III Fund 355,400
Library Services & Construction Act – Title II Fund 133,000
Historical Preservation Fund 166,900

.
Receipts to Appropriation  
TOTAL  
6,300  
1,800,200  

SECTION 2. There is hereby appropriated to the State Board of Education for the functions to be performed by the State Library Board the following amounts, to be expended for the designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
</table>

| FOR A. STATE GRANTS AND LIBRARY CONSTRUCTION PROGRAM: |
| FROM: |
| General Fund | $157,000 | $157,000 |
| Library Services & Construction Act – |
| Titles I & III Fund | 317,000 | 317,000 |
| Library Services & Construction Act – |
| Title II Fund | 133,000 | 133,000 |
| TOTAL | $607,000 | $607,000 |

| FOR B. STATE LIBRARY SERVICES PROGRAM: |
| FROM: |
| General Fund | $328,400 | $101,300 | $57,000 | $25,000 | $511,700 |
| Library Services & Construction Act – |
| Titles I & III Fund | 38,400 | 38,400 |
| Receipts to Appropriation | 2,300 | 4,000 | 6,300 |
| TOTAL | $328,400 | $103,600 | $61,000 | $63,400 | $556,400 |
| GRAND TOTAL | $328,400 | $103,600 | $61,000 | $670,400 | $1,163,400 |

SECTION 3. There is hereby appropriated to the State Board of Education for the functions to be performed by the Idaho State Historical Society, the following amounts to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:
<table>
<thead>
<tr>
<th>FOR TRUSTEE AND</th>
<th>FOR CAPITAL</th>
<th>FOR OPERATING</th>
<th>FOR PERSONNEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>BENEFIT PAYMENTS</td>
<td>OUTLAY</td>
<td>EXPENDITURES</td>
<td>COSTS</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. HISTORICAL PRESERVATION AND EDUCATION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$217,600</td>
<td>$41,100</td>
<td>$7,400</td>
</tr>
<tr>
<td>State Historical Society</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foundation Fund</td>
<td>54,000</td>
<td>6,600</td>
<td>60,600</td>
</tr>
<tr>
<td>Historical Preservation Fund</td>
<td>51,400</td>
<td>17,000</td>
<td>68,400</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$269,000</td>
<td>$112,100</td>
<td>$14,000</td>
</tr>
<tr>
<td>B. HISTORIC RESTORATION PROJECTS PROGRAM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historical Preservation Fund</td>
<td>$96,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. FRANKLIN PIONEER RELIC HALL:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$3,000</td>
<td>$1,300</td>
<td>$4,300</td>
</tr>
<tr>
<td>D. HISTORIC SITES MAINTENANCE AND INTERPRETATION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$37,700</td>
<td>$22,300</td>
<td>$60,000</td>
</tr>
<tr>
<td>State Historical Society</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foundation Fund</td>
<td>21,900</td>
<td>13,000</td>
<td>44,000</td>
</tr>
<tr>
<td>Historical Preservation Fund</td>
<td>2,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td>$59,600</td>
<td>$37,300</td>
<td>$44,000</td>
</tr>
<tr>
<td>GRAND TOTALS</td>
<td>$328,600</td>
<td>$152,400</td>
<td>$59,300</td>
</tr>
</tbody>
</table>

* SECTION 4. In the event that the amount of federal funds received by the State Library Board is in excess of those appropriated in section 2 hereof, the general funds appropriated in section 2 shall be reduced by such excess and shall revert to the general fund.

* Item veto by Governor.

Approved March 24, 1975.
CHAPTER 116
(H.B.No. 199, As Amended)

AN ACT
AMENDING CHAPTER 45, TITLE 67, IDAHO CODE, BY THE ADDITION THERETO
OF A NEW SECTION 67-4506, IDAHO CODE, TO PROVIDE THAT THE
APPALOOSA IS DESIGNATED AND DECLARED TO BE THE STATE HORSE OF
THE STATE OF IDAHO.

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

SECTION 1. That Chapter 45, 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
67-4506, Idaho Code, and to read as follows:

67-4506. STATE HORSE DESIGNATED. – The Appaloosa horse is hereby
designated and declared to be the state horse of the state of Idaho.

Approved March 25, 1975.
CHAPTER 117
(S.B.No. 1065, As Amended)

AN ACT
RELATING TO ARBITRATION; REPEALING CHAPTER 9, TITLE 7, IDAHO CODE; AMENDING TITLE 7, IDAHO CODE, BY ADDING A NEW CHAPTER 9, TITLE 7, IDAHO CODE, TO PROVIDE THAT AN AGREEMENT TO SUBMIT TO ARBITRATION IS VALID AND ENFORCEABLE; PROVIDING FOR PROCEEDINGS TO COMPEL OR STAY ARBITRATION; PROVIDING FOR APPOINTMENT OF ARBITRATORS; PROVIDING THAT ARBITRATORS MAY ACT BY A MAJORITY THEREOF; PROVIDING FOR HEARINGS; PROVIDING FOR REPRESENTATION BY ATTORNEYS; PROVIDING FOR WITNESSES, SUBPOENAS AND DEPOSITIONS; PROVIDING FOR THE AWARD; PROVIDING FOR CHANGES IN THE AWARD BY THE ARBITRATORS; PROVIDING FOR THE FEES AND EXPENSES OF ARBITRATION; PROVIDING FOR CONFIRMATION OF THE AWARD; PROVIDING FOR VACATING AN AWARD; PROVIDING FOR MODIFICATION OR CORRECTION OF AN AWARD BY THE COURT; PROVIDING THAT APPLICATION TO THE COURT SHALL BE BY MOTION; ESTABLISHING JURISDICTION IN THE COURT; ESTABLISHING VENUE; PROVIDING FOR APPEALS; PROVIDING THAT THE ACT IS NOT RETROACTIVE; ESTABLISHING UNIFORMITY OF INTERPRETATION; PROVIDING A SHORT TITLE; AND, DECLARING SEVERABILITY OF PROVISIONS.

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

SECTION 1. That Chapter 9, Title 7, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a new chapter, to be known and designated as Chapter 9, Idaho Code, and to read as follows:

CHAPTER 9

7-901. VALIDITY OF ARBITRATION AGREEMENT. — A written agreement to submit any existing controversy to arbitration or a provision in a written contract to submit to arbitration any controversy thereafter arising between the parties is valid, enforceable and irrevocable, save upon such grounds as exist at law or in equity for the revocation of any
contract. This act does not apply to arbitration agreements between employers and employees or between their respective representatives (unless otherwise provided in the agreement).

7-902. PROCEEDINGS TO COMPEL OR STAY ARBITRATION. — (a) On application of a party showing an agreement described in section 7-901, Idaho Code, and the opposing party's refusal to arbitrate, the court shall order the parties to proceed with arbitration, but if the opposing party denies the existence of the agreement to arbitrate, the court shall proceed summarily to the determination of the issue so raised and shall order arbitration if found for the moving party, otherwise, the application shall be denied.

(b) On application, the court may stay an arbitration proceeding commenced or threatened on a showing that there is no agreement to arbitrate. Such an issue, when in substantial and bona fide dispute, shall be forthwith and summarily tried and the stay ordered if found for the moving party. If found for the opposing party, the court shall order the parties to proceed to arbitration.

(c) If an issue referable to arbitration under the alleged agreement is involved in an action or proceeding pending in a court having jurisdiction to hear applications under subdivision (a) of this section, the application shall be made therein. Otherwise and subject to section 7-918, Idaho Code, the application may be made in any court of competent jurisdiction.

(d) Any action or proceeding involving an issue subject to arbitration shall be stayed if an order for arbitration or an application therefor has been made under this section or, if the issue is severable, the stay may be with respect thereto only. When the application is made in such action or proceeding, the order for arbitration shall include such stay.

(e) An order for arbitration shall not be refused on the ground that the claim in issue lacks merit or bona fides or because any fault or grounds for the claim sought to be arbitrated have not been shown.

7-903. APPOINTMENT OF ARBITRATORS BY COURT. — If the arbitration agreement provides a method of appointment of arbitrators, this method shall be followed. In the absence thereof, or if the agreed method fails or for any reason cannot be followed, or when an arbitrator appointed fails or is unable to act and his successor has not been duly appointed, the court on application of a party shall appoint one or more arbitrators. An arbitrator so appointed has all the powers of one specifically named in the agreement.

7-904. MAJORITY ACTION BY ARBITRATORS. — The powers of the arbitrators may be exercised by a majority unless otherwise provided by the agreement or by this act.

7-905. HEARING. — Unless otherwise provided by the agreement:

(a) The arbitrators shall appoint a time and place for the hearing and cause notification to the parties to be served personally or by registered mail not less than five days before the hearing. Appearance at the hearing waives such notice. The arbitrators may adjourn the hearing from time to time as necessary and, on request of a party and for good cause, or upon their own motion may postpone the hearing to a time not later than the date fixed by the agreement for making the award unless the parties consent to a later date. The
arbitrators may hear and determine the controversy upon the evidence produced notwithstanding the failure of a party duly notified to appear. The court on application may direct the arbitrators to proceed promptly with the hearing and determination of the controversy.

(b) The 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 arbitrators but a majority may determine any question and render a final award. If, during the course of the hearing, an arbitrator for any reason ceases to act, the remaining arbitrator or arbitrators appointed to act as neutrals may continue with the hearing and determination of the controversy.

7-906. REPRESENTATION BY ATTORNEY. — A party has the right to be represented by an attorney at any proceeding or hearing under this act. A waiver thereof prior to the proceeding or hearing is ineffective.

7-907. WITNESSES — SUBPOENAS — DEPOSITIONS. — (a) The arbitrators may issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence, and shall have the power to administer oaths. Subpoenas so issued shall be served, and upon application to the court by a party or the arbitrators, enforced, in the manner provided by law for the service and enforcement of subpoenas in a civil action.

(b) On application of a party and for use as evidence, the arbitrators may permit a deposition to be taken, in the manner and upon the terms designated by the arbitrators, of a witness who cannot be subpoenaed or is unable to attend the hearing.

(c) All provisions of law compelling a person under subpoena to testify are applicable.

(d) Fees for attendance as a witness shall be the same as for a witness in the district court.

7-908. AWARD. — (a) The award shall be in writing and signed by the arbitrators joining in the award. The arbitrators shall deliver a copy to each party personally or by registered mail, or as provided in the agreement.

(b) An award shall be made within the time fixed therefor by the agreement or, if not so fixed, within such time as the court orders on application of a party. The parties may extend the time in writing either before or after the expiration thereof. A party waives the objection that an award was not made within the time required unless he notifies the arbitrators of his objection prior to the delivery of the award to him.

7-909. CHANGE OF AWARD BY ARBITRATORS. — On application of a party or, if an application to the court is pending under sections 7-911, 7-912 or 7-913, Idaho Code, on submission to the arbitrators by the court under such conditions as the court may order, the arbitrators may modify or correct the award upon the grounds stated in paragraphs (1) and (3) of subdivision (a) of section 7-913, Idaho Code, or for the purpose of clarifying the award. The application shall be made within twenty (20) days after delivery of the award to
the applicant. Written notice thereof shall be given forthwith to the opposing party, stating he must serve his objections thereto, if any, within ten (10) days from the notice. The award so modified or corrected is subject to the provisions of sections 7-911, 7-912 and 7-913, Idaho Code.

7-910. FEES AND EXPENSES OF ARBITRATION. — Unless otherwise provided in the agreement to arbitrate, the arbitrators’ expenses and fees, together with other expenses, not including counsel fees, incurred in the conduct of the arbitration, shall be paid as provided in the award.

7-911. CONFIRMATION OF AN AWARD. — Upon application of a party, the court shall confirm an award, unless within the time limits hereinafter imposed grounds are urged for vacating or modifying or correcting the award, in which case the court shall proceed as provided in sections 7-912 and 7-913, Idaho Code.

7-912. VACATING AN AWARD. — (a) Upon application of a party, the court shall vacate an award where:

(1) The award was procured by corruption, fraud or other undue means;
(2) There was evident partiality by an arbitrator appointed as a neutral, or corruption in any of the arbitrators, or misconduct prejudicing the rights of any party;
(3) The arbitrators exceeded their powers;
(4) The arbitrators refused to postpone the hearing upon sufficient cause being shown therefor or refused to hear evidence material to the controversy or otherwise so conducted the hearing, contrary to the provisions of section 7-915, Idaho Code, as to prejudice substantially the rights of a party; or
(5) There was no arbitration agreement and the issue was not adversely determined in proceedings under section 7-902, Idaho Code, and the party did not participate in the arbitration hearing without raising the objection.

The fact that the relief was such that it could not or would not be granted by a court of law or equity is not ground for vacating or refusing to confirm the award.

(b) An application under this section shall be made within ninety (90) days after delivery of a copy of the award to the applicant, except that, if predicated upon corruption, fraud or other undue means, it shall be made within ninety (90) days after such grounds are known or should have been known.

(c) In vacating the award on grounds other than stated in clause (5) of subsection (a) the court may order a rehearing before new arbitrators chosen as provided in the agreement, or in the absence thereof, by the court in accordance with section 7-903, Idaho Code, or, if the award is vacated on grounds set forth in clauses (3) and (4) of subsection (a) the court may order a rehearing before the arbitrators who made the award or their successors appointed in accordance with section 7-903, Idaho Code. The time within which the agreement requires the award to be made is applicable to the rehearing and commences from the date of the order.
(d) If the application to vacate is denied and no motion to modify or correct the award is pending, the court shall confirm the award.

7-913. MODIFICATION OR CORRECTION OF AWARD. — (a) Upon application made within ninety (90) days after delivery of a copy of the award to the applicant, the court shall modify or correct the award where:

(1) There was an evident miscalculation of figures or an evident mistake in the description of any person, thing or property referred to in the award;

(2) The arbitrators have awarded upon a matter not submitted to them and the award may be corrected without affecting the merits of the decision upon the issues submitted; or

(3) The award is imperfect in a matter of form, not affecting the merits of the controversy.

(b) If the application is granted, the court shall modify and correct the award so as to effect its intent and shall confirm the award as so modified and corrected. Otherwise, the court shall confirm the award as made.

(c) An application to modify or correct an award may be joined in the alternative with an application to vacate the award.

7-914. JUDGMENT OR DECREES OF AWARD. — Upon the granting of an order confirming, modifying or correcting an award, judgment or decree shall be entered in conformity therewith and be enforced as any other judgment or decree. Costs of the application and of the proceedings subsequent thereto, and disbursements may be awarded by the court.

7-915. JUDGMENT ROLL – DOCKETING. — (a) On entry of judgment or decree, the clerk shall prepare the judgment roll consisting, to the extent filed, of the following:

(1) The agreement and each written extension of the time within which to make the award;

(2) The award;

(3) A copy of the order confirming, modifying or correcting the award; and

(4) A copy of the judgment or decree.

(b) The judgment or decree may be docketed as if rendered in an action.

7-916. APPLICATIONS TO COURT. — Except as otherwise provided, an application to the court under this act shall be by motion and shall be heard in the manner and upon the notice provided by law or rule of court for the making and hearing of motions. Unless the parties have agreed otherwise, notice of an initial application for an order shall be served in the manner provided by law for the service of a summons in an action.

7-917. COURT – JURISDICTION. — The term "court" means any court of competent jurisdiction of this state. The making of an agreement described in section 7-901, Idaho Code, providing for arbitration in this state confers jurisdiction on the court to enforce the agreement under this act and to enter judgment on an award thereunder.

7-918. VENUE. — An initial application shall be made to the court of the county in which the agreement provides the arbitration hearing shall be held or, if the hearing has been
held, in the county in which it was held. Otherwise the application shall be made in the
county where the adverse party resides or has a place of business or, if he has no residence
or place of business in this state, to the court of any county. All subsequent applications
shall be made to the court hearing the initial application unless the court otherwise directs.

7-919. APPEALS. — (a) An appeal may be taken from:
   (1) An order denying an application to compel arbitration made under section
       7-912, Idaho Code;
   (2) An order granting an application to stay arbitration made under section
       7-902(b), Idaho Code;
   (3) An order confirming or denying confirmation of an award;
   (4) An order modifying or correcting an award;
   (5) An order vacating an award without directing a rehearing; or
   (6) A judgment or decree entered pursuant to the provisions of this act.

   (b) The appeal shall be taken in the manner and to the same extent as from orders or
judgments in a civil action.

7-920. ACT NOT RETROACTIVE. — This act applies only to agreements made
subsequent to the taking effect of this act.

7-921. UNIFORMITY OF INTERPRETATION. — This act shall be so construed as
to effectuate its general purpose to make uniform the law of those states which enact it.

7-922. SHORT TITLE. — This act may be cited as the “Uniform Arbitration Act.”

SECTION 3. 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 March 26, 1975.
CHAPTER 118
(S.B.No. 1179, As Amended, As Amended in the House)

AN ACT
RELATING TO THE POWERS AND DUTIES OF INSTITUTIONS OF HIGHER EDUCATION; AMENDING SECTION 33-3804, IDAHO CODE, TO PROVIDE SPECIFICALLY FOR BORROWING WITHOUT BONDS AND FOR PAYMENT THEREOF AND FOR SECURING SUCH BORROWING WITH CERTAIN REVENUES IN THE SAME MANNER AS PERMITTED FOR SECURING PAYMENT OF BONDS; AMENDING SECTION 33-3810, IDAHO CODE, TO PROVIDE THAT DEBT, OTHER THAN BONDS OF INSTITUTIONS OF HIGHER EDUCATION, IS AN OBLIGATION OF THE INSTITUTION AND NOT AN OBLIGATION OF THE STATE OF IDAHO; PROVIDING A STATEMENT OF LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-3804, Idaho Code, be, and the same is hereby amended to read as follows:

33-3804. POWERS AND DUTIES OF STATE INSTITUTIONS. — Every institution shall have power in its proper name as aforesaid:

(a) To have a corporate seal and alter the same at pleasure;
(b) To sue and be sued;
(c) To acquire by purchase, gift or the exercise of the right of eminent domain and hold and dispose of real or personal property or rights or interests therein and water rights;
(d) To make contracts and to execute all instruments necessary or convenient;
(e) To acquire any project or projects, and to own, operate, and maintain such project;
(f) To accept grants of money or materials or property of any kind from a federal agency, upon such terms and conditions as such federal agency may impose;
(g) To borrow money and issue, with or without the issuance of bonds and to provide for the payment of the same and for the rights of the holders thereof of such bonds and/or of any other instrument of such indebtedness, including the power to fix the maximum rate of interest to be paid thereon and to warrant and indemnify the validity and tax exempt character;
(h) To perform all acts and do all things necessary or convenient to carry out the powers herein granted, to obtain loans or grants or both from any federal agency, and to
accomplish the purposes of sections 33-3801 – 33-3813, Idaho Code, and secure the benefits of the Recovery Act;

(i) To issue refunding bonds, for the purpose of paying, redeeming, or refunding any outstanding bonds theretofore issued under authority of this chapter. Refunding bonds so issued shall have such details, shall bear such rate or rates of interest and shall be otherwise issued and secured as provided by the board authorizing the issuance of such bonds and as otherwise provided in this chapter, provided, however, that such changes in the security and revenues pledged to the payment thereof may be made by such board as may be provided by it in the proceedings authorizing such bonds, but in no event shall such refunding bonds ever be secured by revenues not authorized by this chapter to be pledged to the payment of bonds issued for other than refunding purposes. Refunding bonds issued hereunder may be exchanged for a like principal amount of the bonds to be refunded, may be sold in the manner provided in this chapter for the sale of other bonds, or may be exchanged in part and sold in part. If sold, the proceeds of such bonds may be deposited in escrow for the payment of the bonds to be refunded, provided such bonds mature or are callable for redemption under their terms within six (6) months from the date of the delivery of the refunding bonds. No refunding bonds may be issued hereunder in a principal amount in excess of the principal amount of the bonds to be refunded nor may any bonds not maturing or callable for redemption under their terms as above provided be refunded hereunder without the consent of the holders thereof. Refunding bonds so authorized and issued may in the discretion of the board be combined with other bonds to be authorized and issued under this chapter, and a single issue of bonds may be so authorized in part for improvement and in part for refunding purposes.

(j) In connection with borrowing without the issuance of bonds, to fix fees, rents or other charges for utilization of any facility or project being financed by said borrowing and to pledge the same, together with any other revenue from such project or facility, as collateral for repayment of principal and interest in the same manner and to the same extent as provided in this chapter for securing the payment of bonds issued pursuant to this chapter.

SECTION 2. That Section 33-3810, Idaho Code, be, and the same is hereby amended to read as follows:

33-3810. BONDS AND OTHER DEBT NOT OBLIGATIONS OF STATE – PAYABLE ONLY FROM PLEDGED REVENUE. – All bonds issued and other debt incurred pursuant to this act shall be exclusively obligations of the institution issuing such bonds or incurring such other debt payable only in accordance with the terms thereof and shall not be obligations general, special or otherwise of the state of Idaho. Such bonds or other debt incurred shall not constitute a debt, legal or moral or otherwise of the state of Idaho, shall so recite on their face or on the first page of any evidence of indebtedness, and shall not be enforceable against the state, nor shall payment thereof be enforceable out of any funds of the institution issuing said bonds or incurring such other debt other than the
income and revenues, if any, pledged and assigned to, or in trust for the benefit of, the holder or holders of such bonds or other evidence of indebtedness.

SECTION 3. It is hereby declared to be in the public interest of the state of Idaho, for the benefit and welfare of its people and in furtherance of education and learning that the powers of institutions to borrow under "The Educational Institutions Act of 1935" be clarified and further elaborated in the furtherance of the credit of said institutions and to provide certainty and stability for the financing of approved projects other than by bonded indebtedness, thus ensuring advantageous flexibility to the management and development of said institutions and the availability of financing upon the best terms and rates available in consideration of the credit and economic feasibility of projects so funded. It is further declared that this act is the acknowledgment and clarification of powers to borrow and provide for repayment heretofore duly vested in said institutions and nothing herein shall be construed or interpreted to the prejudice or detriment of credit or loans outstanding on or closed or negotiated prior to the effective date hereof.

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 26, 1975.
AN ACT
AMENDING SECTION 49-1302, IDAHO CODE, RELATING TO THE TRANSFER OF FUNDS FROM THE MOTOR VEHICLE FUND TO THE STATE HIGHWAY FUND, BY CHANGING THE TIME FOR TRANSFER OF FUNDS FROM EACH ALTERNATE YEAR TO EACH YEAR.

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

SECTION 1. That Section 49-1302, Idaho Code, be, and the same is hereby amended to read as follows:

49-1302. TRANSFER TO STATE HIGHWAY FUND. — Any moneys over and above thirty thousand dollars ($30,000) remaining in said motor vehicle fund at the close of the fiscal year 1942, and each alternate year thereafter shall be paid and credited to the state highway fund.

Approved March 26, 1975.
CHAPTER 120
(S.B.No. 1014)

AN ACT
AMENDING SECTION 39-2701, IDAHO CODE, RELATING TO PLUMBERS AND PLUMBING, BY STRIKING THE NATIONAL PLUMBING CODE AND PROVIDING FOR THE UNIFORM PLUMBING CODE; AND AMENDING SECTION 39-2710, IDAHO CODE, BY CHANGING COMPENSATION FOR PLUMBING BOARD MEMBERS FROM TEN DOLLARS PER DAY TO TWENTY-FIVE DOLLARS PER DAY.

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

SECTION 1. That Section 39-2701, Idaho Code, be, and the same is hereby amended to read as follows:

39-2701. DECLARATION OF POLICY AND PURPOSE OF ACT. – The purpose of this act is to provide certain minimum standards and requirements for the use of and the design, construction, installation, improvement, extension and alteration of materials, piping, venting, fixtures, appliances and appurtenances in relation to plumbing and plumbing systems hereinafter defined; provided that all plumbing and plumbing systems shall, after the effective date of this act, be designed, constructed, installed, improved, extended and altered in substantial accord with the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, and as it shall be amended, revised, compiled and published from time to time and as such amendments or revisions may be adopted by the state plumbing board; provided that the provisions of this act shall not apply, except as hereinafter provided, to incorporated cities and villages, including those especially chartered, and if such cities and villages have or enact ordinances or building codes prescribing the equal minimum standards and requirements including the enforcement thereof as provided by this act.

SECTION 2. That Section 39-2710, Idaho Code, be, and the same is hereby amended to read as follows:

39-2710. COMPENSATION. – Each member of the board, except the director of sanitation of the department of health and welfare shall receive compensation for his services in the sum of ten dollars ($10.00), twenty-five dollars ($25.00) per day for each day devoted to the performance of the duties of the board, except that in the event the full
performance of his duties shall require on the part of any member more than fifty (50) days of service in any one (1) year, such member shall perform such additional service without additional compensation. The traveling expenses of the members of the board and its employees when traveling in performance of official duty, and other necessary expense incurred in the performance of duty, shall be paid upon the same basis and in the same manner as the expenses of other state employees are paid.

Approved March 26, 1975.
AN ACT
AMENDING CHAPTER 59, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-5904, IDAHO CODE, TO PROVIDE A DEFINITION OF A PUBLIC MEETING, AND PROVIDE THAT CIGARETTE, CIGAR AND PIPE-SMOKING IS PROHIBITED DURING SUCH PUBLIC MEETINGS; AMENDING CHAPTER 59 TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-5905 IDAHO CODE, TO PROVIDE THAT SIGNS SHALL BE POSTED IN NO SMOKING AREAS; AMENDING CHAPTER 59, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-5906, IDAHO CODE, TO PROVIDE PENALTIES.

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

SECTION 1. That Chapter 59, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 18-5904, Idaho Code, and to read as follows:

18-5904. NO SMOKING DURING PUBLIC MEETINGS. - For the purpose of this act, any meeting or hearing of any board, commission, council, department or agency of state, county, or local government, held within a building owned, rented, or being used by such governmental agency, to which the public is invited, or solicited, or legally entitled to attend is defined as a public meeting. Cigarette, cigar, and pipe-smoking are prohibited during all periods when such public hearings or meetings are in progress.

SECTION 2. That Chapter 59, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 18-5905, Idaho Code, and to read as follows:

18-5905. SIGNS TO BE DISPLAYED. - No smoking signs shall be displayed in the place of any such public meeting and upon request an area nearby, but outside the room in which the meeting is being held, shall be designated as an area where smoking is permitted.

SECTION 3. That Chapter 59, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 18-5906, Idaho Code, and to read as follows:

18-5906. PENALTY FOR VIOLATION. - A violation of section 18-5904, Idaho Code, is punishable by a fine of not less than five dollars ($5.00) nor more than ten dollars ($10.00).

Approved March 26, 1975.
CHAPTER 122
(S.B.No. 1208)

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE STATE AUDITOR; AND APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE AUDITOR TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976.

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

SECTION 1. It is legislative intent that the expenditures for the State Auditor not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$1,028,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>974,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>22,400</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$2,025,100</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the State Auditor the following amounts, to be expended for designated programs, according to expense classes designated herein from the listed funds for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>$350,900</td>
<td>$62,000</td>
<td>$2,000</td>
<td>$414,900</td>
</tr>
<tr>
<td>16,000</td>
<td></td>
<td></td>
<td>16,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$350,900</td>
<td>$78,000</td>
<td>$2,000</td>
</tr>
<tr>
<td></td>
<td>PERSONNEL COSTS</td>
<td>OPERATING EXPENDITURES</td>
<td>CAPITAL OUTLAY</td>
</tr>
<tr>
<td>------------------------</td>
<td>-----------------</td>
<td>------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td><strong>B. DATA CENTER PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$677,600</td>
<td>$331,200</td>
<td>$20,400</td>
</tr>
<tr>
<td>Inter-account Billings</td>
<td></td>
<td>$565,000</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$677,600</td>
<td>$896,200</td>
<td>$20,400</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>$1,028,500</td>
<td>$974,200</td>
<td>$22,400</td>
</tr>
</tbody>
</table>

Approved March 26, 1975.
CHAPTER 123
(S.B.No. 1213)

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF REVENUE AND TAXATION; AND APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF REVENUE AND TAXATION TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976.

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

SECTION 1. It is legislative intent that the expenditures for the enumerated program activities in the Department of Revenue and Taxation not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$2,874,600</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>938,900</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>10,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$3,823,700</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Revenue and Taxation the following amounts, to be expended for designated programs according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$3,605,900</td>
</tr>
<tr>
<td>State Highway Fund</td>
<td>213,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>4,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$3,823,700</strong></td>
</tr>
<tr>
<td>Program</td>
<td>General Fund</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>I. ADMINISTRATION &amp; SUPPORT PROGRAM:</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td>$328,500</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$123,200</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$3,800</td>
</tr>
<tr>
<td>Total</td>
<td>$455,500</td>
</tr>
<tr>
<td>II. TAX COLLECTION &amp; AUDIT PROGRAM:</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td>$2,004,800</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$621,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$3,400</td>
</tr>
<tr>
<td>Total</td>
<td>$2,629,200</td>
</tr>
<tr>
<td>III. AD VALOREM PROGRAM:</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td>$381,500</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$90,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$2,500</td>
</tr>
<tr>
<td>Total</td>
<td>$474,000</td>
</tr>
<tr>
<td>IV. MULTI-STATE TAX COMPACT:</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td>$11,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$10,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$11,000</td>
</tr>
<tr>
<td>Total</td>
<td>$11,000</td>
</tr>
<tr>
<td>V. TAX APPEALS:</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td>$26,200</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$10,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$36,200</td>
</tr>
<tr>
<td>Total</td>
<td>$36,200</td>
</tr>
</tbody>
</table>

Approved March 26, 1975.
CHAPTER 124
(S.B.No. 1110)

AN ACT
AMENDING SECTION 34-435, IDAHO CODE, RELATING TO CANCELLATION OF REGISTRATION, BY PROVIDING THAT REGISTRATION SHALL BE CANCELLED AFTER FAILURE TO VOTE WITHIN FOUR YEARS.

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

SECTION 1. That Section 34-435, Idaho Code, be, and the same is hereby amended to read as follows:

34-435. CANCELLATION OF REGISTRATIONS FOLLOWING ANY GENERAL ELECTION OF THOSE NOT VOTING FOR EIGHT YEARS. - 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.

Approved March 26, 1975.
CHAPTER 125
(S.B.No. 1038, As Amended.)

AN ACT
RELATING TO THE AMENDMENT OF THE UNITED STATES CONSTITUTION, BY PROVIDING THAT A GENERAL ELECTORATE VOTE MUST FIRST BE CONDUCTED IN A GENERAL ELECTION IN THE STATE OF IDAHO ON ANY ONE OR SEVERAL PROPOSED AMENDMENTS TO THE UNITED STATES CONSTITUTION AND THAT SUCH VOTE IS ADVISORY ONLY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That the legislature of the state of Idaho shall not in any case ratify an amendment to the United States constitution unless the proposed amendment shall first have been submitted to the electorate at the next earliest scheduled general election. The question shall be submitted to the electorate at the next earliest scheduled general election following receipt of the question by the legislature. The results of such submission of the question to the electorate shall be advisory in nature only, and shall not prevent the legislature from acting in any manner on the proposed amendment.

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 26, 1975.
CHAPTER 126
(S.B.No. 1150)

AN ACT
AMENDING SECTION 72-1315A, IDAHO CODE, BY CHANGING THE REFERENCE THEREIN FROM SECTION 72-1349(f) TO 72-1349(g); AMENDING SECTION 72-1328, IDAHO CODE, BY STRIKING THEREFROM SUBSECTION (b)(1), REFERRING TO WAGES IN EXCESS OF $4200 OR THE AMOUNT OF TAXABLE WAGE BASE SPECIFIED IN THE UNEMPLOYMENT TAX ACT PAID TO AN INDIVIDUAL BY A COVERED EMPLOYER; AMENDING SECTION 72-1349, IDAHO CODE, BY INSERTING A NEW PARAGRAPH (a) TO PROVIDE THAT CONTRIBUTIONS SHALL BE PAID ON TAXABLE WAGES AS DETERMINED IN SECTION 72-1350(a), IDAHO CODE, AND BY RELETTERING THE REMAINING PARAGRAPHS IN THAT SECTION; REPEALING SECTION 72-1350, IDAHO CODE; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1350, IDAHO CODE, TO PROVIDE A NEW FLEXIBLE TAXABLE WAGE BASE AND NEW CONTRIBUTION RATES, BY ESTABLISHING NEW SCHEDULES OF CONTRIBUTION RATES, BY PROVIDING FOR NOTICE TO EACH EMPLOYER OF HIS CONTRIBUTION RATE, AND BY PROVIDING A METHOD OF PROTESTING THAT RATE; AMENDING SECTION 72-1351, IDAHO CODE, TO PROVIDE THAT THE CUMULATIVE TAXABLE PAYROLL AMOUNTS LISTED IN THE SCHEDULES PROVIDED FOR IN THAT SECTION SHALL BE SEGREGATED ACCORDING TO THE TABLE OF SCHEDULES OF CONTRIBUTION RATES IN SECTION 72-1350(f), IDAHO CODE, BY STRIKING SUBSECTION (a)(5) OF THAT SECTION, RELATING TO UNENCUMBERED BALANCE IN THE EMPLOYMENT SECURITY FUND, BY STRIKING SUBSECTION (e) OF THAT SECTION, RELATING TO RATE OF CONTRIBUTION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 72-1315A, Idaho Code, be, and the same is hereby amended to read as follows:

72-1315A. COST REIMBURSEMENT EMPLOYER. — The term "cost reimbursement employer" means a covered employer who is eligible and elects to reimburse the fund for proportionate benefit cost in lieu of contributions as provided in section 72-1349(t)(g), Idaho Code.
SECTION 2. That Section 72-1328, Idaho Code, be, and the same is hereby amended to read as follows:

72-1328. WAGES. — (a) The term “wages” means 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 rules prescribed by the director.

(b) The term “wages” shall not include:

(A)(1) The amount of any payment made after June 30, 1955, (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), to, or on behalf of, an individual or any of his dependents under a plan or system established by an employer which makes provision generally for individuals performing service for him (or for such individuals generally and their dependents) or for a class or classes of such individuals (or for a class or classes of such individuals and their dependents), or on account of (i) retirement, or (ii) sickness or accident disability, or (iii) medical or hospitalization expenses in connection with sickness or accident disability, or (iv) death;

(B)(2) The amount of any payment made after June 30, 1955, by an employer to an individual performing service for him (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

(C)(3) The amount of any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made after June 30, 1955, by an employer to, or on behalf of, an individual performing services for him after the expiration of six (6) calendar months following the last calendar month in which the individual performed services for such employer;

(D)(4) The amount of any payment made after June 30, 1955, by an employer to, or on behalf of, an individual performing services for him or his beneficiary (i) from or to a trust described in section 401(a) of the Federal Internal Revenue
Code which is exempt from tax under section 501(a) of the Federal Internal Revenue Code at the time of such payment unless such payment is made to an individual performing services for the trust as remuneration for such services and not as a beneficiary of the trust, or (ii) under or to an annuity plan which, at the time of such payments, meets the requirements of section 401(a)(3), (4), (5), and (6) of the Federal Internal Revenue Code;

(5) The amount of any payment made by an employer (without deduction from the remuneration of the individual in its employ) of the tax imposed upon an individual in his employ under section 3101 of the Federal Internal Revenue Code with respect to service performed after June 30, 1955; or

(6) Dismissal payments before June 30, 1955, which the employer is not legally required to make.

SECTION 3. That Section 72-1349, Idaho Code, be, and the same is hereby amended to read as follows:

72-1349. PAYMENT OF CONTRIBUTIONS. -- (a) Contributions shall be paid on taxable wages for each calendar year equal to the amount as determined in accordance with section 72-1350(a), Idaho Code. Contributions on wages paid to an individual under another state unemployment insurance law, or paid by an employer's predecessor during the calendar year, shall be counted in complying with this provision.

(b) Contributions shall accrue and become payable by each covered employer for each calendar quarter with respect to wages for covered employment. Such contributions shall become due and be paid by each covered employer to the director for the employment security fund in accordance with such rules and regulations as the director may prescribe, and shall not be deducted in whole or in part from the wages of individuals employed by such employer.

(c) The contributions payable by each covered employer, with respect to covered employment, accruing in each calendar quarter, shall be paid on or before the last day of the month following the close of said calendar quarter.

(d) The director may, for good cause shown by a covered employer, extend the time for payment of his contributions or any part thereof, but no such extension of time shall postpone the due date more than sixty (60) days. Contributions with respect to which an extension of time for payment has been granted shall be paid on or before the last day of the period of the extension.

(e) Whenever it appears to be essential to the proper administration of this act that collection of the contributions of a covered employer must be made more often than quarterly, the director shall have authority to demand payment of the contributions of such covered employer forthwith or at such specific times as the director shall order.

(f) In accordance with regulations as the director may prescribe, any person or persons entering into a formal contract with the state, any county, city, town, school or irrigation district, or any quasi public corporation of the state, for the construction,
alteration, or repair of any public building, public work, or quasi public work, the contract price of which exceeds the sum of $200 two hundred dollars ($200) may be required before commencing such work, to execute a surety bond in an amount sufficient to cover contributions when due. In case the director who approves said bond shall determine that said bond has become insufficient or inadequate, he may require that a new bond be provided in such amount as he may direct. Failure on the part of the covered employer covered by the bond to pay the full amount of his contributions when due shall render the surety liable on said bond as though the surety was the employer and subject to the other provisions of this act.

(g) Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this subsection. For the purpose of this subsection, a nonprofit organization is a religious, charitable, educational or other organization which is described in section 501(c)(3) of the federal internal revenue code and which is exempt from tax under section 501(a) of such code.

A group of nonprofit organizations may elect with the approval of the director to act as a group in fulfilling the requirements of this subsection or of this act.

(1) Liability for contributions and election of reimbursements. Any nonprofit organization shall pay contributions under the provisions of subsections (a), (b), (c), and (d), and (e), of this section, unless it elects in accordance with this paragraph to pay to the director for the unemployment fund an amount equal to the amount of regular benefits and one-half (½) the extended benefits paid, that is attributable to service in the employ of such nonprofit organization. Where such benefits are paid utilizing wages paid by two (2) or more employers, the portion of benefits to be repaid by a nonprofit organization shall be their proportionate share. This shall be computed on the basis of the relationship between wages utilized which were earned for services performed for such nonprofit organization and the total wages utilized in paying such benefits.

(A) Any nonprofit organization may elect to become liable for payments in lieu of contributions, provided it files with the director a written notice of its election within the thirty (30) day period following: January 1, 1972, if such organization is, or becomes subject to this act on January 1, 1972; or the date of the determination that such organization is subject if it becomes subject after January 1, 1972, such election shall be effective for not less than twelve (12) months and will continue to be in effect until terminated. The nonprofit organization must file with the director a written notice of termination of such election not later than thirty (30) days prior to the beginning of the taxable year for which such termination shall first be effective. The director may terminate the election as provided in this paragraph. The director may for good cause
extend the period within which a notice of election, or a notice of termination must be filed.

(B) Any nonprofit organization which has been paying contributions under this act for a period subsequent to January 1, 1972, may change to a reimbursable basis by filing with the director not later than thirty (30) days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

(C) The director shall notify each nonprofit organization of any determination which he may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determination shall be subject to reconsideration, appeal, and review in accordance with provisions of subsections (f), (g), (h), and (i) of section 72-1368, Idaho Code.

(2) Reimbursement payments. Payments in lieu of contributions shall be made in accordance with the provisions of this paragraph including either subparagraph (A) or subparagraph (B).

(A) 1. At the end of each calendar quarter, or at the end of any other period as determined by the director, the director shall bill each nonprofit organization (or group of nonprofit organizations) which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half ($\frac{1}{2}$) of the amount of extended benefits paid during such quarter or other prescribed period which is attributable to service in the employ of such organization.

2. Bond on surety requirement. Any nonprofit organization that elects to become liable for payments in lieu of contributions may be required to obtain and deposit with the director a surety bond approved by the director. The amount of the bond shall be determined by the director on the basis of potential liability for benefit costs of each employing nonprofit organization. Such bond shall be in force for a period of not less than two (2) years, and shall be renewed not less frequently than two (2) year intervals for as long as the organization continues to be liable for payments in lieu of contributions. The director shall require adjustments to be made in the bond filed as deemed appropriate. When upward adjustments are required, the adjusted bond shall be filed within thirty (30) days of the date notice of the required adjustment was mailed. Failure by an organization covered by such bond to pay the full amount of payments due, together with interest and penalties, as provided in section 72-1354, Idaho Code, shall render the surety liable
on said bond to the extent of the bond, as though the surety was a liable organization.

(B) Payment in advance. Nonprofit organizations may elect to make payments in lieu of contributions in advance of actual billing for payment costs. Advance payments shall be made as follows: At the end of each calendar quarter, the nonprofit organization shall pay one per cent (1%) of its total quarterly payroll. Such payments shall become due and payable within thirty (30) days following the quarter ending.

At the end of each taxable year the director shall compute the benefit costs attributable to such nonprofit organization, as provided in subsection (A)1 above. The director will then debit the employer’s account with these charges. When payments exceed benefit charges, the employer will be credited on next year’s tax subsequent benefit charges with the overpayment, or given a refund upon request.

(C) 1. Failure to pay timely. If any nonprofit organization is delinquent in making payments in lieu of contributions, as required under paragraph (A)1 or (B) of this subsection, the director may terminate such organization’s election to make payments in lieu of contributions as of the beginning of the next taxable year, and such termination shall be effective for that and the next taxable year.

2. Any nonprofit organization becoming delinquent in making payment in lieu of contributions as required in (A)1 and (B) of this subsection shall be subject to the penalty provisions provided in section 72-1354, Idaho Code, and subject to the collection provisions of section 72-1355, Idaho Code.

(D) Appeals procedure. The nonprofit organization making payments in lieu of contributions may appeal the director’s determination of benefit charges and payment credits as provided in section 72-1368, Idaho Code.

(e)(h) In the payment of any contributions a fractional part of a cent shall be disregarded unless it amounts to one-half cent (½¢) or more, in which case it shall be increased to one cent (1¢).

SECTION 4. That Section 72-1350, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 13, 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 72-1350, Idaho Code, and to read as follows:

72-1350. TAXABLE WAGE BASE AND CONTRIBUTION RATES. — (a) All remuneration for personal services as defined in section 72-1328, Idaho Code, equal to the average annual wage in covered employment for the penultimate calendar year, rounded to the nearest multiple of six hundred dollars ($600), or the amount of taxable wage base specified in the federal unemployment tax act, whichever is higher, shall be the taxable wage base for purposes of this act.
(b) All covered employers, except those eligible and electing the cost reimbursement payment method, shall pay contribution rates as assigned annually by the director in accord with the following:

(c) The ratio of unencumbered balance in the employment security fund to the total wages reported by covered employers for the penultimate calendar year will determine the appropriate rate schedule for the calendar year 1976, and for each calendar year thereafter.

(d) The ratios at the top of each tax schedule in the tax table shown below represent the minimum fund level required for a specific tax schedule to be in effect.

(e) Employer rates will be assigned in accord with the rates provided in each schedule for eligible, unrated, and deficit employers, based upon their experience as determined under the provisions of section 72-1351, Idaho Code.

(f) Schedules of Contribution Rates.
### Schedules of Contribution Rates

<table>
<thead>
<tr>
<th>Minimum Ratio of Fund to Total Wages</th>
<th>SCHED. I</th>
<th>SCHED. II</th>
<th>SCHED. III</th>
<th>SCHED. IV</th>
<th>SCHED. V</th>
<th>SCHED. VI</th>
<th>SCHED. VII</th>
<th>SCHED. VIII</th>
</tr>
</thead>
<tbody>
<tr>
<td>(.0475)</td>
<td>(.0425)</td>
<td>(.0375)</td>
<td>(.0325)</td>
<td>(.0275)</td>
<td>(.0225)</td>
<td>(.0175)</td>
<td>(- - -)</td>
<td></td>
</tr>
</tbody>
</table>

#### Cumulative Taxable Payroll Limits

<table>
<thead>
<tr>
<th>Rate Class</th>
<th>MORE THAN (Class Taxable Payroll)</th>
<th>LESS THAN (Class Taxable Payroll)</th>
<th>CONTRIBUTION RATES FOR ELIGIBLE EMPLOYERS (% of Total Taxable Payroll)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>—</td>
<td>10</td>
<td>0.2% 0.3% 0.5% 0.7% 0.9% 1.1% 1.3% 2.7%</td>
</tr>
<tr>
<td>2</td>
<td>10</td>
<td>22</td>
<td>0.4% 0.6% 0.8% 1.0% 1.2% 1.4% 1.6% 2.7%</td>
</tr>
<tr>
<td>3</td>
<td>22</td>
<td>37</td>
<td>0.7% 0.9% 1.1% 1.3% 1.5% 1.7% 1.9% 2.7%</td>
</tr>
<tr>
<td>4</td>
<td>37</td>
<td>52</td>
<td>1.0% 1.2% 1.4% 1.6% 1.8% 2.0% 2.2% 2.7%</td>
</tr>
<tr>
<td>5</td>
<td>52</td>
<td>67</td>
<td>1.3% 1.5% 1.7% 1.9% 2.1% 2.3% 2.5% 2.7%</td>
</tr>
<tr>
<td>6</td>
<td>67</td>
<td>82</td>
<td>1.6% 1.8% 2.0% 2.2% 2.4% 2.6% 2.8% 2.7%</td>
</tr>
<tr>
<td>7</td>
<td>82</td>
<td>—</td>
<td>1.9% 2.1% 2.3% 2.5% 2.7% 2.9% 3.1% 3.1%</td>
</tr>
</tbody>
</table>

#### Contribution Rates for Unrated Employers:

- 2.1% 2.3% 2.5% 2.7% 2.9% 3.1% 3.3% 3.3%

#### Cumulative Taxable Payroll Limits

<table>
<thead>
<tr>
<th>Rate Class</th>
<th>MORE THAN (Class Taxable Payroll)</th>
<th>LESS THAN (Class Taxable Payroll)</th>
<th>CONTRIBUTION RATES FOR DEFICIT EMPLOYERS (% of Total Taxable Payroll)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>—</td>
<td>16 2/3</td>
<td>2.2% 2.4% 2.6% 2.8% 3.0% 3.2% 3.4% 3.4%</td>
</tr>
<tr>
<td>2</td>
<td>16 2/3</td>
<td>33 1/3</td>
<td>2.4% 2.6% 2.8% 3.0% 3.2% 3.4% 3.6% 3.6%</td>
</tr>
<tr>
<td>3</td>
<td>33 1/3</td>
<td>50</td>
<td>2.6% 2.8% 3.0% 3.2% 3.4% 3.6% 3.8% 3.8%</td>
</tr>
<tr>
<td>4</td>
<td>50</td>
<td>66 2/3</td>
<td>2.8% 3.0% 3.2% 3.4% 3.6% 3.8% 4.0% 4.0%</td>
</tr>
<tr>
<td>5</td>
<td>66 2/3</td>
<td>83 1/3</td>
<td>3.0% 3.2% 3.4% 3.6% 3.8% 4.0% 4.2% 4.2%</td>
</tr>
<tr>
<td>6</td>
<td>83 1/3</td>
<td>—</td>
<td>3.2% 3.4% 3.6% 3.8% 4.0% 4.2% 4.4% 4.4%</td>
</tr>
</tbody>
</table>
(g) Each employer shall be notified of his rate of contribution as determined for any calendar year pursuant to this section and section 72-1351, Idaho Code. Such determination shall become conclusive and binding upon the employer, unless within fourteen (14) days after delivery or mailing of the notice thereof to his last-known address, the employer files an application for redetermination, setting forth his reasons therefor. Reconsideration shall be limited to transactions occurring subsequent to any previous determination which has become final. The employer shall be promptly notified of the redetermination, which shall become final unless an appeal is filed within fourteen (14) days after delivery or mailing of notice to his last-known address. Proceedings on the appeal shall be in accord with provisions of section 72-1361, Idaho Code.

SECTION 6. That Section 72-1351, Idaho Code, be, and the same is hereby amended to read as follows:

72-1351. EXPERIENCE RATING. — (a) Subject to the other provisions of this act, each eligible and deficit employer's (except cost reimbursement employers) contribution rate shall be determined in the manner set forth below for the calendar year 1963 and for each calendar year thereafter:

(1) (i) Each eligible employer shall be given an "experience factor" which shall be the ratio of excess of contributions over benefits paid on the employer's account since December 31, 1939, to his average annual taxable payroll rounded to the next lower dollar amount for the four (4) fiscal years immediately preceding the computation date, except that when an employer first becomes eligible, his "experience factor" will be computed on his average annual taxable payroll for the two (2) fiscal years or more, (but not to exceed four (4) fiscal years), immediately preceding the computation date. The computation of such "experience factor" shall be to six (6) decimal places.

(ii) Each deficit employer shall be given a "deficit experience factor" which shall be the ratio of excess of benefits paid on the employer's account over contributions since December 31, 1939, to his average annual taxable payroll rounded to the next lower dollar amount for the one or more fiscal years, (but not to exceed four (4) fiscal years), for which he had covered employment ending on the computation date; provided, however, that any employer who on any computation date has a "deficit experience factor" for the period immediately preceding such computation date but who has filed all reports, paid all contributions and penalties due on or before the cut-off date, and has during the last four (4) fiscal years occurring after June 30, 1958, paid contributions at a rate of not less than the standard rate applicable for each such year and in excess of benefits charged to his experience rating account during such years, shall have any balance of benefits charged to his account which on the computation date immediately
preceding such four (4) fiscal years were in excess of contributions paid deleted from his account, and the excess benefits so deleted shall not be considered in the computation of his contribution rate for the rate years following such four (4) fiscal years. For the rate year following such compensation date, he shall be given the standard rate for that year.

(iii) In the event an employer's coverage has been terminated because he has ceased to do business or because he has not had covered employment for a period of four (4) years, and if said employer thereafter becomes a covered employer, he will be considered as though he were a new employer, and he shall not be credited with his previous experience under the act for the purpose of computing any future "experience factor."

(2) Schedules shall be prepared listing all eligible employers in inverse numerical order of their experience factors, and all deficit employers in numerical order of their deficit experience factors. There shall be listed on such schedules for each such employer in addition to the experience factor (a) the amount of his taxable payroll for the fiscal year ending on the computation date, and (b) cumulative total consisting of the sum of such employer's taxable payroll for the fiscal year ending on the computation date and the corresponding taxable payrolls for all other employers preceding him on such schedules.

(3) The cumulative taxable payroll amounts listed on the schedules provided for in paragraph (2) of this subsection shall be segregated into groups whose limits shall be those set out in Column B of the table in paragraph (5) of this subsection the table of schedules of contribution rates, section 72-1350, Idaho Code, subsection (f). Each of such groups shall be identified by the rate class number listed in Column A the which is directly opposite the figures listed in Column B which represent represents the percentage limits of each group. Each employer on the schedules shall be assigned that contribution rate directly opposite the his rate class in which such employer's cumulative payroll amount falls for the tax schedule in effect for the taxable year.

(4) (i) If the grouping of rate classes requires the inclusion of exactly one-half (½) of an employer's taxable payroll, such employer shall be assigned the lower of the two (2) rates designated for the two (2) classes in which the halves of his taxable payroll are so required.

(ii) If the group of rate classes requires the inclusion of a portion other than exactly one-half (½) of an employer's taxable payroll, such employer shall be assigned the rate designated for the class in which the greater part of his taxable payroll is so required.

(iii) If one (1) or more employers on the schedules have experience factors identical to that of the last employer included in a particular rate class, all such employers shall be included in and assigned the contribution rate specified for such class, notwithstanding the provisions of paragraph (3) of
this subsection.

(5) If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total payroll as reported for the fiscal year ending on such date is less than 4.75 per centum but is not less than 4.25 per centum, contribution rates for eligible and deficit employers shall be determined in accordance with the tables set out herein:

(i) If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total payroll as reported for the fiscal year ending on such date is not less than 5.75 per centum, contribution rates for eligible and deficit employers shall be reduced by subtracting .6 per centum from each contribution rate listed in the following tables; provided, however, that in no event shall a deficit employer's rate be reduced below 2.7 per centum.

(ii) If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total payroll as reported for the fiscal year ending on such date is less than 5.75 per centum but is not less than 5.25 per centum, contribution rates for eligible and deficit employers shall be reduced by subtracting .4 per centum from each contribution rate listed in the following tables; provided, however, that in no event shall a deficit employer's rate be reduced below 2.7 per centum.

(iii) If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total payroll as reported for the fiscal year ending on such date is less than 5.25 per centum but is not less than 4.75 per centum, contribution rates for eligible and deficit employers shall be reduced by subtracting .2 per centum from each contribution rate listed in the following tables.

(iv) If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total payroll as reported for the fiscal year ending on such date is less than 4.75 per centum but is not less than 3.75 per centum, contribution rates of all employers shall be increased by adding .2 per centum to each contribution rate listed in the following tables, and the standard rate shall be 2.9 per centum.

(v) If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total payroll as reported for the fiscal year ending on such date is less than 3.75 per centum but is not less than 3.25 per centum, contribution rates of all employers shall be increased by adding .4 per centum to each contribution rate listed in the following tables, and the standard rate shall be 3.1 per centum.
(vi) If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total payroll as reported for the fiscal year ending on such date is less than 3.25 per cent, but is not less than 2.75 per cent, contribution rates of all employers shall be increased by adding 6 per centum to each contribution rate listed in the following tables, and the standard rate shall be 3.3 per centum.

(vii) If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total payroll as reported for the fiscal year ending on such date is less than 2.75 per centum, contribution rates of all employers shall be increased by adding 6 per centum to each contribution rate listed in the following tables; provided, however, that in no event shall the rate for any employer be less than 2.7 per centum, and the standard rate shall be 3.3 per centum.

- TABLE FOR RATED ACCOUNTS -

<table>
<thead>
<tr>
<th>Rate-Class</th>
<th>Cumulative Taxable Payroll Limits</th>
<th>Contribution Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>MORE THAN *(% of Total Taxable Payroll)</td>
<td>EQUAL TO OR LESS THAN *(% of Total Taxable Payroll)</td>
</tr>
<tr>
<td>1</td>
<td>=</td>
<td>10</td>
</tr>
<tr>
<td>2</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>3</td>
<td>25</td>
<td>40</td>
</tr>
<tr>
<td>4</td>
<td>40</td>
<td>55</td>
</tr>
<tr>
<td>5</td>
<td>55</td>
<td>70</td>
</tr>
<tr>
<td>6</td>
<td>70</td>
<td>85</td>
</tr>
<tr>
<td>7</td>
<td>85</td>
<td>=</td>
</tr>
</tbody>
</table>
(a) If the taxable payroll amount or the experience factor or both such taxable payroll amount and experience factor of any eligible or deficit employer listed on the schedules is changed, such employer shall be placed in that position on the schedules which he would have occupied had his taxable payroll amount and/or experience factor as changed been used in determining his position in the first instance, but such change shall not affect the position or rate classification of any other employer listed on the schedules and shall not affect the rate determination for previous years.

(b) For experience rating purposes, all previously accumulated benefit charges to covered employers’ accounts, except cost reimbursement employers, pursuant to the applicable regulations prior to the effective date of this subsection shall not be changed except as provided by this act. Benefits paid prior to June 30, with respect to benefit years commencing with July 1, 1967, and thereafter shall, as of the June 30 of each year preceding the calendar year for which a covered employer’s contribution rate is effective, be charged to the account of the covered employer, except cost reimbursement employers, who paid the largest individual amount of base period wages as shown on the determination used as the basis for the payment of such benefits, except that after the effective date of this act no charge shall be made to the account of such covered employer with respect to benefits paid under the following situations:

(1) If paid to a worker who terminated his services voluntarily without good cause attributable to such covered employer, or who had been discharged for misconduct in connection with such services;

(2) If paid in accordance with the provisions of section 72-1368(j), Idaho Code, and such determination of decision to pay benefits is subsequently reversed; or

(3) For that portion of benefits paid to multistate claimants pursuant to section 72-1344, Idaho Code, which exceeds the amount of benefits that would have been charged had only Idaho wages been used in paying the claim.
(4) If paid in accordance with the extended benefit program triggered by either national or state indicators.

(c) A covered employer whose experience rating account is chargeable, as prescribed by this section, is an interested party as defined in section 72-1323, Idaho Code. An experience rating record shall be maintained for each covered employer. The record shall be credited with all contributions which the covered employer has paid for covered employment prior to the cut-off date, pursuant to the provisions of this and preceding acts, and which covered employment occurred prior to the computation date. The record shall also be charged with the amount of benefits paid which are chargeable to the covered employer's account as provided by the appropriate provisions of the unemployment compensation law, and employment security law, and regulations thereunder in effect at the time such benefits were paid. Nothing in this section shall be construed to grant any covered employer or individual in his service a priority with respect to any claim or right because of amounts paid by such covered employer into the employment security fund.

(d)(1) Whenever any individual or type of organization (whether or not a covered employer within the meaning of section 72-1315, Idaho Code) in any manner succeeds to, or acquires all or substantially all, of the business of an employer who at the time of acquisition was a covered employer, and in respect to whom the director finds that the business of the predecessor is continued solely by the successor, the separate account and the actual contribution, benefit and taxable payroll experience of the predecessor shall, upon the joint application of the predecessor and the successor within the ninety (90) days after such acquisition and approval by the director, be transferred to the successor employer for the purpose of determining such successor's liability and rate of contribution, and any successor who was not an employer on the date of acquisition shall as of such date become a covered employer as defined in this act; provided, however, that such ninety (90) day period may be extended at the discretion of the director, and provided further that whenever a predecessor covered employer has a deficit experience rating account as of the last computation date such transfer, as herein provided, shall be mandatory except where it is shown by substantial evidence, that the management or ownership or both management and ownership are not substantially the same for the successor as for the predecessor, in which case the successor shall begin with the rate of a new employer.

(2) Whenever any individual or type of organization, (whether or not a covered employer within the meaning of section 72-1315, Idaho Code,) in any manner succeeds to, or acquires, part of the business of an employer who at the time of acquisition was a covered employer, and such portion of the business is continued by the successor, so much of the separate account and the actual contribution, benefit and taxable payroll experience of the predecessor as is
attributable to the portion of the business transferred, as determined on a pro rata basis in the same ratio that the wages of covered employees properly allocable to the transferred portion of the business bears to the payroll of the predecessor in the last four (4) completed calendar quarters immediately preceding the date of transfer, shall, upon the joint application of the predecessor and the successor within 90 ninety (90) days after such acquisition and approval by the director, be transferred to the successor employer for the purpose of determining such successor's liability and rate of contribution and any successor who was not an employer on the date of acquisition shall as of such date become a covered employer as defined in this act; provided, however, that such 90 ninety (90) day period may be extended at the discretion of the director, and provided further that whenever a predecessor covered employer has a deficit experience rating account as of the last computation date, such transfer, as herein provided, shall be mandatory except where it is shown by substantial evidence, that the management or ownership or both management and ownership are not substantially the same for the successor as for the predecessor, in which case the successor shall begin with the rate of a new employer. Whenever such mandatory transfer involves only a portion of the experience rating record, and the predecessor or successor employers fail within ten (10) days after notice to supply the required payroll information, the transfer shall be based on estimates of the allocable payrolls.

(3) (i) If the successor was a covered employer prior to the date of the acquisition of all or a part of the predecessor's business, his rate of contribution, effective the first day of the calendar quarter immediately following the date of acquisition, shall be a newly computed rate based on the combined experience of the predecessor and successor, the resulting rate remaining in effect the balance of the rate year.

(ii) If the successor was not a covered employer prior to the date of the acquisition of all or a part of the predecessor's business, his rate shall be the rate applicable to the predecessor with respect to the period immediately preceding the date of acquisition, but if there were more than one predecessor the successor's rate shall be a newly computed rate based on the combined experience of the predecessors, becoming effective immediately after the date of acquisition, and shall remain in effect the balance of the rate year.

(c) Each employer shall be notified of his rate of contribution as determined for any calendar year pursuant to this section. Such determination shall become conclusive and binding upon the employer unless, within fourteen (14) days after delivery or mailing of the notice thereof to his last known address, the employer files an application for redetermination setting forth his reasons therefor. Reconsideration shall be limited to
transactions occurring subsequent to any previous determination which has become final in accordance with the provisions of this or previous acts. The employer shall be promptly notified of the redetermination which shall become final unless within fourteen (14) days after delivery or mailing of notice thereof to his last known address an appeal is filed with the employment security agency. Proceedings on the appeal shall be had in accordance with the provisions of section 72-1364 of this act.

SECTION 7. This act shall be in full force and effect on and after January 1, 1976. Approved March 26, 1975.
CHAPTER 127
(S.B.No. 1153)

AN ACT
AMENDING THE EMPLOYMENT SECURITY LAW BY AMENDING SECTION
72-1367A, IDAHO CODE, RELATING TO EXTENDED UNEMPLOYMENT
COMPENSATION BENEFITS BY PROVIDING THAT THE STATE MAY, AT THE
DISCRETION OF THE DIRECTOR, WAIVE THE ONE HUNDRED TWENTY
PERCENT CRITERIA FOR DETERMINING WHETHER THERE HAVE BEEN
STATE “ON” OR “OFF” INDICATORS FOR THE BEGINNING OR ENDING OR
ANY EXTENDED BENEFIT PERIOD DURING PERIODS WHEN THE FEDERAL
LAW DOES NOT REQUIRE THE APPLICATION OF THE INDICATOR, AND
PROVIDING THAT THE STATE MAY, AT THE DISCRETION OF THE
DIRECTOR, MODIFY THE INDICATORS USED TO ESTABLISH THE FEDERAL
“ON” AND “OFF” INDICATORS WHEN PERMITTED TO DO SO BY FEDERAL
LAW; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 72-1367A, Idaho Code, be, and the same is hereby
amended to read as follows:

72-1367A. EXTENDED UNEMPLOYMENT COMPENSATION BENEFITS. – The
state of Idaho hereby adopts an extended unemployment compensation benefits program to
be governed by and interpreted by the provisions of this section.

(a) Definitions. As used in this section, unless the context clearly requires otherwise:

(1) “Extended benefit period” means a period which

(A) begins with the third week after whichever of the following weeks occurs
first;
  1. a week for which there is a national “on” indicator; or
  2. a week for which there is a state “on” indicator; and

(B) ends with either of the following weeks, whichever occurs later;
  1. the third week after the first week for which there is both a national
     “off” indicator and a state “off” indicator; or
  2. the thirteenth consecutive week of such period;

Provided, that no extended benefit period may begin by reason of a state “on”
indicator before the fourteenth week following the end of a prior extended
benefit period which was in effect with respect to this state; and Provided,
further, that within the period beginning on the effective date of this amendment and ending on December 31, 1971, an extended benefit period may become effective and be terminated in this state solely by reason of a state “on” and a state “off” indicator, respectively.

(2) There is a “national ‘on’ indicator” for a week if the United States secretary of labor determines that for each of the three (3) most recent completed calendar months ending before such week, the rate of insured unemployment, (seasonally adjusted), for all states equaled or exceeded four and five-tenths per cent (4.5%).

(3) There is a “national ‘off’ indicator” for a week if the United States secretary of labor determines that for each of the three (3) most recent completed calendar months ending before such week, the rate of insured unemployment, (seasonally adjusted), for all states was less than four and five-tenths per cent (4.5%).

(4) There is a “state ‘on’ indicator” for this state for a week if the director determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve (12) weeks, the rate of insured unemployment, (not seasonally adjusted), under this act:
(A) equaled or exceeded one hundred twenty per cent (120%) of the average of such rates for the corresponding thirteen (13) week period ending in each of the preceding two (2) calendar years; and
(B) equaled or exceeded four per cent (4%).

(5) There is a “state ‘off’ indicator” for this state for a week if the director determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve (12) weeks, the rate of insured unemployment, (not seasonally adjusted), under this act:
(A) was less than one hundred twenty per cent (120%) of the average of such rates for the corresponding thirteen (13) week period ending in each of the preceding two (2) calendar years; or
(B) was less than four per cent (4%).

(6) During any period when the federal law which establishes the extended unemployment compensation program does not require the application of the percentages enumerated in paragraphs (a) (2) and (3) of this section for determining whether there have been federal “on” or “off” indicators for the beginning or ending of any extended benefit periods the director shall have discretion to waive those percentages and to adopt the percentages enumerated in the federal law for said period and during any period when said federal law does not require the application of the one hundred twenty per cent (120%)
criteria for determining whether there have been state "on" or "off" indicators for the beginning or ending of any extended benefit periods, the director shall have the discretion to waive the one hundred twenty per cent (120%) provisions of this section.

(7) "Rate of insured unemployment," for purposes of paragraphs (4) and (5) of this subsection, means the percentage derived by dividing:

(A) the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent thirteen (13) consecutive week period, as determined by the director on the basis of his reports to the United States secretary of labor; by

(B) the average monthly employment covered under this act for the first four (4) of the most recent six (6) completed calendar quarters ending before the end of such thirteen (13) week period.

(7)(8) "Regular benefits" means benefits payable to an individual under this act or under any other state law (including benefits payable to federal civilian employees and to exservicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits.

(7)(9) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to exservicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of this section for weeks of unemployment in his eligibility period.

(7)(10) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(7)(11) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(A) has received, prior to such week, all of the regular benefits that were available to him under this act or any regular or extended benefits available to him under any other state law (including benefits payable to federal civilian employees and exservicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week; Provided, that for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(B) his benefit year having expired prior to such week, has no or
insufficient wages on the basis of which he could establish a new
benefit year that would include such week; and

\[(C)\] has no right to unemployment benefits or allowances, as the case
may be, under the railroad unemployment insurance act, the
trade expansion act of 1962, the automotive products trade act
of 1965 and such other federal laws as are specified in regulations
issued by the United States secretary of labor; and has not
received and is not seeking unemployment benefits under the
unemployment compensation law of the Virgin Islands or of
Canada; but if he is seeking such benefits and the appropriate
agency finally determines that he is not entitled to benefits under
such law he is considered an exhaustee.

\[++(12)\] "State law" means the unemployment insurance law of any state,
approved by the United States secretary of labor under section 3304 of
the Internal Revenue Code of 1954.

(b) Effect of state law provisions relating to regular benefits on claims for, and the
payment of, extended benefits. Except when the result would be inconsistent with
the other provisions of this section, as provided in the regulations of the director, the
provisions of this act which apply to claims for, or the payment of, regular benefits
shall apply to claims for, and the payment of, extended benefits.

(c) Eligibility requirements for extended benefits. An individual shall be eligible to
receive extended benefits with respect to any week of unemployment in his eligibility
period only if the director finds that with respect to such week:

(1) he is an "exhaustee" as defined in subsection \[(a)(10)(11)\],

(2) he has satisfied the requirements of this act for the receipt of regular benefits
that are applicable to individuals claiming extended benefits, including not
being subject to a disqualification for the receipt of benefits.

(d) Weekly extended benefit amount. The weekly extended benefit amount payable to an
individual for a week of total unemployment in his eligibility period shall be an
amount equal to the weekly benefit amount payable to him during his applicable
benefit year.

(e) Total extended benefit amount. The total extended benefit amount payable to an
eligible individual with respect to his applicable benefit year shall be the least of the
following amounts:

(1) fifty per cent (50%) of the total amount of regular benefits which were payable
to him under this act in his applicable benefit year;

(2) thirteen (13) times his weekly benefit amount which was payable to him under
this act for a week of total unemployment in the applicable benefit year;

(3) provided that the amount so determined shall be reduced by the total amount
of extended benefits paid, (or being paid), to the individual under the provision
of section 72-1367A, Idaho Code, as such law existed prior to the effective date (February 3, 1971) of this act, for weeks of extended unemployment in the individual's benefit year which began prior to the effective date of the federal-state extended benefit period which is current in the week for which the individual first claims such benefits.

(f) (1) **Beginning and termination of extended benefit period.** Whenever an extended benefit period is to become effective in this state, (or in all states), as a result of a state or a national "on" indicator, or an extended benefit period is to be terminated in this state as a result of a state "off" indicator or state and national "off" indicators, the director shall make an appropriate public announcement;

(2) computations required by the provisions of subsection (a)(6)(7) shall be made by the director, in accordance with regulations prescribed by the United States secretary of labor.

(g) Irrespective of any of the other provisions of this act, none of the benefits paid pursuant to the provisions of this section shall be charged to an employer's account for purposes of experience rating.

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 26, 1975.
CHAPTER 128
(S.B.No. 1005, As Amended)

AN ACT
RELATING TO THE CONTINUATION OF THE COTTAGE SITE LEASE PROGRAM; AMENDING CHAPTER 36, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3613, IDAHO CODE, PROVIDING THAT NO ADDITIONAL STATE LANDS SHALL BE PLATTED OR SUBDIVIDED UNLESS ADEQUATE PLANNING HAS BEEN PERFORMED, AND AN ADEQUATE WATER SYSTEM AND AN ADEQUATE SEWAGE COLLECTION AND TREATMENT SYSTEM HAVE BEEN INSTALLED, PROVIDING METHODS TO SECURE CONSTRUCTION MONEY, AND PROVIDING CERTAIN EXEMPTIONS.

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

SECTION 1. That Chapter 36, 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 39-3613, Idaho Code, and to read as follows:

39-3613. CONTINUATION OF COTTAGE SITE LEASE PROGRAM. — (1) The legislature of the state of Idaho recognizes that certain state lands are presently leased for cottage site uses and are subject to leases and contracts duly authorized by law. It is legislative intent to continue to recognize such leases. However, it is also legislative intent that no new or additional lands be platted, subdivided or leased for cottage site leases, unless and until the condition and precedents listed below have been met.

(2) No additional state lands shall be further platted or subdivided, nor any new cottage site leases entered into, unless and until the following provisions have been met:

(a) The department of lands shall have completed a comprehensive planning process, as to its further participation in, and extension of, the cottage site lease program;

(b) The department of lands shall complete a comprehensive planning process as to the extension of cottage site leasing for that immediate geographic area;

(c) No new cottage site leases shall be entered into unless and until an adequate water system and an adequate sewage collection and treatment system have been installed. Both of these systems shall meet applicable state health standards and regulations.

(i) The costs for providing these systems shall be incorporated into the annual lease rates for the newly created serviced lots, unless other specific provisions for payment have been required by the state board of land commissioners. (ii) As an alternate means of securing the necessary funds for the construction of water and sewer
systems which must meet state standards and regulations, the state board of land commissioners may include as a condition of the new lease the requirement that the lessee must prepay his share of the construction costs of the water and sewer system. In all cases, however, such prepayment shall be made, and adequate water and sewer systems shall be installed and in operation before such cottage sites may be inhabited.

(3) The provisions of subsection (1) herein shall not apply to unimproved lots within cottage subdivisions in which at least eighty per cent (80%) of the lots already have cottages upon them.

Approved March 26, 1975.
CHAPTER 129
(H.B.No. 42, As Amended in the Senate, As Amended in the Senate)

AN ACT
TO REORGANIZE THE EXECUTIVE DEPARTMENT OF IDAHO STATE GOVERNMENT PURSUANT TO SECTION 20, ARTICLE IV, IDAHO CONSTITUTION; REPEALING SECTION 36-117, IDAHO CODE, RELATING TO APPOINTMENT OF NONPAID DEPUTIES; AMENDING SECTION 36-101, IDAHO CODE, TO PROVIDE THAT THE FISH AND GAME DEPARTMENT IS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT; AMENDING SECTION 36-104, IDAHO CODE, RELATING TO THE POWERS AND DUTIES OF THE COMMISSION, TO PROVIDE THAT THE IDAHO FISH AND GAME COMMISSION SHALL ORGANIZE THE DEPARTMENT INTO NECESSARY ADMINISTRATIVE UNITS AND TO PROVIDE THAT ALL EMPLOYEES OF SAID DEPARTMENT, EXCEPT THE DIRECTOR, SHALL BE SUBJECT TO THE PROVISIONS OF CHAPTER 53, TITLE 67, IDAHO CODE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-117, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 36-101, Idaho Code, be, and the same is hereby amended to read as follows:

36-101. FISH AND GAME DEPARTMENT ESTABLISHED. - A fish and game department is hereby established. The fish and game department shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be an executive department of the state government. The department shall have its principal office in the county of Ada state of Idaho.

SECTION 3. That Section 36-104, Idaho Code, be, and the same is hereby amended to read as follows:

36-104. GENERAL POWERS AND DUTIES OF COMMISSION. - (a) Chairman Secretary, and Meetings. The members of the commission shall, within thirty (30) days after their appointment, and annually thereafter, meet at their offices in the city of Boise and organize by electing from their membership a chairman, who shall hold office for a period of one (1) year, or until his successor has been duly elected. In addition to the regular annual meeting, to be held thereafter in January of each year, said commission shall hold regular quarterly meetings in April, July and October of each year, at its offices in the city
of Boise, or at such other place or places within the state as the commission shall select, for
the transaction of business. Special meetings may be called at any time and place by the
chairman and/or a majority of the members of the commission. Notice of the time and
place, and the purpose of any and all special meetings shall be given by the secretary in
writing to each member of the commission at least seven (7) days before the date of said
meeting.

(b) Powers and Duties.

1. Because conditions are changing and in changing affect the preservation, protection,
and perpetuation of Idaho wildlife, the methods and means of administering and
carrying out the state's policy must be flexible and dependent on the ascertainment
of facts which from time to time exist and fix the needs of regulation and control of
fishing, hunting, and trapping, to carry out the state's policy, and because it is
inconvenient and impracticable for the legislature of Idaho to find such facts, the
commission is empowered to investigate and find facts in the administration of the
state policy in order to give effect to the policy of the state hereinbefore announced.
The commission is not authorized to change such policy but only to administer it.

The fish and game commission of the state of Idaho is hereby authorized to
make and declare such rules and regulations, and shall have such other and further
powers as may be necessary to carry out the purposes and intent of all laws pertaining
to wild animals, wild birds, game fish, and other wildlife, and the preservation,
protection, perpetuation, and management thereof, under the policy above
announced and consistent therewith, and with the constitution and laws of the state
of Idaho pertaining thereto. The game commission shall submit to each legislature a
statement of its plans and objectives for the coming biennium. This program shall
be in a form providing for approval and if necessary amendment of such plans by the
legislature. This program when so approved is to provide a general schedule of
activities but not to be considered as binding the commission so as to prevent
necessary variations and emergency action. A report of such actions is to be
submitted with the next statement of objectives.

2. Said commission shall have power and authority to determine in hearings to be held
for that purpose, during what part of any particular year or years the supply of any
particular species of game fish, game birds, or game and fur-bearing animals, or other
wildlife, will be injuriously affected by depletion by permitting the same to be taken,
and whenever the said commission shall find that in any particular portion or portions
or the whole of the state of Idaho during any period of time the supply of any species
of game fish, game birds, or game and fur-bearing animals will be injuriously affected
by depletion by the taking thereof, and shall give notice as hereinafter provided in
sections 36-102 — 36-106, 36-108 — 36-111, Idaho Code, then the season for taking
any such game fish, game birds, or game or fur-bearing animals, or other wildlife, is
hereby declared to be closed in conformity with such order and notice, and hunting,
pursuing, killing, taking, angling for or having in possession any such species shall be
unlawful in any portion of the state, or such portion thereof as shall be named in such closing order, during any period of time, either within any year, or over any period of years fixed in such order and notice; or if it is determined by said commission after hearing and notice as aforesaid that the protection of any species of game fish, game birds, or game and fur-bearing animals, or other wildlife, will be served by either reducing or increasing the bag limit therefor, then the number of game fish, game birds, or game and fur-bearing animals, or other wildlife, which the said commission shall find as fact to constitute a reasonable number which may be taken without injuriously affecting by depletion or overcrowding the supply thereof, is hereby declared to be a reasonable number, and shall constitute the legal bag limit therefor, and it shall be unlawful for any person to take or have in their possession more than such number as found by said commission.

Provided, that should the said commission find at any such hearing that the supply of any species of game fish, game birds, or game and fur-bearing animals, or other wildlife, is such that an open season may be permitted, or longer, or different opening and/or closing dates for existing open seasons for the taking thereof will not injuriously affect by depletion or overcrowding the supply thereof, then such open season or such longer season, or such dates for the opening and/or closing of any existing season for the taking of any game fish, game birds, or game and fur-bearing animals, or other wildlife, as such commission shall find to be best for the protection thereof, is hereby declared to be and shall constitute the season therefor; and when said commission shall give notice in the manner hereinafter provided of such findings then the season for taking any such game fish, game birds, game or fur-bearing animals, or other wildlife, is hereby declared to be as ordered by said commission, and it shall be unlawful for any person to hunt, take, capture, trap, or fish for, or pursue any of such game fish, game birds, or game and fur-bearing animals, or other wildlife except during such open seasons.

For the purpose of determining the facts as to when the supply of any of the species named in this section will be injuriously affected by depletion by the taking thereof, or for the purpose of determining when an open season may be declared for the taking of game fish, game birds, or game and fur-bearing animals, or other wildlife, for which no open season now exists, said commission shall, at its regular quarterly meetings in April and July of each year or on such other days as may be determined or appointed by said commission, at its office in the city of Boise, or elsewhere, meet for the purpose of hearing testimony and considering evidence pursuant to carrying out the provisions of this section, and whenever said commission at any such meeting finds that the supply of any particular species of game fish game birds, or game and fur-bearing animals, or other wildlife, is being, or will be during any particular period, either within one (1) year or over a period of years, injuriously affected by depletion by permitting the same to be taken, or if i
should find a longer or different season, or different bag limit should be adopted for
the better protection thereof, or if it finds that an open season may be declared
without endangering the supply thereof, then it shall be the duty of said commission
to make an order embodying its findings in respect thereto and specify the period of
time, and portion of the state within which the taking of any species will injuriously
affect, by depletion or overcrowding, the supply thereof, and where open seasons
have been declared for specified game fish, game birds, or game and fur-bearing
animals, or other wildlife, and thereupon at least ten (10) days prior to taking effect
of said order, shall give notice of its findings as aforesaid by posting a copy of such
order in a conspicuous place in the courthouse of each county in the state where such
order is to take effect, and it shall be the duty of the sheriff of each county to cause
such notice to remain posted for a period of ten (10) days, and said order shall be
published as hereinafter provided.

3. The said commission, whenever it finds it necessary to the preservation, protection, or
management of any game fish, animal or birds of this state, by reason of any act of
God or any other sudden or unexpected emergency, is hereby authorized and directed
by a written order to declare the existence of such necessity, and the cause thereof,
and prescribe and designate all affected areas or streams, and to close the same to
hunting or angling, or impose such restrictions and conditions upon hunting or
angling therein as said commission shall find it to be necessary. Every such order shall
become immediately effective upon its adoption, and shall be rescinded by further
order of said commission as soon as it shall find the necessity therefor has ceased to
exist; provided, that such order shall remain in full force and effect until so rescinded.
Any person knowingly hunting or angling in an area or stream closed by any
order adopted in accordance with the preceding paragraph, and before such order has
been rescinded, shall be deemed guilty of a misdemeanor.

4. The fish and game commission shall also have the power to open to hunting, fishing
or trapping any game preserve or other closed area when such an opening is in the
interests of conservation of the birds, animals, or fish of the state.

5. Said commission shall have the power to acquire for and on behalf of the state of
Idaho, by purchase, condemnation, lease, agreement, gift, or devise, lands or waters
suitable for the purposes hereinafter enumerated, and develop, operate, and maintain
the same for said purposes, which are hereby declared a public use:
(a) For fish hatcheries, nursery ponds, or game animal or game bird farms;
(b) Lands or waters suitable for game, bird, fish or fur-bearing animal restoration,
propagation, or protection;
(c) For public hunting, fishing, or trapping areas to provide places where the public
may fish, hunt, or trap in accordance with the provisions of law, or the
regulations of the commission;
(d) To extend and consolidate by exchange, lands or waters suitable for the above
purposes.
6. Said commission shall have the power to enter into cooperative agreements with educational institutions, and state, federal, or other agencies to promote wildlife research and to train men for wildlife management.

7. Said commission shall have the power to enter into cooperative agreements with federal agencies, municipalities, corporations, organized groups of landowners, associations, and individuals for the development of game, bird, fish or fur-bearing animal, rearing, propagating, management and demonstration projects.

8. Said commission shall have the power to capture, propagate, transport, buy, sell, or exchange any species of game, bird, fish or fur-bearing animal needed for propagation or stocking purposes, or to exercise control measures of undesirable species.

(c) Limitation on Powers. Nothing in sections 36-102 – 36-106, 36-108 – 36-111, Idaho Code, however, shall be construed to authorize the commission to change any penalty prescribed by law for a violation of its provisions, or to change the amount of license fees or the authority conferred by licenses prescribed by law.

(d) Organization of Work. The commission shall establish such departmental bureaus or divisions, and shall authorize the director to employ such experts, clerks, or other employees as it may deem necessary for the conduct of the work of the commission and it shall fix their salaries or other compensation which shall be paid out of the fish and game fund, hereinafter set forth. Organize the department into such administrative units as may be necessary to efficiently administer said department. All employees of the department, except the director, shall be selected and appointed by the director in conformance with the provisions of chapter 53, title 67, Idaho Code. The commission shall authorize such scientific and other studies as may be deemed necessary to its work, and shall collect, classify, and disseminate such statistics, data, and information as in its discretion will tend to promote the objectives of sections 36-102 – 36-106, 36-108 – 36-111, Idaho Code. Said commission shall establish civil service rules and regulations to cover the employment of its officers, clerks, and employees, and all such officers, clerks, and employees shall be employed, retained, and/or discharged in accordance with said rules and regulations.

SECTION 4. This act shall be in full force and effect on and after July 1, 1975. Approved March 26, 1975.
CHAPTER 130
(H.B.No. 230)

AN ACT
AMENDING SECTION 18-711, IDAHO CODE, BY PROVIDING THAT THIS SECTION SHALL NOT APPLY TO A LAW ENFORCEMENT OFFICER WHO PURSUANT TO AN INTERLOCAL COOPERATION PLAN UPON RECEIVING AN EMERGENCY REQUEST FROM AN IDAHO LAW ENFORCEMENT OFFICER ENTERS IDAHO TO GIVE ASSISTANCE, NOR TO THE IDAHO LAW ENFORCEMENT OFFICER WHO MAKES A REQUEST FOR EMERGENCY ASSISTANCE; AND DECLARING AN EMERGENCY.

Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-711, Idaho Code, be, and the same is hereby amended to read as follows:

18-711. UNLAWFUL EXERCISE OF FUNCTIONS OF PEACE OFFICERS — UNLAWFUL IMPORTATION OF POLICE OFFICERS — SUPPRESSION OF VIOLENCE. - 1. Any person who shall in this state unlawfully exercise or attempt to exercise the functions of, or hold himself out to any one as, a deputy sheriff, marshal, policeman, constable or peace officer, or any person, whether acting in his own behalf or as an officer of the law, or as the authorized or unauthorized agent or representative of another, or of any association, corporation or company, who shall bring or cause to be brought, or aid in bringing into this state any armed or unarmed police force or detective agency or force, or any armed or unarmed body of men for the suppression of domestic violence, shall be guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state prison for not less than two (2) years and not more than five (5) years: provided, that the legislature, or the executive when the legislature can not be convened, may call upon the duly constituted authorities of the United States for the protection against invasion and domestic violence, as provided in section 4 of article 4 of the constitution of the United States.

2. This section shall not apply to a law enforcement officer who pursuant to an interlocal cooperation plan upon receiving an emergency request from an Idaho law enforcement officer enters Idaho to give assistance; nor shall this section apply to the Idaho law enforcement officer who makes a request for emergency assistance.

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 26, 1975.
CHAPTER 131
(H.B.No. 263, As Amended)

AN ACT
AMENDING SECTION 49-913, IDAHO CODE, TO PROVIDE WIDTHS, LENGTHS AND
HEIGHTS OF VEHICLES ON HIGHWAYS, AND PROVIDING CERTAIN EXCEP-
TIONS THERETO.

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

SECTION 1. That Section 49-913, Idaho Code, be, and the same is hereby amended
to read as follows:

49-913. SIZE OF VEHICLES AND LOADS. — A. No vehicle shall exceed a total
outside width including any load thereon, of eight (8) and one-half (8.5) feet, except that
the width of a farm tractor shall not exceed nine (9) feet, and excepting further, that the
limitations as to size of vehicles stated in this section shall not apply to farm tractors and
implements of husbandry, including the load thereon and including all equipment used in
land leveling operations, temporarily propelled, moved or transported upon the public
highway to or from the farm. Such overwidth vehicle must not proceed at a speed in excess
of thirty-five (35) miles per hour, must display one (1) twelve (12) inch by twelve (12) inch
red flag on front of truck or tractor pulling or hauling implement or trailer, display one (1)
twelve (12) inch by twelve (12) inch red flag on outermost left projection of implement
hailed, and move in daylight only.

B. No vehicle unladen or with load shall exceed a height of fourteen (14) feet.

C. No single vehicle shall exceed a length of forty (40) feet, extreme over-all
dimension, inclusive of front and rear bumper; no vehicle equipped with a semi-trailer
shall exceed a length of sixty-five (65) feet over-all dimensions; provided that the
distance from the kingpin to the rearmost axle of the semi-trailer shall not exceed thirty-nine (39) feet; and no combination of vehicles coupled together shall consist of more than three (3) vehicles and, when so combined, shall not exceed a total length of seventy-five (75) feet, except that combinations consisting of three (3) or four (4) vehicle:
may be operated on highways designated by the Idaho transportation board with an over-all length of ninety-eight (98) feet. For purposes of this section, a converter gear shall not be considered a vehicle.

D. No train of vehicles or vehicle operated alone shall carry any load extending more
than four (4) feet beyond the front thereof.

E. No passenger vehicle shall carry any load extending beyond the line of the fender
on the left side of such vehicle nor extending more than six (6) inches beyond the line o
the fender on the right side thereof.

F. Earth moving equipment may be used to move a load or travel to a site of operation, when said equipment is wider than eight and one-half (8 1/2) feet, in daylight hours, without requiring a permit therefore, provided that said equipment is equipped, in addition to those requirements set forth in chapter 8, title 49, Idaho Code, with a flashing amber colored light at least four (4) inches in diameter clearly visible from in front of the equipment, and a flashing red colored light at least four (4) inches in diameter clearly visible from the back of said equipment.

G. Notwithstanding any other provision of this section, the total outside width of any vehicle using the interstate system in this state may not exceed eight (8) feet, except as permitted by section 49-905, Idaho Code.

Approved March 26, 1975.
CHAPTER 132
(H.B.No. 260)

AN ACT
RELATING TO CREATION OF AN ELECTION CAMPAIGN FUND; DEFINING TERMS; CREATING THE ELECTION CAMPAIGN FUND IN THE TREASURY OF THE STATE OF IDAHO, PROVIDING THAT THE FUND IS PERPETUALLY APPROPRIATED TO THE BOARD OF EXAMINERS FOR ADMINISTRATION AND ALLOCATION, AND EXEMPTING THE FUND FROM THE PROVISIONS OF SECTION 67-3516 (3) AND (4), IDAHO CODE; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 63-3088, IDAHO CODE, PROVIDING FOR DESIGNATION BY INDIVIDUALS OF ONE DOLLAR OF INCOME TAX LIABILITY TO BE CREDITED TO THE ELECTION CAMPAIGN FUND; PROVIDING FOR THE DISTRIBUTION OF THE FUNDS IN THE ELECTION CAMPAIGN FUND; PROVIDING THAT THE COMMITTEES SHALL BE REQUIRED TO FURNISH DETAILED STATEMENTS RELATING TO ELECTION EXPENSES; PROVIDING FILING AFTER THE ELECTION OF STATEMENTS OF THE MONEY RECEIVED AND EXPENDED BY THE COMMITTEES, PROVIDING DUTIES OF THE BOARD OF EXAMINERS, AND PROVIDING PENALTIES; AND PROVIDING SEVERABILITY.

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

SECTION 1. As used in this act, the following terms have the following meanings:

(a) “Board” means the state board of examiners provided in section 67-2001, Idaho Code.

(b) “Committee” means the state central committee as provided in section 34-504, Idaho Code.

(c) “Election campaign fund” or “fund” means the fund created by section 2 of this act.

(d) “Political party” means an affiliation of electors representing a political group under a given name as authorized by section 34-501, Idaho Code:

(1) “major political party” means a political party which at the last general election polled for any one of its candidates for state or national elective office more than ten per cent (10%) of the vote cast for the office.

(2) “minor political party” means a political party which at the last general election polled for any one of its candidates for state or national elective office
more than three per cent (3\%) but less than ten per cent (10\%) of the vote cast
for the office.

(3) "new political party" means an affiliation of not less than fifteen hundred
(1500) electors, who shall, on or before the date prescribed by section 34-704,
Idaho Code, for filing of declaration of candidacy, file with the secretary of
state a petition that they desire recognition as a political party, which said
petition shall meet the requirements as otherwise prescribed by law in section
34-501, Idaho Code.

(e) "General election" means the national, state and county election held on the first
Tuesday succeeding the first Monday of November of each even numbered year.

(f) "Qualified election expense" means an expense:

1. incurred by the state central committee in furthering the election of a
candidate for office or attempting to influence any election;

2. incurred within the expenditure report period as defined in this act, or incurred
before the beginning of such period to the extent such expense is for property,
service, or facilities used during such period;

3. neither the incurring nor payment of which constitutes a violation of any of
the laws of the United States or of the state of Idaho.

(g) "Expenditure report period" means from the day following the primary election (the
Tuesday succeeding the first Monday of August in each even numbered year) to the
thirtieth day following the general election.

SECTION 2. There is hereby created and established in the treasury of the state of
Idaho a fund to be known and designated as the "election campaign fund”. The treasurer
shall maintain within the fund a separate account for each party for which a specific
designation is made under the provisions of section 63-3088, Idaho Code, and shall keep a
general account for moneys for which no specific designation is made and which are to be
distributed as provided in section 4 of this act.

All moneys placed in the election campaign fund are hereby perpetually appropriated
to the board of examiners for administration and allocation as provided by this act. All
expenditures from the fund shall be paid out in warrants drawn by the state auditor upon
presentation of proper vouchers from the secretary of state. The provisions of section
67-3516 (3) and (4), Idaho Code, are hereby specifically declared not to apply to the
administration of the election campaign fund.

SECTION 3. That Chapter 30, 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
63-3088, Idaho Code, and to read as follows:

63-3088. DESIGNATION BY INDIVIDUALS. — (a) Every individual whose income
tax liability for any taxable year is one dollar ($1.00) or more under the provisions of
chapter 30, title 63, Idaho Code, may designate that one dollar ($1.00) shall be paid into
the election campaign fund established by this act.
(b) For the purposes of subsection (a), the income tax liability of an individual for any taxable year is the amount of the tax imposed by the Idaho Income Tax Act, reduced by the sum of the credits authorized by that act.

(c) A designation under subsection (a) may be made with respect to any taxable year, in such manner as the state tax commission may prescribe by regulations, at the time of filing the return of the tax imposed by the Idaho Income Tax Act.

(d) The form and manner prescribed by the state tax commission shall include a provision to authorize the individual to designate the party to receive the contribution, or to designate that the contribution shall be credited to the general election campaign fund to be distributed as provided by section 4 of this act.

(e) The form and manner prescribed by the state tax commission shall be a conspicuous portion of the principle form provided for purposes of individual taxation.

SECTION 4. Each political party, through its central committee, shall be eligible for payments from the fund in the following manner:

(a) Each party shall receive the amount of the fund which has been designated by the contributing individuals and credited to the separate account in the fund maintained for the party.

(b) Ninety per cent (90%) of the fund which has not been designated, but is credited to the general election campaign fund, shall be distributed to the central committees in proportion to the share of the votes cast for the candidate of the party for the office of governor in the last election for governor, provided that no party shall receive more than fifty per cent (50%) of the fund so distributed. Any portion of the fund not distributed shall revert to the fund and, together with the ten per cent (10%) reserved, be distributed in equal portions to all major, minor and new political parties which have qualified candidates for elective state office for the ballot in the next general election.

(c) The distribution provided by this section shall take place on the Tuesday succeeding the first Monday of August in each even numbered year.

SECTION 5. (a) The board of examiners shall require, from time to time, as provided by regulations, that the committees furnish to the board a detailed statement, in such form as the board may prescribe, of

1. the qualified election expenses incurred by the committee prior to the date of such statement, and
2. the qualified election expenses which the committee proposes to incur on or after the date of such statement.

The board shall require a statement under this section from each committee at least once each week during the fourth, third, and second weeks preceding the day of the election, and at least twice during the week preceding the election.

(b) The board shall maintain statements submitted under this provision in such a manner that statements are available for public inspection during regular working hours.

SECTION 6. Not later than the thirtieth day following a general election, the
chairman of the committee shall be responsible to file with the office of the board a statement setting forth:

1. the amount of money received by the committee under the provisions of section 4 of this act; and

2. the qualified election expenses (shown in such detail as the board may prescribe) incurred by the committee.

The board is authorized to prescribe such rules and regulations, to conduct such examinations and audits, to conduct such investigations, and to require the keeping and submission of such books, records and information as it deems necessary to carry out the functions and duties imposed by this act.

If the board finds that any of the expenditures reported by the committee are not qualified election expenses, it shall so notify the committee of the amount deemed to have been not qualified. The committee shall be entitled to hearing by the board; if after hearing by the board, the expenditures are determined not to be qualified, such committee shall pay to the state auditor an amount equal to such amount to be credited to the public school fund.

If the report filed under this section shows an unexpended balance of the funds provided under the terms of section 4 of this act, the committee shall file monthly reports on the purposes to which such funds are used until there is no balance.

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.

Approved March 26, 1975.
AN ACT
AMENDING SECTION 39-1312, IDAHO CODE, RELATING TO CONFIDENTIALITY OF
INFORMATION RECEIVED BY THE LICENSING AGENCY, BY PROVIDING
THAT PUBLIC DISCLOSURE OF INFORMATION OBTAINED SHALL NOT
IDENTIFY INDIVIDUAL RESIDENTS OR PATIENTS OF HOSPITALS EXCEPT
IN A LICENSURE PROCEEDING AND SHALL BE GOVERNE BY RULES
ADOPTED BY THE BOARD OF HEALTH AND WELFARE.

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

SECTION 1. That Section 39-1312, Idaho Code, be, and the same is hereby amended
to read as follows:

39-1312. INFORMATION CONFIDENTIAL. - Information received by the
licensing agency through filed reports, inspection, or as otherwise authorized under this law,
shall not be disclosed publicly in such a manner as to identify individual residents or
patients of hospitals, except in a proceeding involving the question of licensure. Public
disclosure of information obtained by the licensing agency for the purposes of this
act shall be governed by rules and regulations adopted by the board of health and welfare.
Nothing in this chapter, however, shall be construed, nor shall any rule or regulation be
promulgated under this section, as to impair, restrict or alter the confidentiality and
privilege afforded the physician and patient communications, including without limitation,
documentation thereof in hospital records, or communications to and with nurses or other
assisting persons or entities, nor shall this act be construed to amend by implication such
physician-patient communication privilege as provided elsewhere in this code, including
without limitation section 9-203(4), Idaho Code, which shall remain inviolate.

Approved March 26, 1975.
AN ACT
AMENDING SECTION 22-2448, IDAHO CODE, RELATING TO THE COST OF EXTERMINATION AND ERADICATION OF WEEDS, TO INCREASE THE LEVY FROM TEN CENTS TO THIRTY CENTS PER ONE HUNDRED DOLLARS ASSESSED VALUATION.

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

SECTION 1. That Section 22-2448, Idaho Code, be, and the same is hereby amended to read as follows:

22-2448. COST OF EXTERMINATION AND ERADICATION OF WEEDS – PAYMENT. – 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 (1/2) 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 (1/2) 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 (1/2) 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 of 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 thirty cents (10½) (30d) 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.

Approved March 26, 1975.
CHAPTER 135
(H.B.No. 268, As Amended in the Senate)

AN ACT
AMENDING SECTION 61-1001, IDAHO CODE, TO PROVIDE THAT EXPENSES FOR THE ADMINISTRATIVE SALARIES OF THE PUBLIC UTILITIES COMMISSION BE PAID FROM THE GENERAL FUND AND THE REMAINING EXPENSES BE DEFRAIGNED FROM FEES ASSESSED AGAINST UTILITIES; AMENDING SECTION 61-1002, IDAHO CODE, TO CONFORM TO THIS AMENDMENT; AMENDING SECTION 61-1004, IDAHO CODE, TO CONFORM TO THIS AMEND­MENT; AMENDING SECTION 61-1009, IDAHO CODE, TO DECLARE THE INTENT OF THE LEGISLATURE TO PROVIDE EXPENSES FOR ADMINISTRATIVE SALARIES WHICH SHALL BE APPROPRIATED FROM THE GENERAL FUND AND REMAINING PUBLIC UTILITIES COMMISSION EXPENSES WHICH SHALL BE APPROPRIATED FROM FEES IMPOSED UPON PUBLIC UTILITIES.

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

SECTION 1. That Section 61-1001, Idaho Code, be, and the same is hereby amended to read as follows:

61-1001. ANNUAL FEES PAYABLE TO COMMISSION BY PUBLIC UTILITIES AND MOTOR CARRIERS – PURPOSE. – Each public utility and each railroad corporation, subject to the jurisdiction of the commission, and subject to the provisions of this act, shall pay to the commission in each year, a special regulatory fee in such amount as the commission shall find and determine to be necessary, together with the amount of all other fees paid or payable to the commission by each such public utility and railroad corporation in the current calendar year, together with the fees collected by the commission from motor carriers under chapter 8, title 61, Idaho Code, to defray four fifths (4/5) of the amount to be expended by the commission for its administrative and maintenance expenses in supervising and regulating the public utilities, railroad corporations and motor carriers subject to its jurisdiction except for administrative personnel costs which shall be provided from the general fund. For this purpose, administrative personnel costs shall mean salaries and related payroll expenses for the commissioners, the secretary of the commission and administrator, and clerks and secretaries assigned to administration.

SECTION 2. That Section 61-1002, Idaho Code, be, and the same is hereby amended to read as follows:
61-1002. EXPENDITURE - DETERMINATION - APPORTIONMENT - APPROPRIATION. - At each regular session, the legislature shall determine the amount of money to be expended by the commission during the next ensuing fiscal biennium year for its administrative and maintenance expenses in supervising, and regulating the public utilities, railroad corporations, and motor carriers subject to its jurisdiction, and shall appropriate one-fifth (1/5) of such amount to the commission from the general fund of the state a sufficient amount from the general fund for the payment of administrative personnel costs. The remaining four-fifths (4/5) of such determined amount to be appropriated shall be defrayed out of fees to be paid by such public utilities, railroad corporations and motor carriers out of the “Public Utilities Commission Fund,” as hereinafter provided.

SECTION 3. That Section 61-1004, Idaho Code, be, and the same is hereby amended to read as follows:

61-1004. DUTIES OF COMMISSION -- FEES -- DETERMINATION -- MAXIMUM AND MINIMUM FEES. - On or before April 15th of each year the commission shall determine the proportionate assessment that all railroad corporations and all other public utilities subject to the jurisdiction of the commission, shall bear to the four fifths (4/5) of the amount determined by the legislature for administrative expenses of the commission for the supervision and regulation of such railroad corporations, and all other public utilities, which in the judgment of the commission, which will not be appropriated from the general fund which will be required to defray the administrative and maintenance expense of the commission for such supervision and regulation of such railroad corporations and other public utilities during the ensuing fiscal year; such determination shall be based upon a consideration of the time and expense devoted to the supervision and regulation of each such class of railroad corporations and other public utilities during the preceding calendar year, including salaries and wages of the commissioners and employees and all other necessary and lawful expenditures of the commission. Thereupon the commission shall apportion the assessment thus determined to be required of all railroad corporations and all other public utilities, to each such class thereof, respectively, in proportion to their respective gross operating revenues derived from intrastate utility business in Idaho for the preceding calendar year, except that the maximum fee payable shall not exceed:

1) In the case of railroad corporations, one per cent (1%) of the gross operating revenues derived from the intrastate utility business of each railroad corporation and

2) In the case of all other public utilities, one-fourth (1/4) of one per cent (1%) of the gross operating revenues derived from the intrastate utility business of each such public utility.

3) In no case shall the fee be less than $25.00.

The commission shall make such assessment of the fees so determined by orders duly made and entered on its minutes.

SECTION 4. That Section 61-1009, Idaho Code, be, and the same is hereby amended to read as follows:
61-1009. LEGISLATIVE INTENT. — The legislature hereby declares that the purpose and intent of this act is to provide in the aggregate, four fifths of the amount determined by the state to be expended by the commission that expenses for personnel costs for administration of the commission shall be appropriated from the general fund and that the remaining expenses for the supervision and regulation of railroad corporations, other public utilities and motor carriers shall be appropriated from fees imposed upon public utilities, motor carriers and railroad corporations so supervised and regulated.

Approved March 26, 1975.
AN ACT
AMENDING SECTION 33-901, IDAHO CODE, TO PERMIT DISBURSEMENT OF
SCHOOL PLANT FACILITIES RESERVE FUND MONEYS FOR LEASE AND
LEASE PURCHASE AGREEMENTS EXPENDITURES.

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 for
lease and lease purchase agreements for such purposes 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). Lease purchase
agreements shall not extend beyond the period designated for any existing school plant
facilities reserve fund levy. 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 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 26, 1975.
RELATING TO RECALL ELECTIONS; AMENDING SECTION 34-1701, IDAHO CODE, BY PROVIDING THAT THE CLERK OF THE DISTRICT COURT MAY BE RECALLED; AMENDING SECTION 34-1704, IDAHO CODE, TO PROVIDE THAT THE PETITION FOR RECALL MUST BE PERFECTED WITH THE REQUIRED SIGNATURES WITHIN SIXTY DAYS, RATHER THAN NINETY DAYS; AMENDING SECTION 34-1706, IDAHO CODE, TO PROVIDE THAT PETITIONS ARE NOT TO BE RETURNED TO THE PETITIONERS IF THERE IS AN INSUFFICIENT NUMBER OF SIGNATURES, AND TO PROVIDE THAT THE EXAMINING OFFICER MAY STRIKE DUPLICATE SIGNATURES AND SIGNATURES OF PERSONS REQUESTING THE REMOVAL OF SAME FROM THE PETITION; AMENDING SECTION 34-1707, IDAHO CODE, TO PROVIDE THAT THE SPECIAL RECALL ELECTION SHALL BE HELD NOT LESS THAN THIRTY NOR MORE THAN FORTY DAYS FROM PERFECTION OF THE PETITION; AMENDING SECTION 34-1712, IDAHO CODE, TO PROVIDE THAT THE NUMBER OF VOTES CAST IN FAVOR OF THE RECALL MUST BE EQUAL OR EXCEED THE VOTES CAST AT THE LAST GENERAL ELECTION FOR THAT OFFICER; AND AMENDING SECTION 34-1713, IDAHO CODE, TO PROVIDE THAT THE SAME REASON CANNOT BE THE BASIS FOR A SECOND RECALL DURING THAT TERM IN OFFICE.

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

SECTION 1. That Section 34-1701, Idaho Code, be, and the same is hereby amended to read as follows:

34-1701. OFFICERS SUBJECT TO RECALL. – The following public officers, whether holding their elective office by election or appointment, and none other, are subject to recall:

(1) State officers:
(a) The governor, lieutenant-governor, secretary of state, state auditor, state treasurer, attorney general, and superintendent of public instruction;
(b) Members of the state senate, and members of the state house of representatives.

(2) County officers:
(a) The members of the board of county commissioners, sheriff, treasurer, assessor, prosecuting attorney, clerk of the district court, and coroner.
City officers:
(a) The mayor;
(b) Members of the city council.

SECTION 2. That Section 34-1704, Idaho Code, be, and the same is hereby amended to read as follows:

34-1704. PRINTING OF PETITION AND SHEETS FOR SIGNATURES — TIME LIMITS FOR PERFECTING PETITION. — (1) Before or at the time of beginning to circulate any petition for the recall of any officer subject to recall, the person or persons, organization or organizations under whose authority the recall petition is to be circulated, shall send or deliver to the secretary of state, county clerk, or city clerk, as the case may be, a copy of such petition duly signed by at least twenty (20) electors eligible to sign such petition. The receiving officer shall immediately examine the petition and specify the form and kind and size of paper on which the petition shall be printed and circulated for further signatures. All petitions for recall and sheets for signatures shall be printed on a good quality bond or ledger paper, on pages eight and one-half (8½) inches in width by thirteen (13) inches in length, with a margin of one and three-fourths (1¾) inches at the top for binding, and the sheets for signatures shall have numbered lines thereon from one (1) to twenty (20) for signatures. The petition shall be prepared in sections, with each section numbered consecutively. Each section of a petition must have a printed copy of the petition as the first page, and each section shall have attached to it not more than ten (10) sheets for signatures.

(2) The secretary of state, county clerk, or city clerk, as the case may be, shall indicate in writing on the recall petition that he has approved it as to form and the date of such approval. Upon approval as to form, the secretary of state, county auditor, or city clerk, shall inform the person or persons, organization or organizations under whose authority the recall petition is to be circulated, in writing, that the petition must be perfected with the required number of certified signatures within ninety (90) sixty (60) days following the date of approval as to form. Any petition that has not been perfected with the required number of certified signatures within ninety (90) sixty (60) days allowed shall be declared null and void ab initio in its entirety, except for the extension allowed for in section 34-1707, Idaho Code.

SECTION 3. That Section 34-1706, Idaho Code, be, and the same is hereby amended to read as follows:

34-1706. EXAMINATION AND CERTIFICATION OF SIGNATURES.—(1) All petitions with attached signature sheets shall be presented to the secretary of state, county clerk, or city clerk, as the case may be, on the same day, and a cursory examination of the petitions shall be made by such officer first receiving them. The cursory examination shall be made to determine whether the petitions apparently contain the necessary number of signatures.

(a) If the total number of signatures on the petitions is not sufficient to satisfy the
number required by section 34-1702, Idaho Code, all petitions with attached signature sheets shall be returned to the person attempting to file them retained by the officer who shall notify in writing the person filing the petition of the number of signatures needed, and further signatures may be gathered.

(b) If the cursory examination of the signature sheets reveals:

(i) Erasures on any signature;
(ii) Illegible or undecipherable signatures;
(iii) Signatures not properly identified by all of the information required on the sheet;
(iv) Duplicate signatures;
(v) Signatures of persons who have requested in writing to have their names removed from the petition;

the officer making such cursory examination shall summarily reject such signatures and such rejected signatures shall not be counted. Each rejected signature shall be drawn through with ink and initialed by the rejecting officer. If the total number of signatures not rejected is not sufficient to satisfy the number required by section 34-1702, Idaho Code, all petitions with attached signature sheets shall be returned to the person attempting to file them retained by the officer who shall notify in writing the person filing the petition of the number of signatures needed, and further signatures may be gathered.

(2)(a) All recall petitions presented to the secretary of state found to apparently contain the necessary number of signatures, after the examination provided for in section 34-1706(1), Idaho Code, shall be filed by the secretary of state and become public records of the state not to be returned. The secretary of state shall promptly transmit the petition sections with attached signature sheets to the proper county clerk, with an accompanying letter from the secretary of state ordering the signature sheets to be examined and returned to the secretary of state within ten (10) days. The county clerk shall examine each signature purported to be that of a registered elector from his county, and compare each such signature with the registration documents available to the county clerk. The county clerk shall summarily reject all signatures:

(i) Which are illegible or undecipherable;
(ii) Which are not the signatures of registered electors; and such rejected signatures shall not be counted;
(iii) Duplicate signatures; and
(iv) Signatures of persons who have requested in writing to have their names removed from the petition.

Each rejected signature shall be drawn through with ink and initialed by the auditor. The county clerk shall certify each signature found to comply with all of the requirements of this act by an appropriate mark following each signature.

The county clerk shall certify to the secretary of state within the specified
number of days the number of signatures on the petition found to be of registered electors, and shall return all petitions to the secretary of state.

(b) The secretary of state shall total the number of certified signatures from each of the county clerks, if applicable, and if found to total the number of signatures required by section 34-1702, Idaho Code, shall proceed as provided in section 34-1707, Idaho Code.

(3) All recall petitions presented to the county clerk for the recall of any county officer found to apparently contain the necessary number of signatures, after the examination provided for in section 34-1706(1), Idaho Code, shall be filed with the county clerk and become public records of the county not to be returned. The county clerk shall examine each signature purported to be that of a registered elector from his county, and compare each such signature with the registration documents available to the county clerk. The county clerk shall summarily reject all signatures which are not the signatures of registered electors; and such rejected signatures shall not be counted. Each rejected signature shall be drawn through with ink and initialed by the clerk. The county clerk may take not to exceed ten (10) days after filing of the petition to complete his examination.

The county clerk shall certify each signature found to comply with all of the requirements of this act by an appropriate mark following each signature.

The county clerk shall total the number of certified signatures, and if found to total the number of signatures required by section 34-1702, Idaho Code, shall proceed as provided in section 34-1707, Idaho Code.

(4) All recall petitions presented to the city clerk for the recall of any city officer found to apparently contain the necessary number of signatures, after the examination provided for in section 34-1706(1), Idaho Code, shall be filed with the city clerk and become public records of the city not to be returned. The city clerk shall examine each such signature purported to be that of a registered elector of the city, and compare each such signature with the registration documents available to the city clerk. The city clerk shall summarily reject all signatures which are not the signatures of a registered elector of the city; and such rejected signatures shall not be counted. Each rejected signature shall be drawn through with ink and initialed by the city clerk. The city clerk may take not to exceed ten (10) days after filing of the petition to complete his examination.

The city clerk shall certify each signature found to comply with all of the requirements of this act by an appropriate mark following each signature.

The city clerk shall total the number of certified signatures, and if found to total the number of signatures required by section 34-1702, Idaho Code, shall proceed as provided in section 34-1707, Idaho Code.

SECTION 4. That Section 34-1707, Idaho Code, be, and the same is hereby amended to read as follows:

34-1707. SUFFICIENCY OF PETITION – NOTIFICATION – EFFECT OF RESIGNATION – SPECIAL ELECTION. –

(1)(a) In the event that a petition filed with the secretary of state does not contain the
required number of certified signatures after being returned by the county clerks, the 
secretary of state shall inform the person or organization under whose authority the 
petition was circulated that the petition is defective for lack of certified signatures, 
and specify the number of additional signatures required to make the petition valid. 
The petition must be perfected within thirty (30) days of the date that the secretary 
of state finds the petition defective for lack of certified signatures. If the petition is 
not perfected within the thirty (30) day period, the secretary of state shall declare the 
petition null and void ab initio in its entirety.

(b) In the event that a petition filed with the secretary of state is found by the secretary 
of state to contain the required number of certified signatures, the secretary of state 
shall promptly, by certified mail, inform the officer being recalled, and the petitioner, 
that the recall petition is in proper form.

(i) If the officer being recalled resigns his office within five (5) days after notice 
from the secretary of state, his resignation shall be accepted and the resignation 
shall taken effect on the day it is offered, and the vacancy shall be filled as 
provided by law.

(ii) If the officer being recalled does not resign his office within five (5) days after 
notice from the secretary of state, a special election shall be ordered by the 
secretary of state, unless he is the officer being recalled, in which event the 
governor shall order such special election. The special election must be held 
within not less than thirty (30) days nor more than forty (40) days, and the 
date of the special election shall be specified in the order. If the officer being 
recalled is one (1) specified in section 34-1701(1)(a), Idaho Code, the special 
election shall be conducted statewide. If the officer being recalled is one (1) 
specified in section 34-1701(1)(b), Idaho Code, the special election shall be 
conducted only in the legislative district.

(2)(a) In the event that a petition filed with a county clerk does not contain the required 
number of certified signatures, the county clerk shall inform the person or 
organization under whose authority the petition was circulated that the petition is 
defective for lack of certified signatures, and specify the number of additional 
signatures required to make the petition valid. The petition must be perfected within 
thirty (30) days of the date that the clerk finds the petition defective for lack of 
certified signatures. If the petition is not perfected within the thirty (30) day period, 
the clerk shall declare the petition null and void ab initio in its entirety.

(b) In the event that a petition filed with the county clerk is found by the county clerk 
to contain the required number of certified signatures, the county clerk shall 
promptly, by certified mail, inform the officer being recalled, and the petitioner, 
that the recall petition is in proper form.

(i) If the officer being recalled resigns his office within five (5) days after notice 
from the county clerk, his resignation shall be accepted and the resignation
shall take effect on the day it is offered, and the vacancy shall be filled as provided by law.

(ii) If the officer being recalled does not resign his office within five (5) days after notice from the county clerk, a special election shall be ordered by the county clerk. The special election must be held within not less than thirty (30) days nor more than forty (40) days, and the date of the special election shall be specified in the order. The special election shall be conducted county-wide.

3(a) In the event that a petition filed with a city clerk does not contain the required number of certified signatures, the city clerk shall inform the person or organization under whose authority the petition was circulated that the petition is defective for lack of certified signatures, and specify the number of additional signatures required to make the petition valid. The petition must be perfected within thirty (30) days of the date that the city clerk finds the petition defective for lack of certified signatures. If the petition is not perfected within the thirty (30) day period, the clerk shall declare the petition null and void ab initio in its entirety.

(b) In the event that a petition filed with a city clerk is found by the city clerk to contain the required number of certified signatures, the city clerk shall promptly, by certified mail, inform the officer being recalled, and the petitioner, that the recall petition is in proper form.

(i) If the officer being recalled resigns his office within five (5) days after notice from the city clerk, his resignation shall be accepted and the resignation shall take effect on the day it is offered, and the vacancy shall be filled as provided by law.

(ii) If the officer being recalled does not resign his office within five (5) days after notice from the city clerk, a special election shall be ordered by the city clerk. The special election must be held within not less than thirty (30) days nor more than forty (40) days, and the date of the special election shall be specified in the order. The special election shall be conducted city-wide.

SECTION 5. That Section 34-1712, Idaho Code, be, and the same is hereby amended to read as follows:

34-1712. GENERAL ELECTION LAWS CONTROL. – (1) The provisions relating to general elections, including the payment of expenses of conducting the recall election, shall govern special recall elections except where otherwise provided for.

(2) Whenever a special recall election is ordered, notice must be issued and posted in the same manner as for a general election.

(3) To recall any officer, a majority of the votes cast at the special recall election must be in favor of such recall, and additionally, the number of votes cast in favor of the recall must equal or exceed the votes cast at the last general election for that officer.

(4) If recalled, an officer shall be recalled as of the time when the results of the special recall election are proclaimed, and a vacancy in the office shall exist.
(5) If an officer is recalled from his office the vacancy shall be filled in the manner provided by law for filling a vacancy in that office arising from any other cause.

SECTION 6. That Section 34-1713, Idaho Code, be, and the same is hereby amended to read as follows:

34-1713. TIME WITHIN WHICH RECALL MAY BE FILED — REMOVAL OF SIGNATURES. — (1) No petition for a recall shall be circulated against any officer until he has actually held his office ninety (90) days.

(2) After one (1) special recall election, no further recall petition shall be filed against the same officer during his current term of office, unless the petitioners first pay into the public treasury which has paid such special recall election expenses the whole amount of the expenses for the preceding recall election. The specific reason for recall in one (1) recall petition cannot be the basis for a second recall petition during that current term of office.

(3) The signer of any recall petition may remove his own name from the petition by crossing out, obliterating, or otherwise defacing his own signature at any time prior to the time when the petition is filed.

(4) The signer of any recall petition may have his name removed from the petition at any time after the petition has been filed, but prior to the time when an election has been ordered, by presenting or submitting to the officer who receives the recall petition, a signed statement, that the signer desires to have his name removed from the petition. The statement shall contain sufficient information to clearly identify the signer. The officer who receives the statement shall immediately strike the signer's name from the petition, and adjust the total of certified signatures on the petition accordingly. The statement shall be attached to, and become a part of the petition for recall.

Approved March 26, 1975.
CHAPTER 138
(H.B.No. 286)

AN ACT
AMENDING SECTION 63-3024, IDAHO CODE, RELATING TO INDIVIDUALS' TAX AND TAX ON ESTATES AND TRUSTS, BY UPDATING REFERENCES TO CURRENT YEAR, BY PROVIDING FOR A CREDIT AGAINST THE TAX DUE OR A REFUND TOTALING FIFTEEN DOLLARS FOR EACH EXEMPTION DEFINED IN SECTIONS 151 (b) AND (e) OF THE INTERNAL REVENUE CODE FOR EVERY RESIDENT REQUIRED BY LAW TO FILE A RETURN AND WHO DOES FILE A RETURN, AND TO PROVIDE FOR SUCH CREDIT OR REFUND FOR THE PERSONS DESCRIBED IN SECTION 63-3024 (f), IDAHO CODE, WHETHER OR NOT REQUIRED TO FILE A RETURN, AND TO PROVIDE FOR A TWENTY DOLLAR CREDIT OR REFUND FOR EVERY RESIDENT OVER AGE SIXTY-FIVE WHETHER OR NOT REQUIRED TO FILE A RETURN, AND TO PROVIDE FOR PROPORTIONATE CREDITS OR REFUNDS FOR PART-YEAR RESIDENTS, AND PROVIDING LIMITATIONS ON CREDITS OR REFUNDS ALLOWED BY THIS SECTION; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-3024, Idaho Code, be, and the same is hereby amended to read as follows:

63-3024. INDIVIDUALS' TAX AND TAX ON ESTATES AND TRUSTS. — A tax is hereby imposed for each taxable year commencing on and after January 1, 1974 1975, upon every resident individual, trust or estate which shall be measured by his or its taxable income, and upon that part of the taxable income of any nonresident individual, trust or estate derived from sources within the state of Idaho as set forth in section 63-3027, Idaho Code.

1) The tax imposed upon individuals, trusts and estates shall be computed at the following rates:

(1) On the first $1,000 of such taxable income or any part thereof, at the rate of 2.0 per centum;

(2) On the second $1,000 of such taxable income or any part thereof, at the rate of 4.0 per centum;

(3) On the third $1,000 of such taxable income or any part thereof, at the rate of 4.5 per centum;
(4) On the fourth $1,000 of such taxable income or any part thereof, at the rate of 5.5 per centum;
(5) On the fifth $1,000 of such taxable income or any part thereof, at the rate of 6.5 per centum;
(6) On any taxable income in excess of $5,000, at the rate of 7.5 per centum;

(b) In case a joint return is filed by husband and wife pursuant to the provisions of section 63-3031, Idaho Code, the tax imposed by this section shall be twice the tax which would be imposed on one half (½) of the aggregate taxable income. For the purposes of this section, a return of a surviving spouse, as defined in section 2(b) of the Internal Revenue Code, and a head of household, as defined in section 1(b), (2), (3), and (4) of the Internal Revenue Code, shall be treated as a joint return and the tax imposed shall be twice the tax which would be imposed on one half (½) of the taxable income.

(c) The state tax commission shall compute and publish Idaho income tax liability for resident taxpayers at the midpoint of each bracket of adjusted gross income (as defined in section 62 of the Internal Revenue Code), adjusted as required by section 63-3022, Idaho Code, in twenty-five dollar ($25.00) steps below three thousand dollars ($3,000) and fifty dollar ($50.00) steps to ten thousand dollars ($10,000) rounding such calculations to the nearest dollar. Resident taxpayers having elected standard deductions with adjusted gross incomes within such brackets shall file returns based upon and pay taxes according to the schedule thus established. The state tax commission shall publish regulations defining the conditions upon which such returns shall be filed.

(d) A credit shall be allowed to resident individuals against taxes due under the Idaho Income Tax Act. This credit shall be in the amount of fifteen dollars ($15.00) for taxable year 1974 only, and for taxable year 1975 and each taxable year thereafter shall be ten dollars ($10.00). Any resident individual who is required to file by law and who has filed an Idaho income tax return shall be allowed a credit or refund equal to the amount of fifteen dollars ($15.00) or the balance of his unused credit whichever is greater, for each personal exemption for which a deduction is permitted by section 151(b) and (c) of the Internal Revenue Code, as that section appeared on December 31, 1964, if such deduction is claimed on the taxpayer's Idaho income tax return. If the credit or refund is not claimed for the year for which the individual income tax return is filed, the right thereafter to claim such credit or refund shall be forfeited. No credit may be claimed for an exemption which represents a person who has himself filed an Idaho income tax return claiming a deduction for his own personal exemption, and in no event shall more than one (1) taxpayer be allowed credit for the same exemption. The state tax commission shall prescribe the method by which the refund, if any, is to be made to the taxpayer.

(e) A resident individual of the state of Idaho who has reached his sixty-fifth birthd...
before the end of his taxable year and has been allowed none, or less than all, of the
credit provided by this subsection, shall be entitled to a credit or refund equal to the
amount of ten dollars ($10.00), twenty dollars ($20.00) or the balance of his unused
credit, whichever is greater, for each personal exemption for which a deduction is
permitted by section 151 (b) and (e) of the Internal Revenue Code, as that section
appeared on December 31, 1964, and upon making application therefor at such time
and in such manner as may be prescribed by the state tax commission, be entitled to a.
Payment out of the state refund fund.

(f) A resident individual of the state of Idaho who is:

(i) blind, or

(ii) a disabled American veteran 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 is in receipt of a pension for nonservice-connected
disabilities, in accordance with laws and regulations administered by the United
States veterans administration, substantiated by a statement as to status signed
by a responsible officer of the United States veterans administration, or

(iii) over sixty-two (62) years of age, and has been allowed none, or less than all, of
the credit provided by subsection (d) or subsection (e) of this section, shall be
entitled to a payment from the refund fund in an amount equal to fifteen
dollars ($15.00) for taxable year 1974 only, or the balance of his unused
credit, whichever is less greater, upon making application therefor at such time
and in such manner as the state tax commission may prescribe.

(g) Any part-year resident entitled to a credit or refund under this section shall receive a
proportionate credit or refund, in the manner above provided, reflecting the part of
the year in which he was domiciled in this state.

(h) No credit or refund may be claimed for an exemption which represents a person who
has himself filed an Idaho income tax return claiming a deduction for his own
personal exemption, and in no event shall more than one (1) taxpayer be allowed a
credit or refund for the same exemption, or under more than one subsection of this
section.

SECTION 2. There is hereby appropriated from the surplus moneys in the general
fund, the sum of $1,448,000 which sum is to be deposited as of July 1, 1975 in the state
refund fund as created in section 63-3067, Idaho Code, and which sum shall be available to
the state refund fund from July 1, 1975 through June 30, 1976.

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, and
retroactively to January 1, 1975.

Approved March 26, 1975.
CHAPTER 139
(H.B.No. 296)

AN ACT
AMENDING SECTION 40-2812, IDAHO CODE, PERTAINING TO ADVERTISING DISPLAYS, BY ADDING A DEFINITION OF URBAN AREAS; AMENDING SECTION 40-2823, IDAHO CODE, BY STRIKING THE WORDS, "ANNUAL PERMIT" FROM THE PARAGRAPH PERTAINING TO PERMIT FEES AND INCREASING THE FEES FOR THE ORIGINAL PERMIT TO TEN DOLLARS; AMENDING SECTION 40-2828, IDAHO CODE, BY STRIKING A PROVISION RELATING TO DIRECT ACCESS TO THE ADVERTISED ACTIVITY, BY PROVIDING THAT LANDMARK SIGNS BE PERMITTED AND BY STRIKING PARAGRAPH (b) THEREOF AND ADDING A NEW PARAGRAPH PROVIDING THAT NO ADVERTISING DISPLAYS SHALL BE ERECTED BEYOND 660 FEET OF THE RIGHT-OF-WAY AND OUTSIDE OF URBAN AREAS IF THEY ARE VISIBLE FROM THE MAIN TRAVELED WAY AND ERECTED WITH THE PURPOSE OF BEING READ FROM THE HIGHWAY; AMENDING SECTION 40-2829, IDAHO CODE, TO PROVIDE THAT VALID COMMERCIAL OR INDUSTRIAL ZONES SHALL INCLUDE THOSE PORTIONS OF ZONED AREAS WITHIN 600 FEET OF AREAS ACTUALLY USED FOR COMMERCIAL OR INDUSTRIAL PURPOSES; REPEALING SECTION 40-2830, IDAHO CODE; AMENDING CHAPTER 28, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 40-2830, IDAHO CODE, TO PROVIDE FOR PAYMENT UPON REMOVAL OF ANY ADVERTISING DISPLAY LAWFULLY ERECTED AND FOR THE REMOVAL OF ADVERTISING DISPLAYS BEYOND 660 FEET OF THE RIGHT-OF-WAY IF VISIBLE FROM AND ERECTED WITH THE PURPOSE OF BEING READ FROM THE HIGHWAY, AND PROVIDING THAT THE DEPARTMENT SHALL NOT BE REQUIRED TO PURCHASE DISPLAYS UNTIL MATCHING FEDERAL AID FUNDS ARE AVAILABLE; AMENDING SECTION 40-2836, IDAHO CODE, TO PROVIDE FOR THE REMOVAL OF SIGNS IN VIOLATION OF THIS CHAPTER BY THE IDAHO TRANSPORTATION DEPARTMENT UNDER THE ADMINISTRATIVE PROCEDURES ACT; REPEALING SECTION 40-2837, IDAHO CODE; AMENDING CHAPTER 28, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 40-2837,
IDAHO CODE, TO PROVIDE THAT ANY PERSON WHO ERECTS AN ADVERTISING DISPLAY OR ANY PERSON WHO PERMITS AN ADVERTISING DISPLAY TO BE MAINTAINED ON LAND WHICH HE OWNS OR LEASES, IN VIOLATION OF THIS CHAPTER SHALL BE GUILTY OF A MISDEMEANOR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 40-2812, Idaho Code, be, and the same hereby is amended to read as follows:

40-2812. DEFINITIONS. — As used in this act:

(1) "Advertising structure(s)" or "structure(s)" or "sign(s)" mean any outdoor structure, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended or used to advertise or inform. The foregoing do not include:

(a) Official notices issued by any court or public body or officer.

(b) Notices posted by any public officer in performance of a public duty or by any person in giving legal notice.

(c) Directional, warning or information structures required by or authorized by law, informational or directional signs regarding telephone service, emergency telephone signs, buried or underground cable markers and above cable closures.

(d) An official or public structure erected near a city or county, and within its territorial or zoning jurisdiction, which contains the name of such city or county, provided the same is maintained wholly at public expense.

"Sign" does not include:

(a) Official notices issued by any court or public body or officer.

(b) Notices posted by any public officer in performance of a public duty or by any person in giving any legal notice.

(c) Directional, warning or information signs or structures required by or authorized by law.

(2) "Lawfully maintained" means a sign maintained on private land in accordance with state law and with the consent or acquiescence of the owner, or his agent, of the property upon which the sign is located. With respect to certain easements held by the state restricting the erection of structures on certain lands, the state of Idaho and the department shall be deemed to have waived such restrictions with regard only to each sign erected prior to October 22, 1965.

(3) "Advertising display" refers to advertising structures and to signs.

(4) "Outdoor advertising business" means the business or occupation of placing, erecting, constructing or maintaining advertising structures or signs.

"Outdoor advertising business" does not include the placing, erecting, constructing or maintaining of advertising displays exclusively pertaining to the business of the person placing the advertising display.
(5) "Erect" means to construct, build, raise, assemble, place, affix, create, paint, draw or in any other way bring into being or establish, but does not include any of the foregoing activities when performed incident to the change of an advertising message or customary maintenance of a sign.

(6) "Department" means the Idaho transportation department.

(7) "Information center" means any area or site established and maintained at a safety rest area on an interstate or primary highway by or under the supervision or control of the department, wherein panels for the display of advertising and informational signs may be erected and maintained.

(8) "Safety rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for convenience of the traveling public.

(9) "Interstate system" or "interstate highway" means any portion of the national system of interstate and defense highways located within this state, as officially designated, or as may hereafter be so designated, by the Idaho transportation board, and approved by the secretary of transportation, pursuant to the provisions of title 23, U. S. Code, "Highways."

(10) "Primary system" or "primary highway" means any portion of the highways of this state, as officially designated, or as may hereafter be so designated, by the Idaho transportation board, and approved by the secretary of transportation, pursuant to the provisions of title 23, U. S. Code, "Highways."

(11) A. "Maintain" or "place" means to allow to exist, subject to the provisions of this act.

B. "Maintenance" means to repair, refurbish, repaint or otherwise keep an existing sign structure in a state suitable for use.

(12) "State law" means a provision of the constitution or statutes of this state, or an ordinance, rule or regulation enacted or adopted by an agency or political subdivision of this state pursuant to the constitution or statutes.

(13) "Main traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(14) "Visible" means capable of being seen without visual aid by a person of normal visual acuity.

(15) "Highway" or "highways" includes all roads as established or maintained as the state highway system under section 40-109(a) of the Idaho Code, as officially designated, or as may hereinafter be so designated, by the Idaho transportation board under authority of section 40-120, of the Idaho Code.

(16) "Person" includes natural person, firm, copartnership, association and corporation.

(17) "Interchange area" is defined as commencing or ending at the beginning of pavement widening at the exit or entrance to the main traveled way of the interstate or primary freeway.
"Urban areas" mean any geographical area within the city limits of any incorporated city having a population of five thousand (5,000) or more inhabitants. Population numbers referred to in this paragraph shall be determined by the latest United States census.

SECTION 2. That Section 40-2823, Idaho Code, be, and the same hereby is amended to read as follows:

40-2823. FEES — PERMITS AND LICENSES. — The license fee for an original license and for each annual renewal thereof, is payable annually in advance, as follows:

1. $50 Fifty dollars ($50) for persons owning one (1) or more but fewer than one hundred (100) signs subject to this act.

2. $100 one hundred dollars ($100) for persons owning more than one hundred (100) signs subject to this act. Licenses granted hereunder shall expire on the 31st day of December of each year and shall not be prorated. Application for renewal of licenses shall be made not less than thirty (30) days prior to the date of expiration.

An annual permit fee of ten dollars ($10) shall accompany each original permit application. An annual permit fee of three dollars ($3.00) shall accompany each renewal permit application.

The issuance of a permit and payment of a permit fee for the placing of an advertising structure includes the right to change the advertising copy thereon without obtaining any additional permit for the remainder of the calendar year in which the permit is issued and without the payment of any additional permit fee.

Any license or permit issued pursuant to this act may be transferred to any person who acquires as a successor the business of the person for whom such license or permit was issued.

SECTION 3. That Section 40-2828, Idaho Code, be, and the same hereby is amended to read as follows:

40-2828. GENERAL PROHIBITIONS. — Notwithstanding any other provision of this act, no advertising display shall be erected or maintained within six hundred sixty (660) feet from the edge of the right-of-way of the interstate and primary system of highways within this state except the following:

1. Directional or other official signs or notices that are required or authorized by law, informational or directional signs regarding telephone service, emergency telephone signs, buried or underground cable markers and above cable closures.

2. Signs advertising the sale or lease of property upon which they are located.

3. Displays advertising activities conducted on the property upon which they are located, provided that not more than one (1) such sign, visible to traffic proceeding in any one (1) direction, and advertising activities being conducted upon the real property where the sign is located may be permitted more than fifty (50) feet from the advertising activity.
advertisement will be displayed only on the highway from which traffic has direct access to the advertised activity.

(4) Displays located within areas zoned industrial, business or commercial under authority of state law, or in unzoned industrial or commercial areas as determined by the department pursuant to section 40-2829, Idaho Code.

(5) Displays erected or maintained pursuant to regulation of the department designed to give information in the specific interest of the traveling public.

(b) No advertising structure shall be erected or maintained in this state, other than those allowed pursuant to subparagraphs (2), (3) and (4) of subsection (a) of section 40-2828, Idaho Code, in excess of 480 square feet whose message can be read or comprehended from the right-of-way of the interstate or primary system of highways. The erection and maintenance of any advertising structure contrary to this subsection (b) shall be deemed to be a public nuisance and action to remove same shall be brought against the owner thereof by the prosecuting attorney of the county in which said sign is located. Violation thereof shall be deemed a misdemeanor and punishable as provided by law.

(6) Signs lawfully in existence on October 22, 1965, determined to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which would be consistent with the purposes of this chapter.

(7) On or after the date of passage and approval of this act, no advertising structure or display shall be erected or maintained in this state, other than those allowed pursuant to subparagraphs (2), (3) and (4) of this section, which are located beyond six hundred sixty (660) feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from that main traveled way of the system, and erected within the purpose of the message being read from that main traveled way.

SECTION 4. That Section 40-2829, Idaho Code, be, and the same is hereby amended to read as follows:

40-2829. INDUSTRIAL OR COMMERCIAL ZONES. — The provisions of section 40-2828, Idaho Code, shall not apply to those segments of the interstate and primary system of highways which traverse and abut on commercial, business or industrial zones within the boundaries of incorporated municipalities, wherein the use of real property adjacent to and abutting on the interstate and primary system of highways is subject to municipal or county regulation or control, or which traverse and abut on other areas where the land use is clearly established by state law or county zoning regulation, as industrial, business or commercial, or which are located within areas adjacent to the interstate and primary system of highways which are in unzoned commercial or industrial areas as determined by the department from actual land uses; provided, however, that the
department shall determine the size, lighting and spacing of signs in such zoned and unzoned

For the purpose of this act, areas abutting interstate and primary highways of this state which are zoned commercial or industrial by counties and municipalities shall be valid commercial or industrial zones only as to the portions actually used for commerce or industrial purposes and the land along the highway in urban areas for a distance of six hundred (600) feet immediately abutting to the area of the use, and does not include areas zoned in anticipation of such uses at some uncertain future date nor does it include areas zoned for the primary purpose of allowing advertising structures.

"Unzoned commercial or industrial areas" mean those areas not zoned by state or local law, regulation or ordinance which are occupied by one or more industrial or commercial activities, other than outdoor advertising signs, and the lands along the highway for a distance of six hundred (600) feet immediately abutting to the area of the activities. All measurements shall be from the outer edge of the regularly used buildings, parking lots, storage or processing areas of the activities, and shall be along or parallel to the edge of pavement of the highway.

"Commercial or industrial activities" mean for purposes of the preceding paragraph activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial:

(a) Agricultural, forestry, grazing, farming and related activities, including but not limited to, wayside fresh produce stands.
(b) Transient or temporary activities.
(c) Activities not visible from the main traveled way.
(d) Activities conducted in a building principally used as a residence.
(e) Railroad tracks and minor sidings.

If signs located within an unzoned area shall become nonconforming if the commercial or industrial activity used in defining the area ceases for a continuous period of six (6) months.

SECTION 5. That Section 40-2830, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Chapter 28, Title 40, Idaho Code, be, and the same is hereby amended by the addition of a new section, to be known and designated as Section 40-2830, Idaho Code, and to read as follows:

40-2830. REMOVAL OF DISPLAYS. – Any outdoor advertising which does not conform to this act may be removed by the Idaho transportation department. Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under state law, but the department shall not be required to purchase or remove any advertising displays as required under this act, until matching federal aid funds are available for such purchase or removal by the federal government.

SECTION 7. That Section 40-2836, Idaho Code, be, and the same is hereby amended to read as follows:
40-2836. ENFORCEMENT — REVOCATIONS AND NOTICE. — The department may revoke any license or permit for the failure to comply with the provisions of this act and may remove and destroy any advertising display placed or maintained in violation of this act after thirty (30) days written notice order posted on such structure or sign and a copy forwarded by mail to the display owner at his last known address, copies served by certified mail upon both the owner of the display and the owner of the land upon which it is situate. The order shall be signed by the district engineer of the division of highways in the applicable district. Thereafter the parties shall have thirty (30) days within which to appeal the order to the Idaho transportation board under the provisions of the Idaho administrative procedures act.

Notwithstanding any other provision of this act, the department or any authorized employee may summarily and without notice remove and destroy any advertising display placed in violation of this act which is temporary in nature because of the materials of which it is constructed or because of the nature of the copy thereon.

Proceedings for review of any action taken by the department pursuant to this section shall be instituted under the provisions of the Idaho Administrative Procedures Act.

SECTION 8. That Section 40-2837, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Chapter 28, Title 40, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 40-2837, Idaho Code, and to read as follows:

40-2837. PENALTY. — Any person who erects an advertising display, or, who, as principal, agent or employee, causes or orders an advertising display to be erected, or one who permits an advertising display to be erected or maintained on land owned or leased by such person, in violation of the provisions of this chapter, shall be guilty of a misdemeanor.

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 March 26, 1975.
CHAPTER 140
(H.B.No. 321)

AN ACT

Amending Section 31-3113, Idaho Code, to increase the salaries of the prosecuting attorneys of various counties of the State; declaring an emergency and providing a retroactive effective date.

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 as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>$25,000</td>
</tr>
<tr>
<td>Adams</td>
<td>$5,000</td>
</tr>
<tr>
<td>Bannock</td>
<td>$13,000</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$6,000</td>
</tr>
<tr>
<td>Benewah</td>
<td>$7,500</td>
</tr>
<tr>
<td>Bingham</td>
<td>$12,000</td>
</tr>
<tr>
<td>Blaine</td>
<td>$7,500</td>
</tr>
<tr>
<td>Boise</td>
<td>$3,600</td>
</tr>
<tr>
<td>Bonner</td>
<td>$10,500</td>
</tr>
<tr>
<td>Bonneville</td>
<td>$12,500</td>
</tr>
<tr>
<td>Boundary</td>
<td>$9,000</td>
</tr>
<tr>
<td>Butte</td>
<td>$6,600</td>
</tr>
<tr>
<td>Camas</td>
<td>$10,000</td>
</tr>
<tr>
<td>Canyon</td>
<td>$13,500</td>
</tr>
<tr>
<td>Caribou</td>
<td>$6,000</td>
</tr>
<tr>
<td>Cassia</td>
<td>$14,000</td>
</tr>
<tr>
<td>Clark</td>
<td>$3,600</td>
</tr>
<tr>
<td>Clearwater</td>
<td>$14,000</td>
</tr>
<tr>
<td>Custer</td>
<td>$6,000</td>
</tr>
<tr>
<td>Elmore</td>
<td>$12,000</td>
</tr>
<tr>
<td>Franklin</td>
<td>$6,000</td>
</tr>
<tr>
<td>County</td>
<td>Salary</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>Fremont</td>
<td>$6,000</td>
</tr>
<tr>
<td>Gem</td>
<td>$7,500</td>
</tr>
<tr>
<td>Gooding</td>
<td>$9,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>$10,000</td>
</tr>
<tr>
<td>Jefferson</td>
<td>$6,800</td>
</tr>
<tr>
<td>Jerome</td>
<td>$9,000</td>
</tr>
<tr>
<td>Kootenai</td>
<td>$16,000</td>
</tr>
<tr>
<td>Latah</td>
<td>$8,600</td>
</tr>
<tr>
<td>Lemhi</td>
<td>$7,000</td>
</tr>
<tr>
<td>Lewis</td>
<td>$8,000</td>
</tr>
<tr>
<td>Lincoln</td>
<td>$6,800</td>
</tr>
<tr>
<td>Madison</td>
<td>$8,000</td>
</tr>
<tr>
<td>Minidoka</td>
<td>$13,000</td>
</tr>
<tr>
<td>Nez Perce</td>
<td>$16,000</td>
</tr>
<tr>
<td>Oneida</td>
<td>$4,800</td>
</tr>
<tr>
<td>Owyhee</td>
<td>$4,800</td>
</tr>
<tr>
<td>Payette</td>
<td>$7,500</td>
</tr>
<tr>
<td>Power</td>
<td>$4,800</td>
</tr>
<tr>
<td>Shoshone</td>
<td>$14,500</td>
</tr>
<tr>
<td>Teton</td>
<td>$3,500</td>
</tr>
<tr>
<td>Twin Falls</td>
<td>$16,000</td>
</tr>
<tr>
<td>Valley</td>
<td>$6,500</td>
</tr>
<tr>
<td>Washington</td>
<td>$7,500</td>
</tr>
</tbody>
</table>

If the prosecuting attorney of a county is not a resident of that county, the county commissioners shall set the salary of the prosecuting attorney, not to exceed the amount prescribed for the county in this section.

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, 1975.

Approved March 26, 1975.
AMENDING SECTION 7-721, IDAHO CODE, RELATING TO POSSESSION BY PLAINTIFF PENDING TRIAL IN EMINENT DOMAIN PROCEEDINGS, BY ADDING AIRPORTS TO THE LIST OF USES FOR WHICH POSSESSION OF PROPERTY MAY BE ACQUIRED UNDER THIS SECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 7-721, Idaho Code, be, and the same is hereby amended to read as follows:

7-721. POSSESSION BY PLAINTIFF PENDING TRIAL. — In any proceeding under the provisions of this chapter whereby the state of Idaho, or any board, agency or political subdivision thereof, or municipality therein, is seeking to acquire real property necessary for the construction, maintenance, alteration, and repair of freeways, expressways, highways, roads, streets, airports, and any necessary structures or appurtenances needed in connection therewith, or the construction and extension of culinary water systems, sewers and sewerage systems, including sewerage treatment facilities, the plaintiff may take possession of and use such property at any time after just compensation has been judicially determined and payment thereof made into court. Judicial determination shall be satisfied by the following requirements:

(1) At any time after an action for condemnation has been commenced under the provisions of this chapter and after the defendant has made an appearance, the plaintiff may file a motion asking that said plaintiff be placed in lawful possession of and have the use of said property and the court shall fix a date, not less than ten (10) or more than twenty (20) days after the filing of such motion, for the hearing thereon and shall require due notice to be given to each party to the proceedings whose interest would be affected by the requested taking. Notice herein shall be given as provided in rule 5(a) or 5(b), as the case may be, of the Idaho rules of civil procedure.

If the defendant has not appeared, but is not in default, plaintiff may proceed as herein provided twenty (20) days after the action shall have been commenced by serving the motion and notice of the hearing in the same manner as required for service of summons.

(2) At the hearing the court shall first determine whether or not plaintiff (a) has the right
of eminent domain, (b) whether or not the use to which the property is to be applied is a use authorized by law, (c) whether or not the taking is necessary to such use, and (d) whether or not plaintiff has sought, in good faith, to purchase the lands sought to be taken and the court shall enter an order thereon which shall be a final order as to these issues and an appeal may be taken therefrom; provided, however, no appeal therefrom shall stay further proceedings.

(3) If the matters in the preceding subsection are determined in favor of the plaintiff the court shall hear the issues raised by the plaintiff’s motion for taking and shall receive such evidence as it may consider necessary and proper for a finding of just compensation, but the court may limit the number of witnesses presented by any party to the action, and, in its discretion, may appoint a disinterested appraiser as an agent of the court to evaluate the property to which the motion relates and to report his conclusions to the court within ten (10) days from the date of his appointment; and the court shall fix his fee which shall be paid by the plaintiff. The court shall within five (5) days after the hearing, or if it shall appoint an appraiser, within five (5) days after receiving his report, make an order of determination of just compensation.

(4) Neither the order of the court determining just compensation, nor the amount of the deposit, nor the report of the appraiser appointed by the court shall be admissible in evidence in further proceedings under this section.

(5) After the court has entered its order of determination of the amount of just compensation, the plaintiff may deposit such amount with the court and the court shall thereupon enter an order fixing a date from which the plaintiff shall be entitled to take possession of and use the property. After such deposit and order have been made the cause shall proceed to trial in the regular manner.

(6) Any party defendant may file with the court an application to withdraw his share of the amount deposited by the plaintiff. Such application may be filed at any time after the court has entered its order placing plaintiff in possession and use of the property. If there be only one (1) defendant in the action, the court shall authorize the requested withdrawal of funds, but if there shall be more than one defendant the court shall fix a date for hearing on the application to withdraw funds and shall require notice to be given to each party whose interest would be affected by such withdrawal. After hearing the court shall determine the share of the funds deposited to which the defendants or any of them are lawfully entitled and shall authorize the withdrawal requested or such part thereof as shall be proper.

(7) If more than eighty per centum (80%) of the amount deposited is withdrawn, the defendant or defendants making the withdrawal shall be required to make a written undertaking, executed by two (2) or more sufficient sureties, approved by the court, to the effect that they are bound to the plaintiff for the payment to it of such sum by which the amount withdrawn shall exceed the amount of the award finally determined upon trial of the cause.
(8) Upon trial of the cause the court shall enter judgment against the plaintiff for the amount of the award, and the plaintiff shall pay to the defendant or defendants the amount, if any, by which such judgment exceeds the amount previously deposited; provided that if the award and judgment shall be less than the amount withdrawn under subsection (6) the defendant or defendants shall refund the difference to the clerk of court and if such refund is not made within thirty (30) days the court shall enter judgment in favor of the plaintiff and against such defendant or defendants for the amount of the difference.

(9) After plaintiff has deposited with the court the amount determined by the court to be just compensation, no interest shall accrue on the amount so deposited.

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 26, 1975.
CHAPTER 142
(H.B.No. 96, As Amended, As Amended in the Senate)

AN ACT
REPEALING CHAPTER 46, TITLE 67, IDAHO CODE; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 46, TITLE 67, IDAHO CODE, RELATING TO PRESERVATION OF HISTORIC PROPERTIES IN THE STATE OF IDAHO; DECLARING THAT HISTORIC PRESERVATION OF HISTORIC PROPERTIES IN THE STATE OF IDAHO IS IN THE PUBLIC INTEREST; DEFINING HISTORIC PROPERTIES AND HISTORIC PRESERVATION; GRANTING THE GOVERNING BODIES OF COUNTIES AND CITIES AUTHORITY TO APPOINT A LOCAL HISTORIC COMMISSION; PROVIDING FOR THE DUTIES AND POWERS OF COMMISSIONS; PROVIDING FOR FUNDING OF OPERATIONS; PROVIDING FOR ACQUISITION OF PROPERTY; PROVIDING FOR DESIGNATING HISTORIC DISTRICTS AND PLACES; PROVIDING FOR A CERTIFICATE OF APPROPRIATENESS WITHIN A HISTORIC DISTRICT; PROVIDING FOR THE CHANGE OF USE OF PROPERTIES WITHIN HISTORIC DISTRICTS; PROVIDING FOR NOTICE TO OWNERS PRIOR TO ISSUANCE OR DENIAL OF A CERTIFICATE OF APPROPRIATENESS, AND PROVIDING FOR APPEALS; PROVIDING THAT THIS ACT SHALL NOT PREVENT ORDINARY MAINTENANCE OR REPAIR, NOR PREVENT ACTIVITIES REQUIRED FOR PUBLIC SAFETY; PROVIDING FOR SPECIAL RESTRICTIONS THAT MAY BE REQUIRED BY LOCAL ORDINANCES; PROVIDING FOR ACQUIRING HISTORIC EASEMENTS; PROVIDING CRITERIA FOR DESIGNATION AS HISTORIC PROPERTY; PROVIDING FOR PROCEDURES FOR DESIGNATION AS HISTORIC PROPERTY; PROVIDING FOR CHANGE IN USE OF HISTORIC PROPERTY; PROVIDING PENALTIES; PROVIDING FOR EXEMPTING HISTORIC PROPERTY FROM HEALTH OR BUILDING CODES; AND PROVIDING FOR TRANSFER OF DEVELOPMENT RIGHTS.

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

SECTION 1. That Chapter 46, Title 67, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new chapter, to be known and designated as Chapter 46, Title 67, Idaho Code, and to read as follows:
67-4601. PURPOSE. — Whereas the legislature of this state has determined that the historical, archeological, architectural and cultural heritage of the state is among the most important environmental assets of the state and furthermore that the rapid social and economic development of contemporary society threatens to destroy the remaining vestiges of this heritage, it is hereby declared to be the public policy and in the public interest of this state to engage in a comprehensive program of historic preservation, undertaken at all levels of the government of this state and its political subdivisions, to promote the use and conservation of such property for the education, inspiration, pleasure and enrichment of the citizens of this state. It is hereby declared to be the purpose of this act to authorize the local governing bodies of this state to engage in a comprehensive program of historic preservation.

67-4602. DEFINITIONS. — As used in this act:

a. “Historic property” shall mean any building, structure, area or site that is significant in the history, architecture, archeology or culture of this state, its communities or the nation.

b. “Historic preservation” shall mean the research, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archeology or culture of this state, its communities or the nation.

67-4603. PRESERVATION COMMISSIONS AUTHORIZED. — The governing body of any county or city is hereby authorized to establish a historic preservation commission hereinafter referred to as “the commission,” to preserve, promote, and develop the historical resources of such county or city in accordance with the provisions of this act. The commission shall consist of not less than five (5) and not more than ten (10) members, who shall be appointed by the governing body with due regard to proper representation of such fields as history, architecture, urban planning, archeology and law. All members of the commission shall serve terms not to exceed three (3) years, being eligible for reappointment as shall be specified by the governing body. The commission may employ such qualified staff personnel as it deems necessary.

67-4604. POWERS AND DUTIES OF COMMISSIONS. — Any county or city historic preservation commission established pursuant to this act shall be authorized to:

a. Conduct a survey of local historic properties.

b. Acquire fee and lesser interests in historic properties, including adjacent or associated lands, by purchase, bequest or donation, but shall not be authorized to acquire historic properties by condemnation.

c. Preserve, restore, maintain and operate historic properties under the ownership or control of the commission.

d. Lease, sell and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
e. Contract, with the approval of the local governing body, with the state or federal
government, or any agency of either, or with any other organization.
f. Cooperate with the federal, state and local governments in the pursuance of the
objectives of historic preservation.
g. Participate in the conduct of land use, urban renewal and other planning processes
undertaken by the county or city.
h. Recommend ordinances and otherwise provide information for the purposes of
historic preservation to the county or city governing body.
i. Promote and conduct an educational and interpretive program on historic properties
within its jurisdiction.
j. Enter, solely in performance of its official duties and only at reasonable times, upon
private lands for examination or survey thereof. However, no member, employee or
agent of the commission may enter any private property, building or structure
without the express consent of the owner or occupant thereof.

67-4605. FUNDING OF OPERATIONS. – (1) For the purpose of providing funds
for a historic preservation commission the governing body of any city which has established
such a commission may:
(a) Provide funds to the commission from current revenues;
(b) Receive and expend moneys from any other sources; or
(c) Use any combination of paragraphs (a) and (b) of this subsection.

(2) For the purpose of providing funds for a historic preservation commission the
governing body of any county which has established such a commission may provide funds
to the commission from current revenues in accordance with the provisions regarding
county historical societies, as found in section 31-864, Idaho Code.

(3) Any funds received by a historic preservation commission may be accumulated
from year to year and need not be expended during any one (1) fiscal year, provided that
the maximum accumulation of funds received from ad valorem taxes shall not exceed twice
the amount of money authorized by the levy authorized by subsection (1) or (2) of this
section.

67-4606. ACQUISITION OF PROPERTY. – (1) All lands, buildings, structures,
sites or areas acquired by funds appropriated by a county or city shall be acquired in the
name of the county or city unless otherwise provided by the governing board. So long as
owned by the county or city, historic properties may be maintained by or under the
supervision and control of the county or city. However, all lands, buildings or structures
acquired by a historic preservation commission from funds other than those appropriated by
a county or city may be acquired and held in the name of the historic preservation
commission, the county or municipality, or both.

(2) Nothing in this act shall be construed to prevent the regulation or acquisition of
historic buildings, structures, sites or areas owned by the state or any of its political
subdivisions, agencies or instrumentalities.
67-4607. HISTORIC DISTRICTS. — A county or city may establish by ordinance one or more historic districts within the area of its jurisdiction. No historic district or districts shall be designated until the following requirements are met:

a. The local historic preservation commission appointed by the governing body of the county or city shall make an investigation of the historical, architectural, archeological and cultural significance of the buildings, structures, features, sites or surroundings included in any such proposed historic district. The commission shall report its findings to the local planning board for their consideration and recommendation.

b. Sixty (60) days after such transmittal the commission shall hold a public hearing thereon after due notice, which shall include written notice, postage prepaid, to the owners of all properties to be included in such district.

c. The commission shall submit a final report with its recommendations and a draft of a proposed ordinance to the county or city governing body. Any such ordinance may, from time to time, be amended in the same manner.

67-4608. CERTIFICATE OF APPROPRIATENESS. — After the designation of a historic district, no exterior portion of any building or other structure (including walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor aboveground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within such district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. The county or city shall require such a certificate to be issued by the commission prior to the issuance of a building permit or other permit granted for purposes of constructing or altering structures. A certificate of appropriateness shall be required whether or not a building permit is required. For purposes of this act, "exterior features" shall include the architectural style, general design and general arrangement of the exterior of a building or other structure, including the color, the kind and texture of the building material and type and style of all windows, doors, light fixtures, signs, other appurtenant fixtures and natural features such as trees and shrubbery. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size and location of all such signs. The commission shall not consider interior arrangement and shall take no action under this section except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs or natural features in the historic district which would be incongruous with the historical, architectural, archeological or cultural aspects of the district.

67-4609. CHANGE IN USE. — No change in the use of any structure of property within a designated historic district shall be permitted until after an application for a certificate of appropriateness has been submitted to and approved by the historic preservation commission. The county or city shall require such a certificate to be issued by the commission prior to the approval of any change of zoning classification within the historic district.
67-4610. NOTICE TO OWNER — APPEAL. — Prior to issuance or denial of a certificate of appropriateness the commission shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard. In cases where the commission deems it necessary, it may hold a public hearing concerning the application. If the commission determines that the proposed construction, reconstruction, alteration, moving or demolition is appropriate, it shall forthwith approve such application and shall issue to the applicant a certificate of appropriateness. If the commission determines that a certificate of appropriateness should not be issued, it shall place upon its records the reasons for such determination and shall forthwith notify the applicant of such determination, furnishing him an attested copy of its reasons therefor and its recommendations, if any, as appearing in the records of said commission. The commission may approve such application in any case where the owner would suffer extreme hardship, unless the certificate of appropriateness were issued forthwith. Any applicant aggrieved by a determination of the commission may appeal to the appropriate governing body. An appeal from the appropriate governing body may be taken to the district court for the county in which the land concerned is situated.

67-4611. ORDINARY REPAIRS — SAFETY. — Nothing in this act shall be construed to prevent the ordinary maintenance or repair of any exterior feature in a historic district which does not involve a change in design, material, color or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the building inspector or similar official shall certify is required by the public safety because of an unsafe or dangerous condition.

67-4612. SPECIAL RESTRICTIONS. — In addition to any power or authority of a county or city to regulate by planning or zoning laws and regulations or by local laws and regulations, the governing body of any county or municipality is empowered to provide by ordinances, special conditions or restrictions for the protection, enhancement and preservation of historic properties.

67-4613. HISTORIC EASEMENTS. — Any county or city may acquire, by purchase, or donation, historic easements in any area within their respective jurisdictions wherever and to the extent that the governing body of the county or city determines that the acquisition will be in the public interest. For the purpose of this section, “historic easement” means any easement, restriction, covenant or condition running with the land, designated to preserve, maintain or enhance all or part of the existing state of places of historical, architectural, archeological or cultural significance.

67-4614. DESIGNATION AS HISTORIC PROPERTY. — The local governing body of any county or city may adopt an ordinance designating one or more historic properties on the following criteria: historical, architectural, archeological and cultural significance; suitability for preservation or restoration; educational value; cost of acquisition, restoration, maintenance, operation or repair; possibilities for adaptive or alternative use of the
property; appraised value; and the administrative and financial responsibility of any person or organization willing to underwrite all or a portion of such costs. In order for any historic property to be designated in the ordinance, it must in addition meet the criteria established for inclusion of the property in the national register of historic places. For each designated historic property, the ordinance shall require that the waiting period set forth in section 67-4615, Idaho Code, be observed prior to its demolition, material alteration, remodeling or removal. The ordinance shall also provide for a suitable sign or marker on or near the property indicating that the property has been so designated.

67-4615. PROCEDURE FOR DESIGNATION. — No ordinance designating a historic property pursuant to section 67-4614, Idaho Code, may be adopted until the following procedural steps have been taken:

a. The local historic preservation commission shall make an investigation and report on the historical, architectural, archeological or cultural significance of the property in question.

b. The local governing body shall hold a public hearing on the proposed ordinance, after giving sufficient written notice to the owners and occupants of the property and posting public notice in its normal manner.

c. Following such public hearing, the local governing body may act on the ordinance.

d. Upon adoption of the ordinance, the owners and occupants of each designated historic property shall be given written notification of such designation by the local governing body. One (1) copy of the ordinance shall be filed by the local historic preservation commission in the office of the county recorder for the county in which the property is located.

e. The local historic preservation commission shall give notice of such designation to the tax assessor of the county in which the property is located. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax assessor in appraising it for tax purposes.

67-4616. CHANGE IN USE OF HISTORIC PROPERTY. — (1) A historic property designated by ordinance as herein provided may be demolished, materially altered, remodeled, relocated or put to a different use only after one hundred eighty (180) days' written notice of the owner's proposed action has been given to the local historic preservation commission. During this period, the commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the property. During this period, or at any time prior thereto following notice of designation to the owner as provided in section 67-4615(d), Idaho Code, and where such action is reasonably necessary or appropriate for the continued preservation of the property, the commission may enter into negotiations with the owner for the acquisition by gift, purchase, or exchange of the property or any interest therein. The commission may reduce the waiting period required by this section in any case where the owner would suffer extreme hardship, unless a reduction in the required period were allowed. The commission shall have the discretionary authority
to waive all or any portion of the required waiting period, provided that the alteration, remodeling, relocation or change of use is undertaken subject to conditions agreed to by the commission insuring the continued maintenance of the historical, architectural, archeological or cultural integrity and character of the property.

(2) Nothing in this act shall be construed to prevent the ordinary maintenance or repair of any exterior feature in or on a historic property that does not involve a change in design, material, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the commission that such action is required for the public safety because of an unsafe or dangerous condition.

67-4617. PENALTIES. — The governing body of any county or city may enact an ordinance to prevent the deterioration by willful neglect of any designated historic property or any property within an established historic district. Any property owner violating an ordinance established pursuant to this section shall be guilty of a misdemeanor punishable by a fine not exceeding three hundred dollars ($300). Each day that a violation continues to exist shall constitute a separate offense.

67-4618. EXEMPTION FROM HEALTH OR BUILDING CODES. — The governing body of any county or city, in order to promote the preservation and restoration of historic properties within its jurisdiction, may exempt a historic property from the application of such standards contained in the county or city health or building codes, or both, as the governing body, upon recommendation of the local historic preservation commission, shall determine would otherwise prevent or seriously hinder the preservation or restoration of said historic property.

67-4619. TRANSFER OF DEVELOPMENT RIGHTS. — Any county or city governing body may establish procedures authorizing owners of designated historic properties to transfer development rights in such amounts and subject to such conditions as the governing body shall determine. For the purposes of this section, "development rights" are the rights granted under applicable local law respecting the permissible bulk and size of improvements erected thereon.

Approved March 27, 1975.
CHAPTER 143
(H.B.No. 322)

AN ACT
APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE STATE BOARD OF EXAMINERS FOR PERSONNEL COSTS OF STATE AGENCIES FOR FISCAL YEAR 1976, PRESCRIBING HOW THE MONEYS SHALL BE DISTRIBUTED, AND PRESCRIBING ADDITIONAL DUTIES OF THE STATE BOARD OF EXAMINERS.

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

SECTION 1. (1) There is hereby appropriated $2,410,000 from the general fund to the state board of examiners to be used to supplement appropriations made to the various state executive, legislative and judicial agencies funded wholly or in part from the general fund for fiscal year 1976 for personnel costs. The appropriation herein made is specifically to be used to provide a yearly cost of living adjustment in the amount of $360 for each state employee or officer whose position is funded wholly or in part from the general fund, except such officers whose salaries are fixed by law.

(2) The state board of examiners shall determine, or have determined under its authority, the number of dollars that each state executive, legislative or judicial agency funded wholly or in part from the general fund needs to have allotted to it from the appropriation made in subsection (1) above to provide the dollars for salaries and wages and personnel benefits for all positions eligible for this cost of living increase. The moneys so determined for each agency shall be allotted by the state board of examiners to each agency and shall constitute an appropriation in the amount determined by the state board of examiners, and shall be so treated by the state auditor, and by the division of budget, policy planning and coordination.

(3) The state board of examiners shall devise and order implemented a plan to provide for comparable monthly cost of living adjustments for the officers and employees of the various state executive agencies not funded from the general fund. In so doing, the state board of examiners may order that adjustments in appropriated amounts be made between or among expense classes, that adjustments in appropriated amounts be made between or among programs, or that adjustments in appropriated amounts be made between or among funds, or may order that unappropriated amounts in dedicated funds be allotted for such purposes, and when so ordered, such order shall constitute an appropriation and shall be so treated by the state auditor, and by the division of budget, policy planning and coordination. Adjustments and orders shall be made only to the extent necessary to provide
for the cost of living salary or wage increases, together with any associated personnel costs, contemplated by the provisions of this section.

(4) The state board of examiners shall order adjustments or distributions made to the various state agencies in any manner necessary to accomplish the purposes and intent of this section.

Approved March 27, 1975.
CHAPTER 144
(H.B.No. 299)

AN ACT
APPROPRIATING MONEYS OUT OF THE GENERAL FUND TO THE STATE AUDITOR TO BE APPORTIONED TO THE VARIOUS COUNTIES FOR DEPOSIT IN THE COUNTY SCHOOL FUND; PROVIDING DUTIES OF THE COUNTY AUDITOR; PROVIDING REQUIREMENTS FOR BOARDS OF COUNTY COMMISSIONERS IN FIXING MILL LEVIES FOR TAX YEAR 1975; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. There is hereby appropriated to the state auditor out of the general fund the sum of $6,000,000 to be transferred and apportioned by the state auditor as soon as possible after July 1, 1975, to the various counties for deposit in the county school fund. Each county school fund shall be entitled to an amount from such apportionment equal to the amount of four (4) mills applied to the 1975 adjusted assessed valuation of the county; and upon receipt of such appropriation, the levy for the county school tax for taxable year 1975 shall be reduced by four (4) mills.

SECTION 2. Each county auditor shall, upon receipt of the moneys into the county school fund as appropriated by this act, order the distribution of such moneys to the school district or school districts as directed by the state board of education.

SECTION 3. Each board of county commissioners shall be bound by the provisions of this act in fixing mill levies for tax year 1975 for the minimum county school fund levies.

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, and retroactively to January 1, 1975.

Approved March 27, 1975.
CHAPTER 145
(H.B.No. 256, As Amended in the Senate)

AN ACT

TO PROVIDE PROCEDURES TO ESTABLISH A WEATHER MODIFICATION DISTRICT, TO PROVIDE FOR A PETITION TO REQUEST FORMATION, TO PROVIDE FOR AN ELECTION TO ORGANIZE THE DISTRICT AND TO ELECT THE BOARD OF TRUSTEES FOR THE DISTRICT; AND PROVIDING THAT THE BOARD OF TRUSTEES OF A WEATHER MODIFICATION DISTRICT SHALL CERTIFY A BUDGET, TO PROVIDE REQUIREMENTS FOR BUDGET PREPARATION, TO PROVIDE FOR LEVYING A TAX TO SUPPORT THE DISTRICT, TO PROVIDE FOR A WEATHER MODIFICATION FUND, AND TO PROVIDE PURPOSES FOR WHICH MONEYS IN THE FUND MAY BE EXPENDED.

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

SECTION 1. (1) The county commissioners of any county shall, upon petition signed by not less than fifty (50) 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 weather modification district within the county as may be designated in the petition.

(a) A petition to form a weather modification district shall be presented to the county clerk and recorder. The petition shall be signed by not less than fifty (50) of the resident real property holders within the proposed district. The petition shall designate the boundaries of the district.

(b) The petition shall be filed with the county clerk and recorder of the county in which the signers of the petition are located. Upon the filing of the petition the county clerk shall examine the petition and certify whether the required number of petitioners have signed the petition. If the number of petition signers is sufficient, the clerk shall transmit the petition to the board of county commissioners.

(c) Upon receipt of a duly certified petition the board of county commissioners shall give notice of an election to be held in such proposed district for the purpose of determining whether or not the proposed district shall be organized and to elect the first board of trustees for the district. Such notice shall include the date and hours of the election, the polling places, the maximum number of mills which the proposed district will be permitted to levy, the general purposes
of the proposed district, a description of lands to be included in the proposed district, a statement that a map of the proposed district is available in the office of the board of county commissioners, and the names and terms of the members to be elected to the first board of trustees. The notice shall be published once each week for three (3) consecutive weeks prior to such election, in a newspaper of general circulation within the county.

(d) The election shall be held and conducted as nearly as may be in the same manner as general elections in this state, except that electors need not be registered in order to vote in such election. The board of county commissioners shall appoint three (3) judges of election, one (1) of whom shall act as clerk for the election. Each elector may be required to take an oath that he is a resident of the proposed district, and otherwise possesses all the qualifications of an elector before casting his vote. At such election the electors shall vote for or against the organization of the district, and the members of the first board of trustees.

(e) The judges of election shall certify the returns of the election to the board of county commissioners. If a majority of the votes cast at said election are in favor of the organization, the board of county commissioners shall declare the district organized and give it a name by which, in all proceedings, it shall thereafter be known, and shall further designate the first board of trustees elected, and thereupon the district shall be a legal taxing district.

(f) On the second Tuesday of January, in the second calendar year after the organization of any district, and on the second Tuesday of January every year thereafter an election shall be held, which shall be known as the annual election of the district.

At the first annual election in any district hereafter organized, and each third year thereafter, there shall be elected by the qualified electors of the district, one (1) member of the board to serve for a term of three (3) years; at the second annual election and each third year thereafter, there shall be elected one (1) member of the board to serve for a term of three (3) years, and at the third annual election, and each third year thereafter, there shall be elected one (1) member of the board to serve for a term of three (3) years.

Not later than thirty (30) days before any such election, nominations may be filed with the secretary of the board and if a nominee does not withdraw his name before the first publication of the notice of election, his name shall be placed on the ballot. The board shall provide for holding such election and shall appoint judges to conduct it. The secretary of the district shall give notice of election by publication, and shall arrange such other details in connection therewith as the board may direct. The returns of the election shall be certified to and shall be canvassed and declared by the board. The
candidate or candidates receiving the most votes shall be elected.

SECTION 2. The board of trustees of a weather modification district shall conduct the affairs of the district. The board of trustees shall certify a budget to the board of county commissioners to fund the operations of the district. The budget preparation, hearings and approval shall be the same as required for any county budget. The certification of the budget to the board of county commissioners shall be as required for other taxing districts. The board of county commissioners may levy annually upon all taxable property in the weather modification district, a tax not to exceed four (4) mills, to be collected and paid into the county treasury and apportioned to a fund to be designated the "weather modification" fund, which is hereby created. Such fund shall be used by the district for the gathering of information upon, aiding in or conducting programs for weather control or modification, and such activities related to weather modification programs as are necessary to insure the full benefit of such programs. Moneys in the fund may be paid out only on order of the board of trustees.

Approved March 27, 1975.
AN ACT


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

SECTION 1. There is hereby appropriated out of the funds enumerated the following amounts, or so much thereof as may be necessary, to the Permanent Building Fund Advisory Council and the Division of Public Works for the purposes specified in this section. The Permanent Building Fund Advisory Council is hereby authorized and directed to determine the priority of construction pursuant to which the work hereunder will be undertaken.

FOR:
A. Construction of and furnishings for Veterinary Science Building, Caldwell $1,100,000
B. Construction, Library Building, Idaho State University 800,000
C. Roof modification, Child Development Center, Idaho Falls 48,000
D. Scagliola restoration, painting of rotunda and remodeling of Governor's office, Capitol Building 220,000
E. Renovations to heating system, Capitol Building 35,000
F. Completion of parking facility, Central School property 13,100
TOTAL $2,216,100
SECTION 2. Of the balance of the appropriation made by Paragraph B, Section 1, Chapter 292, Laws of 1974, for Phase II construction, Vocational-Technical Building, College of Southern Idaho, the sum of $400,000 is hereby reappropriated to the Permanent Building Fund Advisory Council and the Division of Public Works for the construction of Phase IIB of the Vocational-Technical Building at the College of Southern Idaho.

SECTION 3. Of the balance of the appropriation made by Section 1, Chapter 321, Laws of 1972, as amended by Chapter 290, Laws of 1974, for the construction of child development and mental retardation satellite centers at Rexburg and Rupert, Idaho, the sum of $20,000 is hereby reappropriated to the Permanent Building Fund Advisory Council and the Division of Public Works for the Department of Health and Welfare, to purchase equipment for the child development center satellite in St. Anthony, Idaho.

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 27, 1975.
CHAPTER 147
(H.B.No. 233)

AN ACT
ADOPTING A CODE OF MILITARY JUSTICE; REPEALING CHAPTER 5, TITLE 46, IDAHO CODE, REPEALING CHAPTER 9, TITLE 46, IDAHO CODE; REPEALING SECTION 46-805, IDAHO CODE; AMENDING TITLE 46, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER TO BE KNOWN AND DESIGNATED AS CHAPTER 11, TITLE 46, IDAHO CODE; Providing a SHORT TITLE; RESERVING A SECTION OF THE IDAHO CODE; PROVIDING DEFINITIONS; DESIGNATING PERSONS SUBJECT TO THE ACT; STATING APPLICATION AND JURISDICTION OF ACT; PROVIDING JURISDICTION OVER PERSONS WHO FRADULENTLY OBTAINED DISCHARGE; PROVIDING CONCURRENT JURISDICTION OF MILITARY COMMISSIONS OR OTHER MILITARY TRIBUNALS; PROVIDING FOR THE IMPOSITION OF NONJUDICIAL PUNISHMENT BY A COMMANDING OFFICER, STATING THE CAUSES FOR WHICH A MEMBER OF THE NATIONAL GUARD MAY FACE ARREST; DEFINING TYPES OF COURTS-MARTIAL; DEFINING THE GENERAL JURISDICTION OF COURTS-MARTIAL; DEFINING THE JURISDICTION OF SPECIAL COURTS-MARTIAL; PROVIDING FOR THE CONVENING OF GENERAL AND SPECIAL COURTS-MARTIAL; PROVIDING FOR THE COMPOSITION OF COURTS-MARTIAL; PROVIDING THE POWERS AND DUTIES OF A MILITARY JUDGE IN COURT-MARTIAL PROCEEDINGS; PROVIDING FOR THE APPOINTMENT OF TRIAL COUNSEL AND DEFENSE COUNSEL; PROVIDING FOR APPOINTMENT OR EMPLOYMENT OF REPORTERS OR INTERPRETERS; PROVIDING FOR MEMBERSHIP OF A GENERAL AND SPECIAL COURT-MARTIAL PROCEEDING; PROVIDING FOR PREFERRAL OF CHARGES; PROHIBITING COMPULSORY SELF-INCRIMINATION; PROVIDING FOR INVESTIGATION OF CHARGES PRIOR TO TRIAL; PROVIDING FOR THE FORWARDING OF CHARGES FOR GENERAL COURT-MARTIAL; PROVIDING A REFERENCE PROCEDURE FOR CHARGES TO A COURT-MARTIAL; PROVIDING FOR THE SERVICE OF CHARGES; ALLOWING THE GOVERNOR TO PRESCRIBE RULES OF EVIDENCE; PROHIBITING THE UNLAWFUL INFLUENCE OF ACTIONS OF A COURT; STATING THE DUTIES OF TRIAL COUNSEL AND DEFENSE COUNSEL; STATING PROCEDURES FOR THE HOLDING OF TRIAL SESSIONS;
ALLOWING CONTINUANCES; PROVIDING FOR CHALLENGES; PROVIDING FOR OATHS; PROVIDING A STATUTE OF LIMITATIONS; PROHIBITING A SECOND TRIAL IN A COURT-MARTIAL FOR THE SAME OFFENSE; PROVIDING FOR PLEAS OF THE ACCUSED; PROVIDING FOR DISCOVERY, INSPECTION AND COPYING OF MATTER UPON MOTION OF ACCUSED, REQUIRING DISCLOSURE TO ACCUSED OF ALL EXCULPATORY MATTER, MAKING IT A CONTINUING DUTY TO DISCLOSE ADDITIONAL MATTER SUBJECT TO AN OUTSTANDING ORDER OR LEGAL REQUIREMENT OF DISCOVERY, ALLOWING FOR A BILL OF PARTICULARS UPON MOTION OF THE ACCUSED; PROVIDING FOR COURT-MARTIAL PROCESS TO OBTAIN WITNESSES AND OTHER EVIDENCE AND FOR AUTHORITY TO ISSUE ORDERS FOR SEARCHES AND SEIZURES OF PERSONS AND PROPERTY; PROVIDING FOR THE ISSUANCE AND EXECUTION OF COURT-MARTIAL PROCESS, MAKING IT AN OFFENSE TO WILLFULLY DISREGARD PROCESS; PROVIDING PENALTIES FOR CONTEMPT OF A MILITARY JUDGE OR MILITARY COURT; PROVIDING FOR DISCOVERY THROUGH WRITTEN OR ORAL DEPOSITION; PROVIDING RULES FOR THEIR ADMISSIBILITY; PROVIDING FOR THE ADMISSIBILITY OF RECORDS OF COURTS OF INQUIRY, REQUIRING THAT VOTING ON FINDINGS AND SENTENCES AND CHALLENGES TO MEMBERS OF A COURT-MARTIAL BE BY SECRET WRITTEN BALLOT, FOR RULINGS ON ALL QUESTIONS OF LAW AND INTERLOCUTORY QUESTIONS DURING THE PROCEEDINGS, AND FOR INSTRUCTIONS TO THE COURT; PROVIDING FOR THE NUMBER OF VOTES REQUIRED; REQUIRING THAT THE COURT-MARTIAL ANNOUNCE ITS ACTION AS SOON AS DETERMINED; REQUIRING A SEPARATE RECORD OF PROCEEDINGS TO BE MAINTAINED, AUTHENTICATED AND FURNISHED THE ACCUSED; REQUIRING A COMPLETE AND VERBATIM RECORD OF A DISHONORABLE DISCHARGE, BAD CONDUCT DISCHARGE OR DISMISSAL IS ADJUDGED; PROHIBITING CRUEL AND UNUSUAL PUNISHMENT; PROHIBITING THE IMPOSITION OF PUNISHMENT IN EXCESS OF LIMITS OF COURT-MARTIAL INVOLVED; PROVIDING FOR AN EFFECTIVE DATE OF SENTENCES; PROVIDING FOR PLACES OF CONFINEMENT; PROVIDING FOR REVIEW OF THE RECORD BY CONVENCING AUTHORITY; REQUIRING REFERRAL OF THE RECORD BY THE CONVENCING AUTHORITY TO THE STAFF JUDGE ADVOCATE OR LEGAL OFFICER FOR HIS WRITTEN OPINION; PROVIDING FOR REHEARING OR DISMISSAL UPON REVIEW BY THE CONVENCING AUTHORITY; PROVIDING FOR APPROVAL OF FINDINGS AND SENTENCE BY THE CONVENCING AUTHORITY THAT ARE CORRECT IN LAW AND FACT; REQUIRING REFERRAL OF THE ENTIRE RECORD INCLUDING THE ACTION OF THE CONVENCING AUTHORITY AND OPINION OF THE STAFF JUDGE ADVOCATE OR LEGAL OFFICER TO THE
STATE JUDGE ADVOCATE FOR REVIEW; PROVIDING THAT ACTION OF THE COURT-MARTIAL SHALL ONLY BE HELD INCORRECT FOR PREJUDICIAL ERROR; PROVIDING FOR REVIEW BY A LAWYER APPOINTED BY THE STATE JUDGE ADVOCATE UPON REQUEST OF THE ACCUSED; PROVIDING FOR VACATION OF AN ORDER SUSPENDING SENTENCE FOR VIOLATION OF PROBATION, REQUIRING A HEARING AND LEGAL REPRESENTATION OF THE PROBATIONER; PROVIDING FOR A PETITION TO THE GOVERNOR FOR A NEW TRIAL WITHIN ONE YEAR ON THE GROUNDS OF NEWLY-DISCOVERED EVIDENCE OR FRAUD; PROVIDING FOR REMISSION OF SUSPENSION OF ANY PART OR AMOUNT OF ANY SENTENCE OR FORFEITURE BY THE GOVERNOR OR CONVENING AUTHORITY, AND FOR AN ADMINISTRATIVE DISCHARGE BY THE GOVERNOR; PROVIDING FOR RESTORATION OF RIGHTS, PRIVILEGES, AND PROPERTY AFFECTED BY A COURT-MARTIAL SUBSEQUENTLY DISAPPROVED, SUBSTITUTION OF HONORABLE DISCHARGE, REAPPOINTMENT BY THE GOVERNOR ALONE; PROVIDING FOR JUDICIAL REVIEW BY A CIVILIAN COURT; PROVIDING THAT JURISDICTION OF COURTS-MARTIAL BE LIMITED TO VIOLATIONS OF THIS CODE, THAT PERSONS VIOLATING CIVIL LAWS BE SURRENDERED TO CIVIL AUTHORITIES, THAT JURISDICTIONAL CONFLICTS BE RESOLVED IN FAVOR OF CIVIL JURISDICTION; DEFINING A PRINCIPAL TO AN OFFENSE; DEFINING AN ACCESSORY AFTER THE FACT; MAKING AN ATTEMPT AN INCLUDED OFFENSE, LISTING VARIOUS OFFENSES SUBJECT TO COURT-MARTIAL; PROVIDING THAT CERTAIN OFFENSES BE TRIED BY COURT-MARTIAL ONLY WHEN OFFENSE COMMITTED WHILE ORDERED TO OR ON ACTIVE DUTY; REQUIRING THAT PUBLIC PROPERTY BE SECURED AND THAT ALL CAPTURED OR ABANDONED PROPERTY BE TURNED OVER TO A PROPER AUTHORITY, PROVIDING A FAILURE SO TO DO, OR THE SALE OF SUCH PROPERTY, OR LOOTING OR PILLAGING AN OFFENSE; MAKING AIDING A KNOWN ENEMY OR HAVING INTERCOURSE WITH ENEMY AN OFFENSE; MAKING MISBEHAVIOR BEFORE THE ENEMY AN OFFENSE; PROVIDING FOR TRIAL BY COURT-MARTIAL OF FELONIOUS CIVIL OFFENSES IF CIVIL JUDICIARY IS NOT FUNCTIONING; PROVIDING FOR CONVENING, ORGANIZING AND PRACTICE AND PROCEDURE OF A COURT OF INQUIRY; PROVIDING FOR PROCESSING OF COMPLAINTS OF WRONG TREATMENT AGAINST A COMMANDING OFFICER; PROVIDING FOR FIELD INSPECTION OF ADMINISTRATION OF MILITARY JUSTICE, SPECIFYING LINES OF COMMUNICATION BETWEEN CONVENING AUTHORITIES AND JUDGE ADVOCATES OR LEGAL OFFICERS, SPECIFYING WHICH NATIONAL GUARD OFFICERS MAY ADMINISTER OATHS; PROVIDING THAT FINES SHALL BE PAID OVER TO STATE TREASURER AND CREDITED TO THE
GENERAL FUND; PROVIDING FOR EXPLANATION OF AND ACCESS TO THIS ACT AND IMPLEMENTING REGULATIONS TO EVERY ENLISTED PERSON; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Chapter 5, Title 46, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 9, Title 46, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 46-805, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Title 46, Idaho Code, be, and the same is hereby amended by the addition thereto of a new chapter, to be known and designated as Chapter 11, Title 46, Idaho Code, and to read as follows:

CHAPTER 11

46-1101. SHORT TITLE. — This act may be cited and referred to as the “Idaho Code of Military Justice.”

46-1102. (RESERVED)

46-1103. DEFINITIONS. — The definitions used in the command, administration, supply, training, discipline and employment of the armed forces of the United States, unless clearly inapplicable or contradictory, are adopted with respect to the Idaho national guard except as otherwise provided in this act. As used in this act:

(a) “Military” refers to all components of the Idaho national guard.

(b) “Idaho national guard” means both the Idaho army national guard and the Idaho air national guard.

(c) “In federal service” and “not in federal service” mean the same as those terms are used and construed in federal laws and regulations.

(d) “Officer” means both a commissioned officer and a warrant officer, unless a distinction between commissioned officer and warrant officer is clearly evident.

(e) “Superior officer” means an officer superior in rank or command.

(f) “Enlisted person” means any person who is serving in an enlisted grade in any force of the Idaho national guard.

(g) “Military court” means a court-martial, a court of inquiry, or a military commission.

(h) “Commanding officer” means a commissioned officer who is in command of any unit larger than a platoon.

(i) “Active state duty” means full-time duty in the active military service of the state under an order of the governor issued under authority vested in him by law, and include travel to and from such duty.

(j) “Legal officer” means any legally trained commissioned officer of the Idaho national guard who is certified by the state judge advocate to perform legal duties under this code.
(k) "Duty status other than active state duty" means any time when members and units of the Idaho national guard shall assemble for drill or other equivalent training, instruction or duties during each year and shall participate in field training, encampments, maneuvers, schools, conferences, cruises or other similar duties each year as may be prescribed by the laws of the United States and of the state and the regulations issued thereunder, and includes travel to and from such duty.

(l) "Accuser" means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused.

(m) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being, or a successor in command.

(n) "May" is used in a permissive sense. The words "no person may..." mean that no person is required, authorized, or permitted to do the act prescribed.

(o) "Shall" is used in a mandatory sense.

(p) "Code" means this act.

(q) "Arrest" is the taking of a person into custody.

46-1104. PERSONS SUBJECT TO THE CODE. — The Idaho Code of Military Justice applies to all members of the Idaho national guard not in federal service when they are on "active state duty" or "duty status other than active state duty" as defined by this code.

46-1105. APPLICATION OF CODE — ALL PLACES WITHIN STATE — PERSONS SERVING OUTSIDE THE STATE — WHEN JURISDICTION ATTACHES. — (a) This code shall be applicable in all places within the state. It shall also apply to all persons subject to this code while serving outside the state and while going to and returning from such service outside the state in like manner and to the same extent as when such persons are serving within the state.

(b) Courts-martial and courts of inquiry may be convened and held in units of the Idaho national guard while serving outside the state with the same jurisdiction and powers as if held within the state, and offenses committed outside the state may be tried and punished either within the state or outside the state.

(c) Court-martial jurisdiction over an accused for any offense attaches only upon the referral of charges pursuant to the provisions of section 46-1119, Idaho Code, during the same period of duty in which the offense occurred or, if the offense was not reasonably discovered by the commander until after a period of duty or a later nonduty time, then during that later period of duty or during the first period of duty following discovery at a later nonduty time. Once jurisdiction is properly attached, the convening and holding of a court-martial may be accomplished at a subsequent period of authorized duty.

46-1106. JURISDICTION TO TRY PERSONS WHO FRAUDULENTLY OBTAINED DISCHARGE. — Each person discharged from the Idaho national guard who is later charged with having fraudulently obtained his discharge is, subject to the applicable
statute of limitations, subject to trial by court-martial on that charge and is, after apprehension, subject to this code while in the custody of the military for that trial. Upon conviction of that charge he is subject to trial by court-martial for all offenses under this code committed before the fraudulent discharge.

46-1107. CONCURRENT JURISDICTION OF MILITARY COMMISSIONS, OR OTHER MILITARY TRIBUNALS. — The provisions of this act conferring jurisdiction upon courts-martial shall not be construed as depriving military commissions or other military tribunals of concurrent jurisdiction in respect to offenders or offenses that by statute or by law of war may be tried by such military commissions or other military tribunals.

46-1108. COMMANDING OFFICER'S NONJUDICIAL PUNISHMENT. — (a) Under such regulations as the governor of Idaho prescribes, and under such additional regulations as may be prescribed by the adjutant general of Idaho, limitations may be placed on the powers granted by this law with respect to the kind and amount of punishment authorized, the categories of commanding officers and warrant officers exercising command authorized to exercise those powers, the applicability of this law to an accused who demands trial by court-martial, and the kinds of court-martial to which the case may be referred upon such a demand. However, punishment may not be imposed upon any member of the Idaho national guard under this law if the member has, before imposition of such punishment, demanded trial by special court-martial in lieu of such punishment. The adjutant general by written order shall suspend the implementation of any punishments authorized hereunder.

(b) Subject to subsection (a) of this section, any commanding officer may impose one or more of the following disciplinary punishments for minor offenses without convening a court-martial.

(1) upon officers of his command:
   (a) reprimand;
   (b) restriction to certain specified limits, with or without suspension from duty, for not more than seven (7) consecutive days during annual field training;
   (c) during all other periods of authorized duty, restriction to specified limits with or without suspension from duty, for not more than the remainder of the authorized period of duty; but not to exceed seven (7) days;
   (d) forfeiture of not more than seven (7) days' pay;

(2) upon other personnel of his command:
   (a) reprimand;
   (b) forfeiture of not more than seven (7) days' pay;
   (c) reduction to the next inferior grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;
   (d) extra duties, including fatigue or other duties:
      (i) for not more than fourteen (14) consecutive days during annual field
training;
(ii) during all other periods of authorized duty for not more than the remainder of the authorized period of duty, but not to exceed fourteen (14) days;
(e) restriction to certain specified limits, with or without suspension from duty:
(i) for not more than fourteen (14) days during annual field training;
(ii) during all other periods of authorized duty for not more than the remainder of the authorized period of duty, but not to exceed fourteen (14) days.

No two (2) or more of the punishments of extra duties and restrictions may be combined to run consecutively in the maximum amount imposable for each. Whenever any of those punishments are combined to run consecutively, there must be an apportionment.

(c) The officer who imposes the punishment authorized in subsection (b) of this section, or his successor in command, may, at any time, suspend probationally any part or amount of the unexecuted punishment imposed and may suspend probationally a reduction in grade or a forfeiture imposed under subsection (b) of this section, whether or not executed. In addition, he may, at any time, remit or mitigate any part or amount of the unexecuted punishment imposed and may set aside in whole or in part the punishment, privileges, and property affected. He may also mitigate reduction in grade to forfeiture of pay. When mitigating extra duties to restriction, the mitigated punishment shall not be for a greater period than the punishment mitigated. When mitigating reduction in grade to forfeiture of pay, the amount of the forfeiture shall not be greater than the amount that could have been imposed initially under this article by the officer who imposed the punishment mitigated.

(d) A person punished under this law who considers his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished shall not in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subsection (c) by the officer who imposed the punishment. Before acting on an appeal from a punishment of forfeiture of pay; reduction to the next inferior pay grade; extra duty for more than three (3) days; or restriction for more than three (3) days, the authority who is to act on the appeal shall refer the case to the state judge advocate or a member of his staff.

(e) The imposition and enforcement of disciplinary punishment under this article for any act or omission shall be a bar to trial by court-martial for a serious offense growing out of the same act or omission, and not properly punishable under this article.

(f) The adjutant general shall, by regulation, prescribe the form of records to be kept of proceedings under this law and direct the keeping of records as currently required by U.S.
Army or Air Force regulations in like cases and shall also prescribe the categories of those proceedings which shall be in writing.

(g) All records of nonjudicial punishment shall be destroyed upon the termination of the person's current period of enlistment.

(h) The term "minor offenses," as used in this code, includes only those acts or omissions constituting offenses under the punitive articles of this code.

46-1109. ARREST. — Arrest of members of the Idaho national guard not in federal service by members of the Idaho national guard while acting in their capacity as national guardsmen is prohibited, except in the following circumstances:

(1) If any member of the Idaho national guard fails or refuses to report to his appointed place of duty upon adequate notice of an emergency declared by the governor, the commanding officer of the member's unit is authorized to arrest such member or cause him to be arrested and have him brought before the commanding officer at his unit headquarters. If military personnel are not available for the purpose of making the arrest, or if the commanding officer deems it advisable, he may issue a warrant to any sheriff or peace officer authorized to serve such warrant in the same manner as other warrants of arrest and make return thereof to the commanding officer issuing the warrant.

(2) If any member of the Idaho national guard is accused of an offense against a civil authority, any other member of the Idaho national guard may, on request by a civil authority, arrest such accused member, but in such case, immediate steps must be taken to deliver such member forthwith to the appropriate civil authorities.

46-1110. TYPES OF COURTS-MARTIAL. — In the Idaho national guard not in federal service, there shall be two (2) types of courts-martial:

(1) general courts-martial, consisting of:
   (a) a military judge and seven (7) members; or
   (b) only a military judge if, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests in writing a court composed only of a military judge;

(2) special courts-martial consisting of:
   (a) a military judge and five (5) members; or
   (b) only a military judge if before the court is assembled the accused, knowing the identity of the military judge and after consultation with defense counsel, requests in writing a court composed only of a military judge.

46-1111. JURISDICTION OF COURTS-MARTIAL. — Each force of the Idaho national guard has court-martial jurisdiction over all persons subject to this code. The exercise of jurisdiction by one force over personnel of another force shall be in accordance with regulations prescribed by the governor.

General courts-martial have jurisdiction to try persons subject to this code for any offense made punishable by this code and may, under such limitations as the governor may
prescribe, adjudge any of the following punishments:

(1) reprimand;
(2) fine of not more than two hundred dollars ($200);
(3) forfeiture of pay and allowances not to exceed two hundred dollars ($200) in lieu of fine;
(4) dismissal, bad conduct discharge, or dishonorable discharge;
(5) reduction in rank of an enlisted man to the lowest enlisted grade;
(6) confinement of not more than twelve (12) days, to be served only at such times as not to interfere with his primary civilian vocation; or
(7) any combination of the above.

46-1112. JURISDICTION OF SPECIAL COURTS-MARTIAL. — Subject to section 46-1111, Idaho Code, special courts-martial have jurisdiction to try persons subject to this code for any offense for which they may be punished under this code and may, under such limitations as the governor may prescribe, adjudge any of the following punishments:

(1) reprimand;
(2) fine of not more than one hundred dollars ($100);
(3) forfeiture of pay and allowances not to exceed one hundred dollars ($100) in lieu of a fine;
(4) reduction in rank of an enlisted man by not more than two (2) grades;
(5) confinement of not more than six (6) days to be served at such times as not to interfere with his primary civilian vocation; or
(6) any combination of the above.

46-1113. CONVENING OF GENERAL AND SPECIAL COURTS-MARTIAL. — In the Idaho national guard not in the federal service, general courts-martial may be convened only by the governor or the state adjutant general.

In the Idaho national guard not in the federal service, special courts-martial may be convened by:

(1) the governor; or the state adjutant general.
(2) the commanding officer of a battalion-size unit or its equivalent, or a brigade, wing, group, attached battalion, or separate or detached command, except where such commanding officer is the accused whereupon the court will be convened by his superior authority.

46-1114. COMPOSITION OF COURTS-MARTIAL. — (a) Members for any court martial shall be selected in accordance with regulations to be issued by the state adjutant general consistent with the provisions of this section.

(b) Any person who has served in the Idaho national guard for one (1) year or more is eligible to serve on general and special courts-martial for the trial of persons who may lawfully be brought before such court for trial.

(c) Members of general and special courts-martial shall be selected on a random basis from among all those eligible persons permanently stationed within the geographical limits
as set by regulations promulgated by the governor.

(d) An accused who is a commissioned officer may have the members of his courts-martial selected as in (b) above, or, at his election, may have the members limited to eligible commissioned officers selected at random from the appropriate geographical area. Such election must be made in writing to the convening authority.

(e) No member of an armed force is eligible to serve as a member of any court-martial when he is the accuser or a witness, or has acted as an investigating officer, as counsel, or as military judge in the same or a related case.

46-1115. MILITARY JUDGES. — (a) The authority convening a general or special court-martial shall request the state judge advocate to detail a military judge to preside over each open session of the court-martial. The military judge shall:

(1) rule finally on all matters of law;
(2) rule finally on all motions; and
(3) except as otherwise provided, decide all other questions raised at the trial of the accused.

(b) A military judge shall be a commissioned officer who is a member of the bar of this state or a member of the bar of a federal court, and who is certified to be qualified for such duty by the state judge advocate.

(c) A commissioned officer who is certified as a military judge of a court-martial may perform duties other than those of a military judge when such duties are assigned to him by or with the approval of the state judge advocate or his designee.

(d) No person is eligible to act as a military judge in a case if he is the accuser, a witness for the prosecution, a counsel, or has acted as investigating officer in the same case.

(e) The military judge of a court-martial may not consult with the members of the court, except in the presence of the accused, trial counsel, and defense counsel, nor may he vote with the members of the court.

46-1116. DETAIL OF TRIAL COUNSEL AND DEFENSE COUNSEL. — (a) For each general and special court-martial the convening authority shall request the state judge advocate to detail trial counsel and defense counsel and such assistants as he considers appropriate. No person who has acted as investigating officer, military judge, or court member in any case may act later as trial counsel or assistant trial counsel in the same case. No person who has acted for the prosecution may later act in the same case for the defense or vice versa.

(b) Trial counsel or defense counsel detailed for a general court-martial must be:

(1) A member of the bar of the highest court of this state, or a member of the bar of a federal court; and
(2) Certified as competent to perform such duties by the state judge advocate.

46-1117. DETAIL OR EMPLOYMENT OF REPORTERS AND INTERPRETERS. — The convening authority of a general or special court-martial shall detail or employ qualified court reporters who shall record the proceedings of and testimony taken before that court.
The convening authority of a military court may, if he deems it necessary, detail or employ interpreters who shall interpret for the court.

46-1118. ABSENT AND ADDITIONAL MEMBERS. — (a) No member of a general or special court-martial shall be absent or excused after the court has been assembled for the trial of the accused except for a physical disability, as a result of a challenge, or by order of the convening authority for a good cause.

(b) A general court-martial shall be composed of seven (7) regular members and at least one (1) alternate member selected as described for regular members.

(c) A special court-martial shall be composed of five (5) regular members and at least one (1) alternate selected as described for regular members.

(d) If the military judge of a court-martial composed of a military judge only is unable to proceed with the trial because of physical disability, as a result of a challenge, or for other good cause, the trial shall proceed after the detail of a new military judge as if no evidence had previously been introduced, unless a verbatim record of the evidence had previously been introduced or a stipulation thereof is read in court in the presence of the new military judge, the accused, and counsel for both sides, and such is consented to by the accused and defense counsel. If not consented to, the convening authority may order a new trial.

46-1119. PREFERRAL OF CHARGES. — (a) Any person subject to this code may prefer charges, even if he is under charges, in arrest, or in confinement.

(b) A person subject to this code cannot be ordered to prefer charges to which he is unable truthfully to make the required oath on his own responsibility.

(c) A person preferring charges shall sign such charges under oath before a commissioned officer of the armed forces authorized to administer oaths or before any person authorized under the laws of the state of Idaho to administer oaths, and shall state:

(1) that the signer has personal knowledge of or has investigated the matters set forth therein; and

(2) that they are true in fact to the best of his knowledge and belief.

(d) Upon the preferring of charges, the proper authority shall take immediate steps to determine what disposition should be made thereof in the interest of justice and discipline, and the person accused shall be informed of the charges against him as soon as possible.

46-1120. COMPULSORY SELF-INCrimINATION PROHIBITED. — (a) No person subject to this code may compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him.

(b) No person subject to this code may interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial, that he has a right to consult with a
lawyer, that he has a right to have a lawyer present during questioning, that he has a right to request a lawyer and that upon his request one will be provided him without cost or, if he prefers, that he may retain counsel of his choice at his own expense.

(c) No person subject to this code may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him.

(d) No statement obtained from any person in violation of this section, or through the use of coercion, unlawful influence, or unlawful inducement may be received in evidence against him in a trial by court-martial.

(e) The requirements of this section are binding on all persons administering this code, but failure to follow them does not divest a military court of jurisdiction.

46-1121. INVESTIGATION. — (a) No charge or specification shall be referred to any court-martial, special or general, for trial until a thorough and impartial investigation of all the matters set forth therein has been made. The convening authority will request that the state judge advocate appoint an investigating officer. Such investigating officer will be qualified as indicated in section 46-1116, Idaho Code. It shall not be the function of the investigating officer to build a case for the government against the accused, but to ascertain and impartially weigh all available facts in arriving at his conclusions. The investigating officer will submit a formal report to the convening authority and the state judge advocate. This report will include, but need not be limited to, the following:

1. A statement of the name, organization or address of counsel, and information as to the presence or absence of counsel throughout the proceedings in all cases in which counsel has been requested by the accused.

2. A statement of the substance of the testimony taken on both sides, including any stipulated testimony, as for example, when an accused withdraws a request for a witness upon being told that the testimony expected would be regarded as taken. One additional copy of the statement of the substance of the testimony taken will be prepared for each accused.

3. Any other statements, documents, or matters considered by him in reaching his conclusions or making his recommendations, or recitals of the substance or nature of these items.

4. A statement of any reasonable ground for the belief that the accused is, or was at the time of an offense, mentally defective, deranged, or abnormal.

5. A statement as to whether essential witnesses will be available in the event of trial. If essential witnesses will not be available, the reasons for nonavailability will be stated.

(b) The conclusions of the investigating officer, as above referred to, will be binding on the convening authority insofar as the investigating officer finds insufficient evidence to refer the charges to a court-martial. Therefore, a convening authority can only refer those charges to a court-martial which the investigating officer has found to allege an offense
which is warranted by sufficient evidence introduced at the investigation.

(c) At the outset of the investigation, the accused will be informed of the following:

(1) The offense charged against him;
(2) The name of the accuser and of the witnesses against him as far as are then known by the investigating officer;
(3) The fact that charges are about to be investigated;
(4) His right to counsel to represent him at the investigation, if he so desires, including the several alternatives available to him as set forth in section 46-1110, Idaho Code;
(5) His right to cross-examine witnesses against him if they are available and to present anything he may desire in his own behalf, either in defense, extenuation, or mitigation;
(6) His right to have the investigating officer examine available witnesses requested by him;
(7) His right to make a statement in any form.

(d) Unless he expressly and voluntarily states that he does not desire counsel and that he is willing to make a statement, he will not be interrogated until counsel is present.

(e) The requirements of this section are binding on all persons administering this code, but failure to follow them does not divest a military court of jurisdiction.

46-1122. FORWARDING OF CHARGES FOR GENERAL COURT-MARTIAL. - When a person is held for a trial by general court-martial, the commanding officer shall, within eight (8) days after the accused is informed of the charges against him, forward the charges together with the investigation and allied papers, to the governor. If that is not practicable, he shall report in writing to the governor the reasons for delay.

46-1123. ADVICE OF STATE JUDGE ADVOCATE AND REFERENCE FOR TRIAL. - (a) The convening authority may not refer any charge to a court-martial for trial unless an investigating officer properly appointed pursuant to section 46-1121, Idaho Code, has found that the charge alleges an offense under this code and warranted by evidence indicated in the report of the investigation.

(b) If the charges or specifications are not formally correct or do not conform to the substance of the evidence contained in the report of the investigating officer, formal corrections and changes in the charges and specification needed to make them conform to the evidence may be made.

46-1124. SERVICE OF CHARGES. - The trial counsel to whom court-martial charges are referred for trial shall cause to be served upon the accused a copy of the charges upon which trial is to be had. No person shall, against his objection, be brought to trial before a court-martial within a period of one (1) week after the service of charges against him.

46-1125. GOVERNOR MAY PRESCRIBE RULES OF EVIDENCE. - The procedure, including modes of proof, in cases before military courts and other military tribunals
may be prescribed by the governor by regulations, which shall apply the principles of law
and the rules of evidence generally recognized in the trial of criminal cases in the courts of
the state, but which may not be contrary to or inconsistent with this code.

46-1126. UNLAWFULLY INFLUENCING ACTION OF COURT. — (a) No person
subject to this code may censure, reprimand, or admonish the court or any member,
military judge, or counsel thereof, with respect to the findings or sentence adjudged by the
court or with respect to any other exercise of its or his functions in the conduct of the
proceeding.

(b) No person subject to this code may attempt to coerce or, by any unauthorized
means, influence the action of the court-martial or any military tribunal or any member
thereof in reaching the findings or sentence on any case, or the action of any convening,
approving, or reviewing authority with respect to his judicial acts.

(c) The foregoing provision shall not apply with respect to (1) general instructional
courses in military justice if such courses are designed solely for the purpose of instructing
members of a command in the substantive and procedural aspects of courts-martial, or (2)
statements and instructions given in open court by the military judge or counsel.

(d) In the preparation of an effectiveness, fitness, or efficiency report or any other
report or document used in whole or in part for the purpose of determining whether a
member of the national guard is qualified to be advanced in grade, or in determining the
assignment or transfer of a member or in determining whether a member should be retained,
no person subject to this code may, in preparing such report (1) consider or evaluate
performance of duty of any member as a member of a court-martial, or (2) give a less
favorable rating or evaluation of any member because of the zeal with which such member,
as counsel, represented any accused before a military judge, court-martial or any other
military or appellate tribunal. This section shall not apply to evaluations made by the state
judge advocate on the performance of his personnel.

46-1127. DUTIES OF TRIAL COUNSEL AND DEFENSE COUNSEL. — (a) The
trial counsel of a general or special court-martial shall prosecute in the name of the state,
and shall, under the direction of the court, prepare the record of the proceedings.

(b) The accused has the right to be represented in his defense before a general or
special court-martial by civilian counsel if provided by him or by military counsel of his own
selection if reasonably available, or by the defense counsel detailed under section 46-11
Idaho Code. Should the accused have counsel of his own selection, the defense counsel, and
assistant defense counsel, if any, who were detailed, shall, if the accused so desires, act as
his associate counsel; otherwise they shall be excused by the president of the court.

(c) In every court-martial proceeding, the military defense counsel may, at any time,
at government expense, seek such collateral relief as he deems necessary to protect the rights
of the accused in any court having jurisdiction to grant such relief. In every court-martial
proceeding, the defense counsel may, in the event of conviction, forward for attachment to
the record of proceedings a brief of such matters as he feels should be considered in behalf
of the accused on review, including any objection to the contents of the record which he considers appropriate.

(d) An assistant trial counsel of a general court-martial, if any, may, under the direction of the trial counsel or when he is qualified to be a trial counsel as required by section 46-1116, Idaho Code, perform any duty imposed by law, regulation, or the custom of the service upon the trial counsel of the court. An assistant trial counsel of a special court-martial may perform any duty of the trial counsel.

(e) An assistant defense counsel of a general or special court-martial may, under the direction of the defense counsel or when he is qualified to be the defense counsel as required by section 46-1116, Idaho Code, perform any duty imposed by law, regulation, or the custom of the service upon counsel for the accused.

46-1128. SESSIONS. — (a) At any time after the service of charges which have been referred for trial to a court-martial, the military judge may, subject to section 46-1124, Idaho Code, call the court into session without the presence of the members for the following purposes:

1. Hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;
2. Hearing and ruling upon any matter which may be ruled upon by the military judge under this code, whether or not the matter is appropriate for later consideration or decision by the members of the court;
3. If permitted by regulations prescribed by the governor, holding the arraignment and receiving the pleas of the accused;
4. Performing any other procedural function which may be performed by the military judge under this code or under rules prescribed pursuant to section 46-1125, Idaho Code, and which does not require the presence of the members of the court.

(b) The proceedings described in paragraph (a) shall be conducted in the presence of the accused, the defense counsel, and the trial counsel, and shall be made a part of the record.

(c) When the members of a court-martial deliberate or vote, only the members may be present. All other proceedings, including any other consultation of the members of the court with counsel or the military judge, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel, and in cases in which a military judge has been detailed to the court, the military judge.

46-1129. CONTINUANCES. — The military judge, or, if there is no military judge, the members of a general or special court-martial may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

46-1130. CHALLENGES. — (a) The military judge and members of a general or
special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The military judge, or, if none has been detailed, the court members shall determine the relevancy and validity of challenges for cause. Challenges by trial counsel shall ordinarily be presented and decided before those by accused are offered.

(b) Each accused and the trial counsel is entitled to three (3) peremptory challenges of court members in a general court-martial and two (2) peremptory challenges of court members in a special court-martial, but the military judge may not be challenged except for cause.

46-1131. OATHS. — (a) Before performing their respective duties, military judges, interpreters, members of general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, and reporters shall take an oath or affirmation in the presence of the accused to perform their duties faithfully. The form of the oath, the time and place of the taking thereof, and the manner of recording the same, shall be prescribed in regulations promulgated by the governor.

(b) All witnesses before military courts shall be examined on oath or affirmation.

46-1132. STATUTE OF LIMITATIONS. — (a) A person charged with desertion or fraudulent discharge, as defined by the punitive articles of this code, is not liable to be tried by court-martial, or punished, if the offense was committed more than three (3) years before the receipt of sworn charges and specifications by an officer exercising general or special court-martial jurisdiction over the command, or before the imposition of punishment under the nonjudicial punishment provisions of this code.

(b) Except as otherwise provided in subsection (a), a person charged with any offense, as defined in this code, is not liable to be tried by court-martial or punished under section 46-1108, Idaho Code, if the offense was committed more than six (6) months before the receipt of sworn charges and specifications by an officer exercising special or general court-martial jurisdiction over the command, or before the imposition of punishment under section 46-1108, Idaho Code.

46-1133. FORMER JEOPARDY. — (1) No person may, without his consent, be tried a second time in a court-martial for the same offense;

(2) No person may be tried by court-martial for any offense if he has been tried for substantially the same offense in any state court or in any United States court;

(3) No proceeding in which an accused has been found guilty by a court-martial upon any charge is a trial in the sense of this article until the finding of guilty has become final after review of the case and all available appeals have been fully completed;

(4) A proceeding which, after the introduction of evidence but before a finding, is dismissed or terminated by the military judge for failure of available evidence or witnesses without any fault of the accused is a trial in the sense of this article.

46-1134. PLEAS OF ACCUSED. — (a) If an accused arraigned before a court-martial makes an irregular pleading, or after a plea of guilty sets up matter inconsistent with his plea, or if it appears that he has entered a plea of guilty improvidently or through lack of
understanding of its meaning and effect, or if he fails or refuses to plead, a plea of not guilty shall be entered in the record, and the court shall proceed as though he had pleaded not guilty.

(b) With respect to any charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge or by a court-martial without a military judge, a finding of guilty of the charge or specification may, if permitted by regulations issued pursuant to this code, be entered immediately without vote. This finding shall constitute the finding of the court unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceeding shall continue as though the accused had pleaded not guilty.

46-1135. DISCOVERY. — (a) At any session convened pursuant to section 46-1128, Idaho Code, and for good cause shown at trial, the military judge shall, upon a motion of the accused, order the prosecutor to divulge to the accused, and, where necessary, permit the accused to inspect, copy or photograph:

1) Any statement, written or recorded, verbatim or otherwise, made by the accused relevant to the offense charged which is in the possession, custody or control of the government, the existence of which is known or may become known to the trial counsel by the exercise of due diligence;

2) The substance of any oral statement made by the accused either before or after arrest which the trial counsel intends to offer into evidence at trial;

3) Written or recorded statements, or the substance of an oral statement made by a co-accused either before or after arrest, which the trial counsel intends to offer into evidence at trial;

4) The prior military record, as is then available to the trial counsel, of the accused, of any co-accused, or of any person the trial counsel intends to call as his witness at trial;

5) The names and current addresses, if known, together with any relevant prior statement of all persons, civilian or military, whom the trial counsel intends to call as witnesses at trial;

6) The military personnel records (field 201 file) of all persons selected as prospective jurors, if such a selection has been made at the time of the session, or, if the selection has not been made at the time of the session, the motion may be made at trial;

7) The report of any nonjudicial or quasi-judicial investigation conducted by the state relevant to the offense charged unless the military judge finds, on good cause shown, that the disclosure would be inimical to the state or national security;

8) The results and reports of any physical or mental examinations, or of scientific tests or experiments, made in connection with the case, within the possession, custody, or control of the trial counsel, the existence of which is known to the
trial counsel, or which may become known by the exercise of due diligence; and

(9) The report of the investigating officer made pursuant to section 46-1121, Idaho Code, if any, and all exhibits and testimony appended thereto.

(b) At any session convened pursuant to section 46-1128, Idaho Code, and, for good cause shown at trial, the military judge may, upon a motion of the accused, order the trial counsel to permit the accused to inspect, copy, or photograph books, papers, documents, tangible objects, buildings, or places or copies or portions thereof, which are within the possession, custody, or control of the government, upon a showing that they are material to the preparation of the defense and that the request is reasonable. If the relief requested hereunder is granted, the military judge may, upon motion of the trial counsel, inspect, copy, or photograph scientific or medical reports, books, papers, documents, tangible objects, or copies or portions thereof which the accused intends to introduce into evidence at trial, which are related to the discovery sought by the accused and which are within the possession, custody, or control of the defense upon a showing that they are material to the preparation of the government’s case and that the request is reasonable.

(c) Notwithstanding any other provisions of this article, the trial counsel shall disclose to the accused, as soon as it is discovered, all material, exculpatory evidence actually known to the trial counsel, whether or not a request for such evidence has been made by the accused.

(d) Except as provided in subsections (a) and (c) of this section, discovery or inspection is not authorized of reports, memoranda or other internal government documents made by government agents in connection with the investigation or prosecution of the case, or to statements made by government witnesses or prospective government witnesses to agents of the government except as provided in 18 USCA 3500.

(e) The military judge in granting relief under this article, shall, if necessary, specify the time, place, and manner of making the discovery and inspection permitted, under such terms and conditions as are just.

(f) Whenever discovery is ordered or required under this article, a continuing duty to disclose exists, and whenever a party discovers additional material previously requested or ordered which is subject to discovery or inspection, he shall promptly notify the other party or his counsel and the military judge of the existence of such additional material. In the event that either party fails to comply with this article or with an order issued pursuant to this article, the military judge may grant a continuance or prohibit the party from introducing into evidence the material not disclosed or it may enter such other order, including dismissal of all charges with prejudice, as it deems just under the circumstances.

(g) Upon a sufficient showing by either party the military judge may at any time order that discovery or inspection be denied, restricted or deferred, or make such other order as is appropriate.

(h) The military judge may at any time, upon motion of the accused, direct the filing
of a bill of particulars, which bill may be amended at any time subject to such conditions as 
justice requires.

46-1136. OPPORTUNITY TO OBTAIN WITNESSES AND OTHER EVIDENCE.  
(a) The trial counsel and defense counsel shall have equal opportunity to obtain witnesses 
and other evidence in accordance with regulations issued by the governor pursuant to this 
code. Process issued in court-martial cases to compel witnesses to appear and testify and 
compel the production of other evidence shall be the same as that which the courts of this 
state having criminal jurisdiction may lawfully issue and shall run to any part of the state 
and to any other state in which the court-martial may be sitting. A refusal of a request for 
such as herein provided is appealable as an interlocutory matter.

(b)(1) The authority to issue orders to conduct searches and seizures of persons and 
property subject to the provisions of this chapter in connection with any 
offense prohibited by this code may be exercised only by military judges in 
accordance with regulations promulgated by the governor. Such authority can 
only extend to persons, vehicles, and places on a military reservation.

(2) No search or seizure of persons or property shall be ordered by any military 
judge except in writing upon probable cause supported by written affidavits 
and particularly describing the person or place to be searched or the person or 
thing to be seized.

(3) No other search or seizure is authorized, except as may be necessary to protect 
the life of a person making an arrest under the authority of this code, or to 
prevent the destruction of evidence.

46-1137. PROCESS – MANDATES – SUBPOENAS DUCES TECUM – ATTACH-
MENT OF WITNESSES AND BOOKS AND RECORDS – FORM – EXECUTION – 
SERVICE WITHOUT CHARGE. – (a) Military courts are empowered to issue all process 
and mandates necessary and proper to carry into full effect the powers vested in such 
courts. Such courts shall have power to issue subpoenas duces tecum and to enforce by 
attachment attendance of witnesses, the accused, and production of books and records.

(b) Such process and mandates may be issued by the military judge of a special and 
general court-martial and may be directed to any peace officer as defined in the laws of this 
state and shall be in such form as may be prescribed by regulations issued pursuant to this 
act.

(c) It shall be the duty of all officers to whom such process or mandate may be 
directed to execute the same and make return of their acts thereunder according to the 
requirements of the same. Except as otherwise specifically provided in this act, no such 
officer shall demand or require payment of any fee or charge of any nature for receiving, 
executing or returning any such process or mandate or for any services in connection 
therewith.

(d) Any person not subject to this code who:

(1) has been duly subpoenaed to appear as a witness before a court-martial, court
of inquiry, or any other military court or board, or before any military or civil officer designated to take a deposition to be read in evidence before such a court or board;

(2) has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the courts of the state of Idaho; and

(3) willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person may have been legally subpoenaed to produce;

commits an offense under this act and may be tried by complaint and information in an Idaho district court, jurisdiction hereby being conferred upon those courts for that purpose. Upon conviction, such a person shall be punished by a fine of not more than two hundred dollars ($200), or imprisonment for not more than thirty (30) days. The prosecuting attorney or the officer prosecuting for the state of Idaho in the district court shall, upon certification of the facts to him by the military court or board of inquiry, file an affidavit against and prosecute any person violating this article.

46-1140. CONTEMPTS. -- (a) A military judge or military court may punish for contempt any person subject to this code who uses any disrespectful word, sign or gesture in its presence, or who disturbs its proceedings by any riot or disorder.

(b) Any person not subject to this code who engages in conduct described in subsection (a) of this section, may be fined not more than two hundred dollars ($200) or imprisoned not more than thirty (30) days or both. Upon certification of the facts by the military court or tribunal to the prosecuting attorney of the county where the offense occurred, the prosecuting attorney shall prosecute the accused in any court of record, jurisdiction hereby being conferred upon such courts for this purpose.

46-1139. DEPOSITIONS. -- (a) At any time after charges have been signed, as provided in section 46-1119, Idaho Code, any party may take oral or written depositions unless the military judge or court-martial without judge, or, if a military judge or court-martial have not yet been appointed, the convening authority forbids it for good cause. If a deposition is to be taken before charges are referred for trial, the convening authority shall request that counsel be designated by the state judge advocate to represent the prosecution and the defense for the purpose of taking the deposition of any witness. Such counsel will be qualified as indicated in section 46-1116, Idaho Code.

(b) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.

(c) Depositions shall be taken before and authenticated by any military or civil officer authorized by the laws of the state or by the laws of the place where the deposition is taken to administer oaths.

(d) A duly authenticated deposition taken upon reasonable notice to the other parties, so far as otherwise admissible under the rules of evidence, may be read into evidence.
before any court-martial or any proceeding before a court of inquiry, if it appears:

1. that the witness resides or is beyond the state in which the court-martial or court of inquiry is ordered to sit, or beyond the distance of one hundred (100) miles from the place of trial or hearing;

2. that the witness, by reason of death, age, sickness, bodily infirmity, imprisonment, military necessity, nonamendability to process, or other reasonable cause, is unable or refuses to appear and testify in person at the place of trial or hearing; or

3. that the present whereabouts of the witness is unknown.

e) Such depositions as provided for in this section will be at the expense of the government.

46-1140. ADMISSIBILITY OF RECORDS OF COURTS OF INQUIRY. — (a) In any case not extending to the dismissal of a commissioned officer, the sworn testimony, contained in the duly authenticated record or proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained, may, if otherwise admissible under the rules of evidence, be read into evidence by any party before a court-martial if the accused was a party before the court of inquiry and if the same issue was involved or if the accused consents to the introduction of such evidence.

(b) Such testimony may be read into evidence only by the defense in cases extending to the dismissal of a commissioned officer.

46-1141. VOTING AND RULINGS. — (a) Voting by members of a general or special court-martial on the findings and on the sentence, and by members of a court-martial without a military judge upon questions of challenge, shall be by secret written ballot. The junior member of the court shall, in each case, count the votes. The count shall be checked by the president, who shall forthwith announce the result of the ballot to the members of the court.

(b) The military judge and, except for question of challenge, the president of a court-martial without a military judge shall rule upon all questions of law and all interlocutory questions arising during the proceedings. Such ruling made by the military judge upon any question of law or any interlocutory question other than the factual issue of mental responsibility of the accused, or by the president of a special court-martial without a military judge upon any question of law other than a motion for a finding of not guilty, is final and constitutes the ruling of the court. However, the military judge or the president of a court-martial without a military judge may change the ruling at any time during the trial. Unless the ruling is final, if any member objects thereto, the court shall be cleared and closed and the question decided by a voice vote beginning with the junior in rank.

(c) Before a vote is taken on the findings, the military judge or the president of a court-martial without a military judge shall, in the presence of the accused and counsel, instruct the court as to the elements of the offense and charge the court:

1. That the accused must be presumed to be innocent until his guilt is established.
(2) That in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused, and he must be acquitted;

(3) That, if there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

(4) That the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the state.

(d) Divisions (a), (b), and (c) of this section do not apply to a court-martial composed of a military judge only. The military judge of such a court-martial shall determine all questions of law and fact arising during the proceedings and, if the accused is convicted, adjudge an appropriate sentence. The military judge of such a court-martial shall make a general finding and in addition shall, on request, find the facts specially. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact appear therein.

46-1142. NUMBER OF VOTES REQUIRED. — (a) No person shall be convicted of any offense, except by the concurrence of three-quarters of the members present at the time the vote is taken.

(b) All sentences shall be determined by the concurrence of three-quarters of the members present at the time that the vote is taken.

(c) All other questions to be decided by the members of a general or special court-martial shall be determined by a majority vote, but a determination to reconsider a finding of guilty or to reconsider a sentence, to decrease or to lessen it may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence. A tie vote on a challenge disqualifies the member challenged. A tie vote on a motion for a finding of not guilty or on a motion relating to the question of the accused's sanity is a determination in favor of the accused.

46-1143. COURT TO ANNOUNCE ACTION. — A court-martial shall announce its findings and sentence to the parties as soon as determined.

46-1144. RECORD OF TRIAL. — (a) Each general court-martial shall keep a separate record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by that of a member if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. The record shall contain matters as may be prescribed by regulations of the governor.

(b) Each special court-martial shall keep a separate record of the proceedings in each case, which record shall contain such matter and be authenticated in such manner as may be required by regulations which the governor may prescribe.

A copy of the record of the proceedings of each general and special court-martial shall be given to the accused as soon as it is authenticated. If a verbatim record of trial by general
or special court-martial is not required under subsections (a) and (b) of this section, the accused may buy such a record under such regulations as the governor may prescribe.

46-1145. COMPLETE RECORD OF PROCEEDINGS AND TESTIMONY IF DISHONORABLE DISCHARGE, BAD CONDUCT DISCHARGE OR DISMISSAL ADJUDGED. — A dishonorable discharge, bad conduct discharge or dismissal may not be adjudged by any court-martial unless a complete and verbatim record of the proceedings and testimony before the court has been made.

46-1146. CRUEL AND UNUSUAL PUNISHMENT PROHIBITED. — Cruel and unusual punishment may not be adjudged by any court-martial or inflicted upon any person subject to this code.

46-1147. PUNISHMENT, MAXIMUM. — The punishment which a court-martial may direct for an offense shall not exceed the limits prescribed by this code for the type of court-martial involved.

46-1148. EFFECTIVE DATE OF SENTENCES. — (a) Sentences of courts-martial shall become effective on the date when all reviews provided by this code have been finally completed.

(b) Any period of confinement included in a sentence of a court-martial shall be executed on the next eligible day on which the confinement can be served after the final completion of all reviews and appeals, provided that the convening authority, or, if the accused is no longer subject to his command, the current commanding officer of the accused, may permit service of confinement by the accused within a reasonable time after the sentence becomes effective.

46-1149. CONFINEMENT — PLACE. — (a) Any sentence of confinement executed by a court-martial or other military court may be carried into execution by confinement in any place of confinement under the control of any of the forces of the Idaho national guard or in any jail or prison designated for that purpose by regulation issued by the governor. Persons so confined in such jail or prison shall be subject to the same discipline and treatment as persons confined or committed to such jail or prison by the civil courts of this state or any political subdivision thereof.

(b) The omission of the words “hard labor” in any sentence of a court-martial adjudging confinement shall not be construed as depriving the authority executing such sentence of the power to require hard labor as part of the punishment.

(c) The keepers, officers and wardens of all city or county jails and of all other jails or prisons designated by the governor shall receive the persons ordered into confinement by the process or mandate of a military court, and shall confine them according to law, and no such keeper, officer or warden shall demand or require payment of any fee or charge of any nature for such confinement.

46-1150. REVIEW OF RECORD BY CONVENING AUTHORITY. — (a) After every trial by court-martial, the record shall be forwarded to the convening authority, as reviewing authority, and final action thereon may be taken by such officer. "Convening
authority” shall be interpreted to include the officer who convened the court, an officer commanding for the time being, a successor in command, or any officer exercising general court-martial jurisdiction.

(b) If a specification before a court-martial has been dismissed on motion and the ruling does not amount to a finding of not guilty, the convening authority may return the record to the court for reconsideration of the ruling and any other further appropriate action with reference thereto.

(c) When there is an apparent error or omission in the record or where the record shows improper or inconsistent action by a court-martial with respect to a finding or sentence which can be rectified without material prejudice to the substantial rights of the accused, the convening authority may return the record to the court for appropriate action.

In no case, however, may the record be returned for:

1. Reconsideration of a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty; or
2. Reconsideration of a finding of not guilty of any charge, unless the record shows a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some section of this code; or
3. Increasing the severity of the sentence unless the sentence prescribed for the offense is mandatory and such mandatory sentence is more severe than that imposed by the court.

46-1151. RECORD — REFERRAL TO STATE OR STAFF JUDGE ADVOCATE. — The convening authority shall refer the record of every court-martial to his staff judge advocate or a legal officer who shall submit his written opinion thereon to the convening authority. If the final action of the court has resulted in an acquittal of all charges and specifications, the opinion shall be limited to questions of jurisdiction.

46-1152. REHEARING. — (a) If the convening authority disapproves the findings and sentence of a court-martial he may, except where there is a lack of sufficient evidence in the record to support the findings, order a rehearing in which case he shall state the reasons for disapproval. If he disapproves the findings and sentence and does not order a rehearing, he shall dismiss the charges and specifications, and the accused shall not again be tried upon the same charges and specifications or any lesser included offense therein.

(b) Every rehearing shall take place before a court-martial composed of members who were not members of the court-martial which first heard the case. Upon such rehearing the accused shall not be tried for any offense in which he was found not guilty by the first court-martial, and no sentence in excess of or more severe than the original sentence shall be imposed unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings or unless the sentence prescribed for the offense is mandatory.

46-1153. APPROVAL OF FINDINGS BY CONVENING AUTHORITY. — In acting on the findings and sentence of a court-martial, the convening authority shall approve only
such findings of guilty, and the sentence or such part or amount of the sentence, as he finds correct in law and fact and as he in his discretion determines shall be approved. Unless he indicates otherwise, approval of the sentence shall constitute approval of the findings and sentence.

46-1154. REVIEW OF RECORD BY STATE JUDGE ADVOCATE. - (a) When the convening authority has taken final action in a court-martial case, he shall forward the entire record, including his action thereon and the opinion or opinions of the staff judge advocate or legal officer, to the state judge advocate for review.

(b) The state judge advocate shall review the record of trial in every case forwarded to him for review as provided in this section.

(c) The state judge advocate shall have authority to:

1. Act only with respect to the findings and sentence as approved by the convening authority;
2. Affirm only such findings of guilty, and the sentence or such part or amount of the sentence as he finds correct in law and fact and determines on the basis of the entire record should be approved;
3. Weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses;
4. Order a rehearing if he sets aside the findings and sentence, except where the setting aside is based on lack of sufficient evidence to support the findings;
5. Order that the charges be dismissed if he sets aside the findings and sentence and does not order a rehearing.

46-1155. PREJUDICIAL ERROR. - A finding or sentence of a court-martial shall not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

46-1156. REVIEW - ACCUSED'S RIGHT TO REPRESENTATION BY COUNSEL. - Upon the request of an accused, the state judge advocate shall appoint a lawyer having the qualifications prescribed in section 46-1116, Idaho Code, to represent the accused concerning the review of his court-martial conviction by the convening authority and the state judge advocate.

46-1157. SUSPENSION OF SENTENCE - VACATION OR ORDER - VIOLATION OF PROBATION - HEARING. - (a) Prior to the vacation of the suspension of a dismissal, bad conduct discharge, or a dishonorable discharge in a general court-martial sentence, the state judge advocate or a legal officer designated by him shall hold a hearing on the alleged violation of probation. If he so desires, the probationer shall be represented at such hearing either by counsel provided by him or by counsel provided for him at his request in the same manner as specified in section 46-1156, Idaho Code.

(b) If the state judge advocate or legal officer finds that the probation was not violated, he shall not vacate the suspension. If he vacates the suspension, the vacation shall
be effective to execute any unexecuted portion of the sentence except a dismissal. The vacation of the suspension of a dismissal shall not be effective until approved by the governor.

(c) The suspension of any other sentence may be vacated by any authority competent to convene a court for the kind that imposed the sentence for the command in which the accused is serving or to which assigned, if, upon hearing, he finds that the accused violated his probation.

46-1158. PETITION FOR NEW TRIAL — NEWLY DISCOVERED EVIDENCE — FRAUD. — At any time within one (1) year after approval by the convening authority and the state judge advocate of a court-martial sentence which extends to dismissal, dishonorable or bad conduct discharge, the accused may petition the governor for a new trial on the grounds of newly discovered evidence or fraud on the court-martial. The governor shall act upon the petition.

46-1159. UNEXECUTED SENTENCE — UNCOLLECTED FORFEITURES — REMISSION — SUSPENSION. — (a) Authority of governor or convening authority. The governor may remit or suspend any part or amount of the unexecuted portion of any sentence, including all uncollected forfeitures. The convening authority may remit or suspend any part or amount of the unexecuted portion of any sentence, including all uncollected forfeitures, other than a sentence approved by the governor.

(b) Administrative discharge. The governor may, for good cause, substitute an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial.

46-1160. RESTORATION. — (a) Under such regulations as may be prescribed pursuant to this act, all rights, privileges, and property affected by an executed portion of a court-martial sentence which has been set aside or disapproved, except an executed dismissal or discharge, shall be restored unless a new trial or rehearing is ordered and such executed portion is included in a sentence imposed upon the new trial or rehearing.

(b) Where a previously executed sentence of dishonorable or bad conduct discharge is not sustained on a new trial, the adjutant general shall substitute therefor a form of honorable discharge authorized for administrative issuance unless the accused is to serve out the remainder of his enlistment.

(c) Where a previously executed sentence of dismissal is not sustained on a new trial, the adjutant general shall substitute therefor a form of honorable discharge authorized for administrative issuance or the officer dismissed by such sentence may be reappointed by the governor alone to such commissioned rank as in the opinion of the governor such former officer would have attained had he not been dismissed. The reappointment of such a former officer shall be made effective as of the date of dismissal and he shall be carried on an unassigned list until a position vacancy shall occur. All time between the dismissal and such reappointment shall be considered as service for all state purposes.

46-1161. CIVILIAN COURT JUDICIAL REVIEW. — (a) When an accused has exhausted all of his rights of review under this code, he shall be entitled to judicial review in
the Idaho district court in the county in which he resides. No petition for judicial review may be filed more than thirty (30) days after the effective date of the sentence under section 46-1148, Idaho Code.

(b) Proceedings for review shall be instituted by filing a petition in the office of the clerk of district court of the county in which the accused resides. A copy of the petition shall be served on the state adjutant general personally or by registered mail, or by leaving a copy at his office. No additional parties need be served.

(c) In all cases of review by an Idaho district court, the scope of review shall be the same as that applied in review of criminal convictions from the magistrate’s division of the Idaho district court.

(d) Upon the request of an accused, the state judge advocate shall appoint a lawyer having the qualifications prescribed in section 46-1116, Idaho Code, to represent the accused in the appeal of his court-martial conviction to the district court.

(e) If qualified counsel is not available under the provisions of subsection (d) of this section, then the accused is entitled to hire counsel of his choice, and the Idaho national guard shall bear the expense of his defense based on the minimum fee established by the state bar association.

(f) If the accused knowingly waives his right to appointed counsel pursuant to subsections (d) and (e) of this section, then he is entitled only to be represented by civilian counsel at his own expense.

48-1162. OFFENSES SUBJECT TO COURT-MARTIAL — RESOLUTION OF CONFLICT WITH CIVIL COURTS. — The jurisdiction of courts-martial shall be limited to violations of the punitive articles in this code. Any person subject to this code who is charged with the commission of an offense which is not a military offense under this code shall be surrendered to civil authorities for process in accordance with civil law. Any person so surrendered shall be considered properly absent from his military duties. Conflicts over jurisdiction of persons shall be resolved in favor of civil jurisdiction.

46-1163. PRINCIPAL. — Any person subject to this code who:

(1) Commits an offense punishable by this code, or aids, abets, counsels, commands, or procures its commission; or

(2) Causes an act to be done which if directly performed by him would be punishable by this code, is a principal.

46-1164. ACCESSORY AFTER THE FACT. — Any person subject to this code who, knowing that an offense punishable by this code has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment, is an accessory after the fact.

46-1165. INCLUDED OFFENSES — ATTEMPT. — An attempt to commit an offense punishable by this code is an included offense in the charge of the main offense, but no one shall be convicted of both the offense and attempt.

46-1166. PERJURY. — Any person subject to this code who willfully gives false
testimony under oath in the course of judicial proceeding on the issue under inquiry shall be punished as a court-martial may direct.

56-1167. FRAUDULENT ENLISTMENT — APPOINTMENT — SEPARATION. — Any person subject to this code who:

1. Procures his own enlistment in or appointment to the Idaho national guard by knowingly false representation or deliberate concealment as to his qualifications for that enlistment or appointment and receives pay or allowances thereunder; or

2. Procures his own separation from the Idaho national guard by knowingly false representation or deliberate concealment as to his eligibility for that separation, shall be punished as a court-martial may direct.

46-1168. EFFECTING UNLAWFUL ENLISTMENT — APPOINTMENT — SEPARATION. — Any person subject to this code who effects an enlistment or appointment in or a separation from the Idaho national guard of any person who is known to him to be ineligible for that enlistment, appointment, or separation because it is prohibited by law, regulation, or order shall be punished as a court-martial may direct.

46-1169. DISRESPECTFUL BEHAVIOR TO A SUPERIOR OFFICER OR NONCOMMISSIONED OFFICER. — Any person subject to this code who behaves in the line of duty toward a superior with intent to embarrass, degrade or provoke that superior in a way that directly interferes with the superior's performance of his duties shall be punished as a court-martial may direct.

46-1170. ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR OFFICER OR NONCOMMISSIONED OFFICER. — Any person subject to this code who:

1. Strikes his superior commissioned or noncommissioned officer or draws or lifts up any weapon or offers any violence against him while he is in the execution of his office; or

2. Willfully disobeys a lawful command of his superior commissioned or noncommissioned officer;

shall be punished as a court-martial may direct.

46-1171. CRUELTY, OPPRESSION OR MALTREATMENT OF SUBORDINATES. — Any person subject to this code who acts cruelly or oppressively toward or maltreats any person subject to his orders shall be punished as a court-martial may direct.

46-1172. FALSE RECORD OR DOCUMENT. — Any person subject to this code who, with intent to deceive, signs any false record, return, regulation, order, or other official document knowing the same to be false, or makes any other false official statement knowing the same to be false shall be punished as a court-martial may direct.

46-1173. SALE — NEGLECT — DAMAGE OF MILITARY PROPERTY. — Any person subject to this code who, without proper authority:

a. Sells or otherwise disposes of; or

b. Willfully or through neglect damages, destroys, or loses; or
(c) Willfully or through neglect suffers to be lost, damaged, destroyed, sold or wrongfully disposed of; any military property of the United States or of this state shall be punished as a court-martial may direct.

46-1174. UNAUTHORIZED — DRUNK — OR RECKLESS OPERATION OF A MILITARY VEHICLE OR AIRCRAFT. — Any person subject to this code who operates any military vehicle or aircraft while drunk, or in a reckless or wanton manner, or without authority, shall be punished as a court-martial may direct.

46-1175. DRUNK ON DUTY. — Any person subject to this code, other than a sentinel or lookout, who is found drunk on duty, shall be punished as a court-martial may direct.

46-1176. MUTINY. — Any person subject to this code who, with intent to usurp or override lawful military authority, refuses in concert with any other person or persons to obey orders or otherwise do his duty, shall be punished as a court-martial may direct.

46-1177. FAILURE TO OBEY GENERAL ORDERS — DERELICTION IN DUTY. — Any person subject to this code who, without justifying circumstances:

(a) Violates or fails to obey any lawful general order or regulation; or

(b) Is derelict in the performance of his duties,

shall be punished as a court-martial may direct.

46-1178. ABSENCE WITHOUT LEAVE. — Any person subject to this code who, without prior authority or justifying reason:

(a) Fails to go to his appointed place of duty at the time prescribed; or

(b) Goes from that place; or

(c) Absents himself and remains absent from his unit, organization, or other place of duty at which he is required to be at the time prescribed,

shall be punished as a court-martial may direct.

46-1179. MISSING MOVEMENT. — Any person subject to this code who, through neglect or design, misses the movement of a ship, aircraft, or unit with which he is required in the course of duty to move shall be punished as a court-martial may direct.

46-1180. DESERTION. — Any person subject to this code who:

(1) without proper authority goes or remains absent from his place of service, organization, or place of duty with intent to remain away therefrom permanently; or

(2) quits his unit or organization or place of duty with intent to avoid hazardous duty or to shirk important service; or

(3) without being regularly separated from the national guard enlists or accepts an appointment in the same or another military component or organization without fully disclosing the fact that he has not been so regularly separated, is guilty of desertion and shall be punished as a court martial may direct, provided, however, that no member of the Idaho national guard shall be, in time of peace or order, prohibited
from accepting bona fide employment in another state or leave the boundaries of this state
in pursuance of his vocation, education or profession, if before so doing, he fully informs his
commanding officer of his absence from the state and the reasons therefor, provided,
however, that the said commanding officer may waive the requirement that he be informed.

46-1181. FEIGNING ILLNESS - PHYSICAL DISABLEMENT - MENTAL LAPSE
OR DERANGEMENT - SELF-INJURY. - Any person subject to this code who, for the
purpose of avoiding work, duty, or service:

(a) Feigns illness, physical disablement, mental lapse or derangement; or
(b) Intentionally inflicts self-injury;
shall be punished as a court-martial may direct.

46-1182. DRUNK OR ASLEEP AT POST - LEAVING POST BEFORE REGULAR
RELIEF. - Any sentinel or guard subject to this code who is found drunk or sleeping upon
his post, or who leaves his post before he is regularly relieved, shall be punished as a
court-martial may direct.

46-1183. LIMITATIONS ON USE OF SECTIONS 46-1184 THROUGH 46-1186 TO
PERIODS OF STATE ACTIVE DUTY. - Offenses specified in sections 46-1184, 46-1185
and 46-1186, Idaho Code, below may be tried by court-martial only when, at the time the
offense was committed, the offender has been ordered to, or was on active state service.

46-1184. PUBLIC PROPERTY - CAPTURED OR ABANDONED PROPERTY
PRIVATE DISPOSAL FOR PROFIT - LOOTING. - (a) All persons subject to this code
shall secure all public property taken for the service of the state of Idaho and shall give
notice and turn over to the proper authority without delay all captured or abandoned
property in their possession, custody or control.

(b) Any person subject to this code who:

(1) Fails to carry out the duties prescribed in subsection (a) of this section; or
(2) Buys, sells, trades, or in any way deals in or disposes of captured or abandoned
property, whereby he shall receive or expect any profit, benefit, or advantage
to himself or another directly or indirectly concerted with himself; or
(3) Engages in looting or pillaging,
shall be punished as a court-martial may direct.

46-1185. AIDING A KNOWN ENEMY - INTERCOURSE WITH ENEMY. - Any
person subject to this code who:

(a) Aids, or attempts to aid, the enemy knowing him to be such, with arms,
ammunition, supplies, money, or any other thing; or
(b) Without proper authority, knowingly harbors or protects or gives intelligence
to, or communicates or corresponds with or holds any intercourse with a
known enemy, either directly or indirectly, with the intent to aid such enemy,
shall be punished as a court-martial may direct.

46-1186. MISBEHAVIOR BEFORE THE ENEMY. - Any person subject to this
code who:
(a) In the presence of the enemy endangers his comrades, unit or command through intentional misconduct, specifically by cowardly running away or casting away his arms, or abandoning or surrendering that person, place or thing which it is his duty to defend; or

(b) Through fears for his own safety does not afford all practicable relief and assistance to any troops, combatants, vessels or aircraft of the Idaho national guard or the United States when engaged in hostilities, shall be punished as a court-martial may direct.

46-1187. TRIAL OF CIVIL-TYPE OFFENSES BY GUARDSMEN IN EVENT OF PROLONGED STATEWIDE SUSPENSION OF CIVIL COURTS. — In the event that the civil judiciary is not functioning to try cases for long periods of time statewide so that there is no form in which to try allegations against guardsmen of felonious civil offenses, this code incorporates Articles 116, 118, 119, 120-130 and 132 of the UCMJ for trial by courts-martial, pursuant to the provisions of section 46-1183, Idaho Code.

46-1188. COURTS OF INQUIRY. — (a) Convening. Courts of inquiry to investigate any matter may be convened by any person authorized to convene a general court-martial or by any person designated by the governor for that purpose, whether or not the persons involved have requested such an inquiry.

(b) Inquiry mandatory. A court of inquiry should be convened when there has been a violation of military regulations or a constitutional right of a member of the national guard by another member of the national guard acting under the color of his military office or rank.

(c) Organization. A court of inquiry shall consist of three (3) or more commissioned officers and one (1) legal officer.

(d) Appointment of counsel. The convening authority shall appoint counsel having the qualifications prescribed in section 46-1116, Idaho Code, for any person subject to this code whose conduct is the subject of a court of inquiry, and for the complainant.

(e) Designation as a party. Any person subject to this code whose conduct is subject to inquiry, who is in the status of a civilian employee of the military forces of the state and has a direct interest in the subject of inquiry, or who is the complainant, shall be designated as a party. A party shall be given written notice of the time and place of the inquiry and shall have the right to be present, to cross-examine witnesses, and to offer evidence subject to the rules of evidence generally applicable in administrative hearings.

(f) Challenge for cause. Members of the court of inquiry may be challenged by a party, but only for good cause stated to the court.

(g) Oath. The members, counsel, reporter, and interpreters of courts of inquiry shall take an oath of affirmation to faithfully perform their duties.

(h) Witnesses. Witnesses may be summoned by a party or by the court to appear and testify and to be examined before courts of inquiry as provided for courts-martial.

(i) Decisions. Courts of inquiry shall render a written decision which shall include
findings of fact, the recommendations of the court, and the reasons for such recommen-
dations. Persons designated as parties shall receive copies of the decision.

(j) Record, authentication. Each court of inquiry shall keep a stenographic or
 electronic recording of its proceedings which shall be authenticated by the signatures of the
 senior officer and legal officer and forwarded to the convening authority and any person
designated as a party. In case the record cannot be authenticated by the signatures of the
senior officer and in case any record cannot be authenticated by the legal officer, it shall be
signed by a member in lieu of the legal officer.

46-1189. COMPLAINTS OF WRONGS. — Any member of the Idaho national guard
who believes himself wronged by his commanding officer, and who, upon due application to
such commander, is refused redress, may complain to any superior officer who shall forward
the complaint to the state judge advocate, who shall examine into said complaint and, if
justified, shall take proper measures for redressing the wrong complained of. If the staff
judge advocate finds the complaint not to be justified and refuses redress, the member who
initiated the complaint may appeal to the governor for redress, in accordance with
regulations issued pursuant to this section.

46-1190. STATE JUDGE ADVOCATE — FIELD INSPECTION. — (a) The state
judge advocate, or his assistants, shall be directed to make timely inspections in the field in
 supervision of the administration of military justice in the Idaho national guard.

(b) Convening authorities shall at all times communicate directly with their staff
judge advocates or legal officers in matters relating to the administration of military justice,
and the staff judge advocate or legal officer of any command is authorized to communicate
directly with the judge advocate of a superior or subordinate command, or with the state
judge advocate.

46-1191. ADMINISTRATION OF OATHS — AFFIDAVITS. — The following
national guard officers shall have the power to administer oaths for the purpose of military
administration, including military justice, and affidavits may be taken for such purposes
before such officers;

(1) All judge advocates of the Idaho national guard;
(2) All legal officers;
(3) All adjutants, assistant adjutants, acting adjutants and personnel adjutants,
including warrant officers acting in such capacities.

46-1192. FINES — PAYMENT INTO STATE GENERAL FUND. — Fines may be
paid to a military court or to an officer executing its process. The amount of any such fine
may be noted upon any state roll or account for pay of the delinquent and deducted from
any pay or allowance due or thereafter to become due him, until the said fine is liquidated.
Any sum so deducted from any state pay or allowance shall be turned into the military
court which imposed the fine and shall be paid over by the officer receiving the same within
thirty (30) days to the state treasurer and credited to the general fund.

46-1193. EXPLANATION OF MILITARY JUSTICE CODE TO ENLISTED
PERSONS. — Sections 46-1108, 46-1114, 46-1116, 46-1120, 46-1124, 46-1125, 46-1126,
46-162 to 46-1187, 46-1189, Idaho Code, shall be carefully explained to every enlisted person at the time of his enlistment or induction into or when ordered to duty in or with any of the forces of the national guard or within six (6) days thereafter. They shall be explained again after he has completed six (6) months' service, and again at any time he re-enlists. A complete text of this code and regulations prescribed by the governor thereunder shall be made available to any member of the Idaho national guard, upon his request, for his personal examination.

46-1194. SEVERABILITY. — If a part of this code is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this code is invalid in one (1) or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Approved March 27, 1975.
AN ACT
RELATING TO RECREATIONAL VEHICLES AND IMPOSING A LICENSE FEE ON
RECREATIONAL VEHICLES; AMENDING SECTION 49-155, IDAHO CODE,
RELATING TO REGISTRATION FEES, TO PROVIDE DEFINITIONS, AND TO
PROVIDE THAT TRAILER HOUSES DEFINED AS RECREATIONAL VEHICLES
SHALL BE EXEMPT FROM AD VALOREM TAX; AMENDING SECTION 63-105P,
IDAHO CODE, RELATING TO PROPERTY EXEMPT FROM TAXATION, TO
PROVIDE THAT RECREATIONAL VEHICLES FOR WHICH THE PROPER FEES
HAVE BEEN PAID SHALL BE EXEMPT FROM AD VALOREM TAXATION;
AMENDING SECTION 63-1203, IDAHO CODE, AS AMENDED BY HOUSE BILL
NO. 10, FIRST REGULAR SESSION, FORTY-THIRD LEGISLATURE, RELATING
TO ASSESSMENT OF PERSONAL PROPERTY, TO PROVIDE THAT TRAILER
HOUSES DEFINED AS RECREATIONAL VEHICLES SHALL BE EXEMPT FROM
AD VALOREM TAXATION; AMENDING TITLE 49, IDAHO CODE, BY THE
ADDITION OF A NEW CHAPTER 28, TITLE 49, IDAHO CODE, TO PROVIDE
FOR IMPOSITION OF A LICENSE FEE ON RECREATIONAL VEHICLES, TO
PROVIDE DEFINITIONS, TO PROVIDE A SCHEDULE FOR AN ANNUAL
RECREATIONAL VEHICLE LICENSE FEE, TO PROVIDE THAT THE COUNTY
ASSSESSOR SHALL ADMINISTER AND COLLECT THE LICENSE FEE, TO
PROVIDE THAT THE TAX COMMISSION SHALL PROVIDE SUITABLE PLATES,
TAGS OR STICKERS FOR IDENTIFICATION, TO PROVIDE FOR DISPOSITION
OF THE REVENUES RECEIVED FROM THE LICENSE FEES, TO PROVIDE FOR
ENFORCEMENT BY POLICE OFFICERS, AND TO PROVIDE FOR A PENALTY
FOR VIOLATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-155, Idaho Code, be, and the same is hereby amended
to read as follows:

49-155. REGISTRATION FEES - TRAILER HOUSES - TRAILER HOUSES
DEFINED - GENERAL PROPERTY TAX PREREQUISITE TO LICENSING. -The fees
for licensing trailers as hereinbefore set forth shall not be applicable to trailer houses herein
defined as mobile houses, recreational vehicles or habitable vehicles and the fee for licensing
such trailer houses in lieu of those hereinbefore set forth shall be $4.00 four dollars ($4.00).
In addition to said the four dollar ($4.00) license fee, and as a prerequisite to licensing,
there shall be an assessment levied on each trailer house, except recreational vehicles, for ad
valorem tax as provided under section 63-102 and section 63-1203, Idaho Code. Applicant for an applicant for a trailer house license, but not an applicant for a recreational vehicle license, shall be required to exhibit the general property tax receipt for the year of registration, before a license may be issued. It shall be illegal for any trailer house to be moved on any highway in Idaho without first being licensed, and any person moving an unlicensed trailer house shall be guilty of a misdemeanor; and the license fees collected under this section shall be paid to the county assessor wherein said license is purchased. Fifty per cent (50%) of such license fees shall be placed in the county general fund and the balance of such fees shall be paid to the state treasurer who shall place all such fees in the motor vehicle fund.

SECTION 2. That Section 63-105P, Idaho Code, be, and the same is hereby amended to read as follows:

63-105P. PROPERTY EXEMPT FROM TAXATION — MOTOR VEHICLES PROPERLY REGISTERED. — The following property is exempt from taxation: Motor vehicles properly registered and for which the required fee has been paid under the provisions of the laws of the state of Idaho, and recreational vehicles for which the fees imposed by chapter 28, title 49, Idaho Code, have been paid.

SECTION 3. That Section 63-1203, Idaho Code, as amended by House Bill No. 10, First Regular Session, Forty-third Legislature, be, and the same is hereby amended to read as follows:

63-1203. ASSESSMENT OF PERSONAL PROPERTY. — The assessor shall assess all personal property required by this act to be entered on the personal property assessment roll, between the first day of January and the first Monday of July in each year, and shall complete the assessment on or before the first Monday in July and file the roll with the clerk of the board of county commissioners. He shall assess and enter on a subsequent roll to be by him verified in the manner provided for the verification of the personal property assessment roll, all personal property which comes into the county, between the first Monday of July and the third Monday of November of each year which has not been assessed, and all personal property which has during the year escaped assessment, and shall immediately deliver the subsequent roll to the board of commissioners which shall then meet as a board of equalization as provided in section 63-1904, Idaho Code. Upon adjournment of the board of equalization the county auditor shall, without delay, compute and enter the amount of tax due thereon and deliver the roll to the tax collector and charge him with the amount thereof. In making such assessment, the assessor shall actually determine, as nearly as practicable from the information provided to him by the taxpayer's declaration, the market value of each piece of personal property assessed and shall enter the assessed value of such personal property in appropriate columns, after the name of the owner of such property, if known, otherwise after unknown owner. The tax levies shall be extended on the aggregate assessed valuation of the property, after deducting the amount of any exemptions allowed. Trailer houses defined as mobile houses or habitable vehicles in section 49-155, Idaho Code, shall be assessed and taxed uniformly with other property.
However, the following trailer houses are specifically exempt from the operation of this section, (a) trailer houses eligible to be used under a dealer's license plate; and (b) trailer houses designated as sheep camps or cow camps shall be exempt from this act; and (c) trailer houses defined as recreational vehicles.

SECTION 4. That Title 49, Idaho Code, be, and the same is hereby amended by the addition of a new chapter, to be known and designated as Chapter 28, Title 49, Idaho Code, and to read as follows:

CHAPTER 28
RECREATIONAL VEHICLES

49-2801. DEFINITIONS. — The term “recreational vehicle” means a motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than two hundred and twenty (220) square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms. The term “recreational vehicle” as used in this act shall not include pick-up hoods, shells, or canopies designed, created or modified for occupational usage.

Motor homes, travel trailers and camping trailers must be registered as provided by chapter 1, title 49, Idaho Code, before the county assessor can issue a recreational vehicle annual license as provided by this chapter. Truck campers do not need to be registered before the county assessor can issue a recreational vehicle annual license.

49-2802. RECREATIONAL VEHICLE ANNUAL LICENSE. — (1) There is hereby levied and there shall be collected an annual license fee on each recreational vehicle in Idaho, except recreational vehicles in possession of a manufacturer or dealer and offered for sale or resale. If the recreational vehicle is registered as a motor vehicle under the provisions of chapter 1, title 49, Idaho Code, the annual license fee imposed by this chapter shall be in addition to and not in lieu of the motor vehicle registration fees.

(2) The annual license fee imposed upon each recreational vehicle shall be determined according to the following schedule, but shall be not less than five dollars ($5.00):

<table>
<thead>
<tr>
<th>Market Value of Recreational Vehicle</th>
<th>Annual License Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $1,001</td>
<td>$ 5.00</td>
</tr>
<tr>
<td>$1,001 to $2,000</td>
<td>$10.00</td>
</tr>
<tr>
<td>$2,001 to $3,000</td>
<td>$15.00</td>
</tr>
<tr>
<td>$3,001 to $4,000</td>
<td>$20.00</td>
</tr>
<tr>
<td>$4,001 to $5,000</td>
<td>$25.00</td>
</tr>
<tr>
<td>$5,001 to $6,000</td>
<td>$30.00</td>
</tr>
<tr>
<td>$6,001 to $7,000</td>
<td>$35.00</td>
</tr>
<tr>
<td>$7,001 to $8,000</td>
<td>$40.00</td>
</tr>
<tr>
<td>$8,001 to $9,000</td>
<td>$45.00</td>
</tr>
<tr>
<td>$9,001 to $10,000</td>
<td>$50.00</td>
</tr>
<tr>
<td>Over $10,000</td>
<td>$50.00, plus one-half per cent (½%) of the value over $10,000</td>
</tr>
</tbody>
</table>
(3) Payment of the annual license fee shall license the recreational vehicle for a period of twelve (12) consecutive calendar months, irrespective of change of ownership of the vehicle, or change of county of residence of the owner.

49-2803. COUNTY ASSESSOR TO ADMINISTER AND COLLECT LICENSE FEE. — (1) The county assessor shall administer and collect the recreational vehicle annual license fee.

(2) Market value of recreational vehicles shall be determined by the county assessor according to the rules and regulations of the state tax commission. Whenever such indices are available, the rules and regulations may use any standard industry indices of retail value of recreational vehicles to determine market value.

49-2804. TAX COMMISSION TO PROVIDE IDENTIFICATION. — The state tax commission shall devise and provide to the county assessors at cost, suitable identification plates, tags or stickers for attachment to or placement on recreational vehicles to indicate that the annual recreational vehicle license fee has been paid. The plate, tag or sticker shall be of suitable size and design for easy identification, and shall contain, or provide space to show, the name of the county in which the recreational vehicle is licensed, and the year and month of the year in which the license expires.

49-2805. DISPOSITION OF LICENSE FEES. — (1) The revenues received from the fees imposed by this chapter shall be paid over monthly to the county treasurer, to be distributed as follows:

(a) One dollar and fifty cents ($1.50) from each recreational vehicle license sold shall be apportioned to the county current expense fund, which shall be deemed necessary costs of collection and administration;

(b) From the balance remaining, one-half (½) shall be placed in the county road fund to be apportioned as provided in section 40-405, Idaho Code, and one-half (½) shall be paid to the state treasurer for deposit in the state highway fund, as created in section 40-2210, Idaho Code.

49-2806. ENFORCEMENT BY POLICE OFFICERS. — (1) Any law enforcement officer, sheriff or deputy sheriff, or city policeman may, upon reasonable cause, require the driver of a recreational vehicle to stop to determine if the recreational vehicle has been licensed.

(2) In the event such recreational vehicle is not licensed, the officer shall give a written notice to the driver and shall send a copy to the county assessor of the owner's county of residence. The notice shall direct the owner to procure a recreational vehicle license within five (5) days. Every owner or driver upon receiving any such notice shall comply therewith, and shall within five (5) days secure an indorsement upon such notice by the county assessor that the vehicle has been licensed.

(3) Failure to respond to the written notice shall be a misdemeanor.

SECTION 5. This act shall be in full force and effect from and after January 1, 1976. Approved March 27, 1975.
CHAPTER 149
(H.B.No. 251)

AN ACT
AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION THERETO OF A NEW CHAPTER, TO BE KNOWN AND DESIGNATED AS CHAPTER 3, TITLE 39, IDAHO CODE, RELATING TO ALCOHOLISM AND INTOXICATION TREATMENT, BY PROVIDING A DECLARATION OF POLICY; BY PROVIDING DEFINITIONS; BY PROVIDING FOR THE DESIGNATION OF A STATE SUBSTANCE ABUSE AUTHORITY; BY PROVIDING FOR A COMPREHENSIVE PROGRAM FOR TREATMENT; BY PROVIDING STANDARDS FOR PUBLIC AND PRIVATE TREATMENT FACILITIES, ENFORCEMENT PROCEDURES AND PENALTIES; BY PROVIDING FOR ACCEPTANCE FOR TREATMENT AND RULES; BY PROVIDING FOR VOLUNTARY TREATMENT OF ALCOHOLICS; BY PROVIDING FOR RECORDS OF ALCOHOLICS AND INTOXICATED PERSONS; BY PROVIDING FOR PAYMENT FOR TREATMENT AND THE FINANCIAL ABILITY OF PATIENTS; BY PROVIDING FOR CRIMINAL LAW LIMITATIONS; BY PROVIDING FOR RULES AND REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a new chapter, to be known and designated as Chapter 3, Title 39, Idaho Code, and to read as follows:

CHAPTER 3
ALCOHOLISM AND INTOXICATION TREATMENT ACT

39-301. DECLARATION OF POLICY. — It is the policy of this state that alcoholics and intoxicated persons may not be subjected to criminal prosecution or incarceration solely because of their consumption of alcoholic beverages but rather should be afforded treatment in order that they may lead normal lives as productive members of society.

39-302. DEFINITIONS. — As used in this chapter, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning:
(1) "Director" means the director of the Idaho department of health and welfare.
(2) "Department" means the Idaho department of health and welfare.
(3) "Alcoholic" means a person who habitually lacks self-control with respect to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is
substantially impaired or endangered, or his social or economic functions are substantially disrupted.

(4) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.

(5) "Approved public treatment facility" means a treatment agency operating under this act through a contract with the department of health and welfare pursuant to section 39-304(6), Idaho Code, and meeting the standards prescribed in section 39-305(1), Idaho Code, and approved pursuant to section 39-305(3), Idaho Code, and rules and regulations promulgated by the board of health and welfare pursuant to this act.

(6) "Approved private treatment facility" means a private agency meeting the standards prescribed in section 39-305(1), Idaho Code, and approved under the provisions of section 39-305(3), Idaho Code, and rules and regulations promulgated by the board of health and welfare pursuant to this act.

(7) "Incapacitated by alcohol" means that a person, as a result of the use of alcohol, is unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment.

(8) "Incompetent person" means a person who has been adjudged incompetent by an appropriate court within this state.

(9) "Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics and intoxicated persons.

39-303. DESIGNATION OF STATE SUBSTANCE ABUSE AUTHORITY. — The Idaho department of health and welfare is hereby designated as the state substance abuse authority.

39-304. COMPREHENSIVE PROGRAM FOR TREATMENT. — (1) The department shall establish a comprehensive and coordinated program for the treatment of alcoholics and intoxicated persons.

(2) The program shall include:

(a) Emergency detoxification treatment and medical treatment directly related thereto provided by a facility affiliated with or part of the medical service of a general hospital;
(b) Inpatient treatment;
(c) Intermediate treatment; and
(d) Outpatient and followup treatment.

(3) The department shall provide for adequate and appropriate treatment for alcoholics and intoxicated persons admitted pursuant to section 39-307, Idaho Code. Treatment shall not be provided at a correctional institution except for inmates.

(4) The department shall maintain, supervise, and control all facilities operated by it. The administrator of each such facility shall make an annual report of its activities to the director in the form and manner the director specifies.
(5) All appropriate public and private resources shall be coordinated with and utilized in the program whenever possible.

(6) The department shall prepare, publish and distribute annually a list of all approved public and private treatment facilities.

(7) The department may contract for the use of any facility as an approved public treatment facility if the director considers this to be an effective and economical course to follow.

(8) The program shall include an individualized treatment plan prepared and maintained for each client.

39-305. STANDARDS FOR PUBLIC AND PRIVATE TREATMENT FACILITIES — ENFORCEMENT PROCEDURES — PENALTIES. — (1) The board of health and welfare shall establish standards for approved treatment facilities, which shall be met in order for a treatment facility to be approved as a public or private treatment facility. The standards shall prescribe the health standards to be met and standards of treatment to be afforded patients.

(2) The department shall periodically inspect approved public and private treatment facilities.

(3) The department shall maintain a list of approved public and private treatment facilities.

(4) Each approved public and private treatment facility shall file with the department any data, statistics, records, and information the department reasonably requires. An approved public or private treatment facility that, without good cause, fails to furnish any data, statistics, records, or information as requested, or that files fraudulent returns thereof, shall be removed from the list of approved treatment facilities.

(5) The board of health and welfare, after holding a hearing, may suspend, revoke, limit, or restrict an approval, or refuse to grant an approval, for failure to meet its standards.

(6) A district court may restrain any violation of this act, review any denial, restriction, or revocation of approval, and grant other relief required to enforce its provisions.

39-306. ACCEPTANCE FOR TREATMENT — RULES. — The board of health and welfare shall adopt rules for the acceptance of persons into the treatment program, considering available treatment resources and facilities, for the purpose of early and effective treatment of alcoholics and intoxicated persons. In establishing the rules the board shall be guided by the following standards:

(1) If possible a patient shall be treated on a voluntary rather than an involuntary basis.

(2) A patient shall be initially assigned or transferred to outpatient or intermediate treatment, unless he is found to require inpatient treatment.

(3) A person shall not be denied treatment solely because he has withdrawn from treatment against medical advice on a prior occasion or because he has relapsed after earlier treatment.
(4) An individualized treatment plan shall be prepared and maintained on a current basis for each patient.

(5) Provision shall be made for a continuum of coordinated treatment services, so that a person who leaves a facility or a form of treatment will have available and utilize other appropriate treatment.

39-307. VOLUNTARY TREATMENT OF ALCOHOLICS. — (1) An alcoholic may apply for voluntary treatment directly to any approved public treatment facility. If the proposed patient is a minor or an incompetent person, he, a parent, legal guardian, or other legal representative shall make the application.

(2) Subject to rules adopted by the board of health and welfare, the director or his designee may determine who shall be admitted to an approved public treatment facility.

(3) If a patient receiving inpatient care leaves an approved public treatment facility, he shall be encouraged to consent to appropriate outpatient or intermediate treatment, and the department shall assist in obtaining supportive services and residential facilities.

(4) If a patient leaves an approved public treatment facility, upon the recommendation of departmental staff, the department shall make reasonable provisions for his transportation to another facility or to his home. If he has no home, he shall be assisted in obtaining shelter. If the patient is a minor or an incompetent person, the request for discharge from an inpatient facility shall be made by a parent, legal guardian, or other legal representative or by the minor or incompetent if he were the original applicant.

39-308. RECORDS OF ALCOHOLICS AND INTOXICATED PERSONS. — (1) The registration and other records of treatment facilities shall remain confidential, and are privileged to the patient.

(2) Notwithstanding subsection (1) of this section, the director may make available information from patients' records for purposes of research into the causes and treatment of alcoholism. Information under this subsection shall not be published in a way that discloses patients' names or other identifying information.

39-309. PAYMENT FOR TREATMENT — FINANCIAL ABILITY OF PATIENTS. — (1) If treatment is provided by an approved public treatment facility and the patient has not paid the charge therefor, the department is entitled to any income or payment received by the patient or to which he may be entitled for the services rendered, and to any payment from any public or private source available to the department because of the treatment provided to the patient.

(2) A patient in an approved treatment facility, or the estate of the patient, or a person obligated to provide for the cost of treatment and having sufficient financial ability, is liable to the department for the cost of maintenance and treatment of the patient therein accordance with rates established by the department.

(3) The board of health and welfare shall adopt rules and regulations governing financial ability that take into consideration the income, savings and other personal and real property of the person required to pay, as well as any support being furnished by him to
any person whom he may be required by law to support.

39-310. CRIMINAL LAW LIMITATIONS. — (1) With the exception of minors below the statutory age for consuming alcoholic beverages and of persons affected by the provisions of subsection (3) herein, no person shall be incarcerated or prosecuted criminally or civilly for the violation of any law, ordinance, resolution or rule that includes drinking, being a common drunkard, or being found in an intoxicated condition as one of the elements of the offense giving rise to criminal or civil penalty or sanction.

(2) No county, municipality, or other political subdivision may interpret or apply any law of general application to circumvent the provision of subsection (1) of this section.

(3) Nothing in this act shall affect any law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery, or other equipment, or regarding the sale, purchase, dispensing, possessing, or use of alcoholic beverages at stated times and places or by a particular class of persons.

(4) This act shall not limit or alter the terms or effect of section 18-116, Idaho Code.

39-311. RULES AND REGULATIONS. — The board of health and welfare shall promulgate such rules and regulations as are deemed necessary to carry out the provisions of this act, subject to the provisions of chapter 52, title 67, Idaho Code.

SECTION 2. This act shall be in full force and effect on and after July 1, 1976. Approved March 27, 1975.
CHAPTER 150
(H.B.No. 216, As Amended)

AN ACT
AMENDING SECTION 59-1115, IDAHO CODE, PROVIDING FOR THE PAYMENT OF THE EMPLOYER'S PORTION OF SOCIAL SECURITY FOR SCHOOL DISTRICT PERSONNEL; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-1115, Idaho Code, be, and the same is hereby amended to read as follows:

59-1115. EMPLOYER'S PORTION OF SOCIAL SECURITY FOR TEACHERS-SCHOOL DISTRICT PERSONNEL - COMPUTATION - LEVY BY COUNTY - TRANSMITTING PROCEEDS. - Not later than the thirtieth day of June in each year, the board of trustees of each class of school district shall compute, and determine as nearly as possible, the amount of money required for the payment of the employer’s social security tax for its certificated professional personnel for the calendar year commencing on the first day of January next following the date said computation is made; and the board shall certify such amount so computed to the state auditor not later than the first day of August of the year in which said computations are made.

Within fifteen (15) days after receiving said certifications from the several school districts, the state auditor shall compute the total of such estimated requirements and certify said total to the state tax commission.

Upon receiving the total estimated requirements from the state auditor, the state tax commission shall apportion said total estimated requirements among the several counties in the manner required by section 63-628, Idaho Code, in apportioning state ad valorem taxes and shall certify such apportionments to the boards of county commissioners of the several counties of the state. The board of county commissioners of each county shall compute, and make, such levy as shall raise the amount of money so apportioned to its county. The proceeds of any such levy shall be transmitted to the treasurer of the state of Idaho at the same time and in the same manner as are the proceeds of a state ad valorem tax levy; and said proceeds shall be credited to the social security trust fund of the state of Idaho.

Quarterly in each year, commencing with the first quarter of the year 1964, the board of trustees of each school district shall transmit to the county auditor of the county wherein the district is situate, or of the home county if the district be a joint district, a list of all certificated personnel employed by the district for whom the employer’s portion of social
security tax is payable, and the amount payable for each. Said reports shall be forwarded, as
similar reports from other taxing districts are forwarded, to the state auditor.

The employer's social security tax for the certificated personnel of the school districts
shall be payable, beginning with the first quarterly payment in the year 1964, from the
social security trust fund of the state of Idaho.

After December 31, 1964, the levy herein provided shall not be made so long as the
Idaho Sales Tax Act remains in force and effect.

SECTION 2. This act shall be in full force and effect on and after July 1, 1976.
Approved March 27, 1975.
CHAPTER 151
(H.B.No. 223)

AN ACT
RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-1029, IDAHO CODE, TO PROVIDE FOR EFFECTIVE DATE OF PRICE SCHEDULES, MINIMUM DURATION OF PRICE SCHEDULES AND CONTENT OF PRICE SCHEDULES; REPEALING SECTION 23-1033, IDAHO CODE, RELATING TO FINANCIAL AID TO BEER RETAILERS; AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1033, IDAHO CODE, RELATING TO FINANCIAL AID TO BEER RETAILERS; REPEALING SECTION 23-1325, IDAHO CODE, RELATING TO FINANCIAL AID TO WINE RETAILERS; AMENDING CHAPTER 13, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1325, IDAHO CODE, RELATING TO FINANCIAL AID TO WINE RETAILERS; AMENDING SECTION 23-1329, IDAHO CODE, TO PROVIDE FOR EFFECTIVE DATE OF PRICE SCHEDULES, MINIMUM DURATION OF PRICE SCHEDULES AND CONTENT OF PRICE SCHEDULES.

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

SECTION 1. That Section 23-1029, Idaho Code, be, and the same is hereby amended to read as follows:

23-1029. POSTING OF PRICES. — Each licensed wholesaler, brewer and dealer engaged in selling beer for resale within this state, shall file with the director a written schedule of prices to be charged by him for beer sold within this state for resale therein, which schedule of prices shall be uniform for the same class of buyers in the same trade area within this state, and shall set forth:

(a) all brands and types of products offered for sale;
(b) the delivered sale price thereof in the several trade areas of the state to the various classes of buyers; and
(c) any allowance granted for returned containers.

Such schedule of prices so filed may be changed or modified from time to time by filing with the director a new schedule of prices, not less than ten (10) days prior to the effective date thereof last day of the filing calendar month, becoming effective on the first day of the succeeding calendar month. Such schedule of prices so filed may not be withdrawn prior to its effective date, and upon becoming effective shall remain in effect for a minimum period of ten (10) days. In the event that any wholesaler or dealer files a new...
schedule of amendments to a prior filed schedule to meet lower posted and filed competing prices in a trade area, and the prices thus posted are not lower than the competing prices sought to be met, the new schedule or amendments shall go into effect immediately if the competing prices are already effective, or at the same time as the competing prices become effective: as follows:

(i) an increase in prices, for a minimum period of thirty (30) days;
(ii) a reduction in prices, for a minimum period of six (6) months.

All price schedules, so filed, shall be subject to public inspection and shall not be considered confidential. Upon the filing of the original schedule of prices, and after the effective date of any schedule of prices amendatory thereto, all prices therein stated shall be strictly adhered to, and any departure or variation therefrom shall constitute the giving of aid or assistance prohibited by the provisions of section 23-1033, Idaho Code. Amendatory schedules shall recite the information required in the above subsections (a), (b) and (c).

SECTION 2. That Section 23-1033, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 10, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 23-1033, Idaho Code, and to read as follows:

23-1033. FINANCIAL INTEREST IN OR AID TO RETAILERS PROHIBITED — CERTAIN AID PERMITTED. — (1) It shall be unlawful for any brewer, dealer, wholesaler, or the holder of any certificate of approval, directly or indirectly, or through an affiliate, subsidiary, officer, director, agent or employee, to have any financial interest in any licensed retailer’s business, or to own or control any real property upon which a licensed retailer conducts his business, except such property as shall have been so owned or controlled continuously for more than one (1) year prior to the effective date of this act; or, directly or indirectly, to aid or assist any licensed retailer by giving such retailer, or any employee thereof, any discounts, premiums or rebates in connection with any sale of beer, or by furnishing, giving, renting, lending or selling any equipment, signs, supplies, services, or other thing of value, except as expressly permitted by this act; or, to enter into any lease or other agreement with any retail licensee to control the product or products sold by such retailer, or to provide for any rental or other charge to be paid to or by the retailer for product display or advertising display space; provided, however, that at the request of or with the consent of a licensed retailer, a brewer, dealer, or wholesaler as an incident to merchandising in the ordinary course of business, and if available to all licensed retailers without discrimination, may:

(a) Furnish to a retailer, under the conditions and within the limitations prescribed herein, certain equipment, signs, supplies and services, such as furnishing to retailers without charge the following items in the case of either an initial installation for a new account or a changeover of equipment:
(1) tapping device
(2) valve
(3) beer hose
(4) washers
(5) couplings
(6) clamps
(7) air hose
(8) vents
(9) faucets

Such equipment shall remain the property of the supplier;

(b) In addition, signs, posters, placards, designs, devices, decorations or graphic displays bearing advertising matter and for use in windows or elsewhere in the interior of a retail establishment may be given, granted, loaned or sold to a retailer by an industry member engaged in business or as a brewer importer or wholesaler of malt beverages, if they have no value to the retailer, except as advertisement. The industry member shall not directly or indirectly pay or credit the retailer for displaying such materials or for any expense incidental to their operation;

(c) Furnish to a licensed retailer CO$_2$ gas when the same is furnished at the going retail price and as a bona fide sale in the regular course of business;

(d) However, consumer advertising specialties such as ash trays, bottle or can openers, corkscrews, paper bags, matches, printed recipes, wine lists, leaflets, blotters, postcards, pencils, napkins, coasters, clothing, glassware and other containers which bear advertising matter may not be furnished or sold to a retailer;

(e) Newspaper cuts, mats or engraved blocks for use in retailer's advertisements may be furnished, given, rented, loaned or sold by an industry member to a retailer selling his product;

(f) Perform services incident to the stocking, rotation and restocking of beer sold and delivered to such licensed retailer on or in such licensed retailer's storeroom, salesroom shelves or refrigerating units to the marking of containers of such beer to indicate the selling price as established by the retailer and to the arranging, rearranging, or relocating of advertising displays referred to in this section;

(g) Perform services in connection with:
   (1) The inspection of a licensed retailer's draught equipment to insure sanitation and quality control;
   (2) The instruction of licensed retailers in the proper use, maintenance and care of draught equipment, glasses and products used in the sale and dispensing of beer and the preparation and distribution of written information or instructions to licensed retailers with respect thereto;
   (3) The tapping of kegs.
(2) When any advertising materials, equipment, supplies, tap markers, illuminated signs or other property shall be furnished by a brewer, dealer or wholesaler to a retailer as permitted herein, a charge therefor or for services incident to installation may, upon request of a brewer, dealer or wholesaler, be paid by such retailer, at a price not less than the cost thereof to the industry member providing such property or services.

(3) The word "ale" or "malt liquor" may be substituted for "beer" on any sign used in connection with any advertising herein permitted, provided reference shall be to ale or malt liquor which has an alcoholic content not greater than the limitation prescribed in section 23-1002, Idaho Code.

(4) Every violation of the provisions of this section by a dealer, brewer or wholesaler in which a licensed retailer shall have actively participated shall constitute a violation on the part of such licensed retailer.

SECTION 4. That Section 23-1325, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 13, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 23-1325, Idaho Code, and to read as follows:

23-1325. FINANCIAL INTEREST IN OR AID TO RETAILERS PROHIBITED — CERTAIN AID PERMITTED. — (1) It shall be unlawful for any importer, distributor, vintner or wholesaler, directly or indirectly, or through an affiliate, subsidiary, officer, director, agent or employee, to have any financial interest in any licensed retailer's business, or to own or control any real property upon which a licensed retailer conducts his business, except such property as shall have been so owned or controlled continuously for more than one (1) year prior to the effective date of this act; or, directly or indirectly, to aid or assist any licensed retailer by giving such retailer, or any employee thereof, any discounts, premiums or rebates in connection with any sale of wine, or by furnishing, giving, renting, lending or selling any equipment, signs, supplies, services, or other thing of value, except as expressly permitted by this act; or, to enter into any lease or other agreement with any retail licensee to control the product or products sold by such retailer, or to provide for any rental or other charge to be paid to or by the retailer for product display or advertising display space; provided, however, that at the request of or with the consent of a licensed retailer, an importer, distributor, vintner or wholesaler as an incident to merchandising in the ordinary course of business, and if available to all licensed retailers without discrimination, may:

(a) Furnish to a retailer, under the conditions and within the limitations prescribed herein, certain equipment, signs, supplies and services;

(b) Signs, posters, placards, designs, devices, decorations or graphic displays bearing advertising matter and for use in windows or elsewhere in the interior of a retail establishment may be given, granted, loaned or sold to a retailer by an industry member engaged in business as an importer, distributor, vintner or wholesaler of wine, if they have no value to the retailer, except as advertisements. The
importer, distributor, vintner or wholesaler shall not directly or indirectly pay
or credit the retailer for displaying such materials or for any expense incidental
to their operation;

(c) However, consumer advertising specialties such as ash trays, bottle or can
openers, corkscrews, paper bags, matches, printed recipes, wine lists, leaflets,
blotters, postcards, pencils, napkins, coasters, clothing, glassware and other
containers which bear advertising matter may not be furnished or sold to a
retailer;

(d) Newspaper cuts, mats or engraved blocks for use in retailer's advertisements
may be furnished, given, rented, loaned or sold by an importer, distributor,
vintner or wholesaler to a retailer selling his product;

(e) Perform services incident to the stocking, rotation and restocking of wine sold
and delivered to such licensed retailer on or in such licensed retailer's
storeroom, salesroom shelves or refrigerating units to the marking of containers
of such wine to indicate the selling price as established by the retailer and to
the arranging, rearranging, or relocating of advertising displays referred to in
this section.

(2) When any advertising materials, equipment, supplies, illuminated signs or other
property shall be furnished by an importer, distributor, vintner or wholesaler to a retailer as
permitted herein, a charge therefor or for services incident to installation may, upon request
of an importer, distributor, vintner or wholesaler, be paid by such retailer, at a price not less
than the cost thereof to the industry member providing such property or services.

(3) Every violation of the provisions of this section by an importer, distributor,
vintner or wholesaler in which a licensed retailer shall have actively participated shall
constitute a violation on the part of such licensed retailer.

SECTION 6. That Section 23-1329, Idaho Code, be, and the same is hereby amended
to read as follows:

23-1329. SCHEDULES OF PRICES — FILING BY IMPORTERS AND DIS-
TRIBUTORS — MODIFICATION OR WITHDRAWAL. — Each importer and distributor
shall file with the director a written schedule of prices to be charged by such person for
wine imported into or sold within this state for resale therein. Such schedule of prices shall
be uniform for buyers in the same trade area within this state, and shall set forth the
following:

(a) All brands and types of products offered for sale;
(b) The delivered sale price thereof in the several trade areas of the state; and
(c) Any allowance granted for returned containers.

Such schedule of prices so filed may be changed or modified from time to time by
filing with the director a new schedule of prices, not less than thirty (30) ten (10) days prior
to the effective date thereof, and upon the last day of the filing calendar month, becoming
effective on the first day of the succeeding calendar month. Upon the filing of said new
prices, the director shall give notice thereof to all importers and distributors. Such schedule of prices so filed may not be withdrawn prior to its effective date, and upon becoming effective shall remain in effect as follows:

(i) an increase in prices, for a minimum period of thirty (30) days;
(ii) a reduction in prices for a minimum period of six (6) months.

Upon the filing of the original schedule of prices, and after the effective date of any schedule of prices amendatory thereto, all prices therein stated shall be strictly adhered to. Amendatory schedules shall recite the information required in the above subsections (a), (b) and (c).

Approved March 27, 1975.
AN ACT
AMENDING SECTION 63-3622, IDAHO CODE, TO ADD A NEW SUBSECTION
THERETO PROVIDING THAT THE SALE, STORAGE, USE OR OTHER CON-
SUMPTION OF CERTAIN TANGIBLE PERSONAL PROPERTY USED IN THE
PRODUCTION AND BROADCASTING OF RADIO AND TELEVISION PRO-
GRAMS SHALL BE EXEMPT FROM SALES AND USE TAXES; AND PROVIDING
THAT THIS ACT SHALL NOT REPEAL BY IMPLICATION OR OTHERWISE ANY
OTHER ACT OF THE FIRST REGULAR SESSION OF THE FORTY-THIRD
IDAHO LEGISLATURE AMENDING SECTION 63-3622, IDAHO CODE.

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

SECTION 1. That Section 63-3622, Idaho Code, be, and the same is hereby amended
to read as follows:

63-3622. EXEMPTIONS. – There are exempted from the taxes imposed by this act
the following:

(a) The sale at retail, storage, use, or other consumption of tangible personal
property which this state is prohibited from taxing under the Constitution of the United
States.

(b) The sale of tangible personal property to resident contractors for subsequent
incorporation into real property outside this state in the performance of a contract to
improve the out-of-state realty unless this provision would result in subjection of said
property to a use or similar excise tax in another state.

(c) Purchases which are subject to the motor fuels tax imposed by chapter 12, title
49, Idaho Code, motor fuels subject to tax under section 49-127 (d), Idaho Code, and the
motor fuels tax imposed by chapter 24, title 63, Idaho Code.

(d) Receipts from the sale, storage, use or other consumption in this state of tangible
personal property which will enter into and become an ingredient or component part of
tangible personal property manufactured, processed, mined, produced or fabricated for
ultimate sale at retail within or without this state, and tangible personal property primarily
and directly used or consumed in or during such manufacturing, processing, mining,
farming, or fabricating operation by a business or segment of a business which is primarily
devoted to such operation or operations, provided that the use or consumption of such
tangible personal property is necessary or essential to the performance of such operation.
Chemicals, catalysts, and other materials which are used for the purpose of producing or inducing a chemical or physical change or for removing impurities or otherwise placing a product in a more marketable condition are included within this exemption, as are other articles of tangible personal property used in the actual manufacturing, processing, mining, farming or fabricating operations. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the manufacturing, processing, mining, farming or fabricating operation such as maintenance and janitorial equipment and supplies, and hand tools with a unit purchase price not in excess of one hundred dollars ($100); nor does it include tangible personal property used in any activities other than the actual manufacturing, processing, mining, farming or fabricating operation such as office equipment and supplies, equipment and supplies used in selling or distributing activities, in research, or in transportation activities; nor shall this exemption include motor vehicles required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put; nor shall this exemption include tangible personal property used or consumed in processing, producing or fabricating tangible personal property exempted from this act by subsections (f), (g), (j), and (n) of this section.

(e) The sale or purchase of containers in the following categories:
1. Nonreturnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container.
2. Containers when sold with the contents if the sales price of the contents is not required to be included in the measure of the taxes imposed by this act.
3. Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for filling.

(f) The sale or purchase of gas, electricity, and water when delivered to consumers.

(g) The sale or purchase of any matter used to produce heat by burning, including wood, coal, petroleum and gas.

(h) The sale or purchase of tangible personal property used for the performance of a contract on public works executed prior to the passage and approval of this act.

(i) The sale or purchase of tangible personal property used for the performance of a written contract entered into prior to the passage and approval of this act, but such exemption shall extend only until July 1, 1967.

(j) The sale or purchase, or the storage, use or other consumption of religious literature, pamphlets, periodicals, tracts and books published and sold by a bona fide church or religious denomination, no part of the net earnings of which inures to the benefit of any private individual or shareholder.

(k) The sale of meals by public or private schools under the Federal School Lunch Program or under programs that provide nutritional meals for the aging (Title VII of the Older Americans Act, PL 93-29), and the sale of meals by a church to its members at a church function.

(l) Occasional sales of tangible personal property; providing, however, that this exemption shall not apply to the sale, purchase, or use of self-propelled motor vehicles
unless they are transferred in a transaction falling within the scope of section 63-3612A(b), Idaho Code, a change in the form of doing business, or section 63-3612A(c), Idaho Code, the sale of a going business.

(m) The sale of articles through a coin-operated vending machine for a total consideration of fifteen cents ($0.15) or less and individual transactions involving a total sales price of less than fifteen cents ($0.15).

(n) Sales of liquor by the state liquor dispensary.

(o) Sales of drugs, sold by a registered pharmacist, and the sale of oxygen, all upon the prescription of a practitioner licensed to prescribe drugs to human beings in the course of his professional practice.

(p) Sales to the Boy Scouts of America of supplies and materials for national and international encampments within the state of Idaho and sales by the Boy Scouts of America to participants in national and international encampments within the state of Idaho if such sales are made within the confines of Farragut State Park.

(q) Sales to and purchases by hospitals, educational institutions, and canal companies which are nonprofit organizations. As used in this subsection, these words shall have the following meanings:

1. Educational institution shall mean resident nonprofit colleges, universities, primary and secondary schools the income of which is devoted solely to education and in which systematic instruction in the usual branches of learning is given. This definition does not include schools primarily teaching business, dancing, dramatics, music, cosmetology, writing, gymnastics, exercise and other special accomplishments nor parent-teacher associations, parent groups, alumni or other auxiliary organizations with purposes related to the educational function of an institution or collective group of institutions.

2. Hospital as used herein shall include nonprofit institutions licensed by the state for the care of ill persons. It shall not extend to nursing homes or similar institutions or organizations.

3. Canal companies as used herein shall include nonprofit corporations which are incorporated solely for the purpose of operating and maintaining and are engaged solely in operation and maintenance of dams, reservoirs, canals, lateral and drainage ditches, pumps or pumping plants.

(r) The sale or purchase of tangible personal property shipped by the seller via the purchasing carrier under a bill of lading whether the freight is paid in advance, or the shipment is made freight charges collect, to a point outside this state if the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier.

(s) The sale or purchase of tangible personal property which is shipped to a point outside this state for use outside this state pursuant to a contract of sale by delivery by the vendor to such point by means of (1) facilities operated by the vendor, (2) delivery by the
vendor to a carrier for shipment to a consignee at such point, or (3) delivery by the vendor to a customs broker or forwarding agent for shipment outside this state.

(t) Sales of motor vehicles and trailers for use outside of this state, even though delivery be made within this state, but only when (1) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state and (2) said motor vehicles and trailers will be registered and licensed immediately under the laws of another state, will not be used in this state more than three (3) months, and will not be required to be registered and licensed under the laws of this state.

(u) Receipts from the sale, storage, use or other consumption in this state of tangible personal property directly used and consumed in the production and broadcasting of radio and television programs when the purchase, storage, use or other consumption is by a business or segment of a business which is primarily devoted to such production and broadcasting, provided, that the use or consumption of such tangible personal property is necessary or essential to the performance of such operation. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the production and broadcasting operation, such as maintenance and janitorial equipment and supplies and hand tools with a unit price not in excess of one hundred dollars ($100); nor does it include tangible personal property used in any activities other than actual production and broadcasting operation such as office equipment and supplies, equipment and supplies used in selling and distributing activities, in research, or in transportation activities; nor shall this exemption include motor vehicles required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put.

(v) To prevent evasion of the sales and use tax, it shall be presumed that all articles are subject to the taxes imposed by this act and the retailer shall have the burden of establishing the facts giving rise to such exemption by clear and convincing evidence unless the purchaser delivers to the retailer an exemption certificate in such form as the tax commission may prescribe, signed by the purchaser and setting forth the reason for the claimed exemption.

(w) Any person who gives an exemption certificate with the intention of evading payment of the amount of the tax applicable to the transaction is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars ($1,000) or imprisonment for not more than one (1) year or by both such fine and imprisonment.

SECTION 2. This act amending section 63-3622, Idaho Code, shall not be determined to repeal by implication or otherwise any other act by this First Regular Session of the Forty-third Legislature also amending section 63-3622, Idaho Code.

Approved March 27, 1975.
CHAPTER 153
(H.B.No. 183)

AN ACT
AMENDING SECTION 31-1605, IDAHO CODE, TO PROVIDE THAT THE COUNTY COMMISSIONERS MAY ADJUST THE BUDGET TO REFLECT UNSCHEDULED REVENUE FROM THE FEDERAL OR STATE GOVERNMENTS.

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

SECTION 1. That Section 31-1605, Idaho Code, be, and the same is hereby amended to read as follows:

31-1605. HEARING UPON BUDGET APPROPRIATIONS — ADOPTION OF FINAL BUDGET — FIXING OF LEVIES — GENERAL RESERVE APPROPRIATION. — On the second Monday in February of each year the board of county commissioners shall meet at the office of said commissioners at the time designated in said notice whereat any taxpayer may appear and be heard upon any part or parts of said tentative budget. Such hearing may be continued from day to day until concluded, but not to exceed a total of five (5) days. Any officer or employee in charge of any office, department, service, agency or institution of the county may be called before said board at the time the estimates for his office, department, service, agency or institution are under consideration and be examined by said board or any taxpayer concerning the expenditures made by him and the estimated expenditures for the current fiscal year.

Upon the conclusion of such hearing, the county commissioners shall fix and determine the amount of the budget for each office, department, service, agency or institution of the county, separately, which in no event shall be greater than the amount of the tentative budget, and by resolution adopt the budget as so finally determined and enter said resolution on the official minutes of the board. Said budget shall be filed in the office of the clerk of said board of county commissioners and a copy thereof, certified by said clerk, shall be filed with the county auditor as county budget officer.

Said budget as finally adopted shall specify the fund or funds against which warrants shall be issued for the expenditures so authorized, respectively, and the aggregate of expenditures authorized against any fund shall not exceed the estimated revenues to accrue to such fund during the current fiscal year from sources other than taxation together with any balances and plus revenues to be derived from taxation for such current fiscal year, within the limitations imposed by chapter 9 of title 63, or by any statutes of the state of Idaho in force and effect.
Thereafter, at the time provided by law, the board of county commissioners shall fix the levies necessary to raise the amount of expenditures as determined by the adopted budget, less the total estimated revenues from sources other than taxation, including available surplus, as determined by the board, and such expenditures as are to be made with the proceeds of authorized bond issues.

During the year the county commissioners may proceed to adjust the budget as adopted on the second Monday of February to reflect the receipt of unscheduled revenue from the federal and the state government, provided that previously budgeted funds are not increased and that there shall be no increase in anticipated property taxes. The annual budget procedure shall be complied with before the budget may be adjusted.

The board shall also have the right to make a “general reserve appropriation,” said appropriation not to exceed five per cent (5%) of the current expense budget as finally adopted, the total levy however, for current expense, including the “general reserve appropriation,” to be within the limitations imposed by chapter 9 of title 63, Idaho Code, or by any statutes of the state of Idaho in force and effect. In the event of any unforeseen contingency arising, which could not reasonably have been foreseen at the time of making the budget, and which shall require the expenditure of money not provided for in the budget, the board of county commissioners, by unanimous vote thereof, shall have the right to make an appropriation from the “general reserve appropriation” to the office, department, service, agency or institution in which said contingency arises, in such amount as shall be determined by resolution of said board. Provided, however, that no such appropriation shall be made for any purpose, otherwise provided for in the budget, to any office, department, service, agency or institution; provided, further, no appropriation may be made from the “general reserve appropriation” to any county fund which is authorized under the law to make a special levy.

Approved March 27, 1975.
C.154 '75  IDAHO SESSION LAWS

CHAPTER 154
(H.B.No. 129)

AN ACT
RELATING TO AUDITORIUM DISTRICTS; AMENDING CHAPTER 49, TITLE 67, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 67-4929, IDAHO CODE, TO PROVIDE AN ELECTION, UNDER CONDITIONS SPECIFIED, RELATING TO THE INCLUSION OR EXCLUSION OF PROPERTY FROM AN AUDITORIUM DISTRICT; AND AMENDING CHAPTER 49, TITLE 67, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 67-4930, IDAHO CODE, TO PROVIDE AN ELECTION PROCEDURE FOR DISSOLUTION OF AN AUDITORIUM DISTRICT.

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

SECTION 1. That Chapter 49, 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 67-4929, Idaho Code, and to read as follows:

67-4929. INCLUSION OR EXCLUSION ELECTION PROCEDURE. Whenever under the provisions of sections 67-4918 and 67-4919, Idaho Code, owners or owners in fee of any real property have petitioned for inclusion or exclusion of property within the district, and the petition has been denied, the petitioners shall be entitled to an election as provided in this section:

(a) A petition may be filed with the county commissioners and shall be signed by not less than eighty per cent (80%) of the qualified electors resident within the boundaries of the area proposed to be included or excluded.

(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 the effect that the question of the inclusion or exclusion of property within the district be placed on the ballot at the next county general election.

(c) If the county commissioners order a question to be placed on the ballot as provided in this section, such election shall be conducted and notice thereof given as nearly as
practicable in accordance with the manner of general elections in this state.

(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 within the district are in favor of allowing the inclusion or exclusion, the county commissioners shall enter an order so finding and declaring that the boundaries of such district are revised as provided by the election. 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 change in boundaries so ordered shall be complete.

(e) 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 inclusion or exclusion of such property after six (6) months has expired from the date of entering the order declaring the change in boundaries of such district.

(f) The provisions of section 67-4920, Idaho Code, relating to liability for indebtedness of included or excluded property shall apply to property included or excluded as provided in this section.

SECTION 2. That Chapter 49, 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 67-4930, Idaho Code, and to read as follows:

67-4930. DISSOLUTION OF DISTRICT — PROCEDURE. — An auditorium district may be dissolved as follows:

(a) Any person or persons may file a petition for the dissolution of an auditorium 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 three thousand (3,000) 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 to be held at the same time as the next county general election, 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 manner of general elections in this state.
(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 of 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 purpose 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. Approved March 27, 1975.
CHAPTER 155
(H.B.No. 185)

AN ACT
AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE THAT COUNTY ASSESSORS SHALL RECEIVE A FEE FOR SERVICES RENDERED IN RELATION TO THE APPLICATION OF THE SALES AND USE TAXES TO THE SALE OR USE OF CERTAIN TANGIBLE PERSONAL PROPERTY REQUIRED TO BE REGISTERED OR TITLED UNDER THE LAWS OF THIS STATE AND PROVIDING A METHOD OF RETAINING SUCH FEES; PROVIDING THAT NO COUNTY SHALL BE REQUIRED TO REPAY FEES PREVIOUSLY COLLECTED OR WITHHELD PRIOR TO THE EFFECTIVE DATE OF THIS ACT; 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) (I) 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. The 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) Notwithstanding the provisions of subsections (f) and (g) of this section, one dollar ($1.00) on each application for certificate of title to a motor vehicle, or initial application for registration processed by the county assessor excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county in collecting such taxes, and shall be paid into the general fund of the county.

(i) An amount equal to five per centum (5%) of the amount deposited in the sales tax fund, but not in excess of fifty thousand dollars ($50,000), 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. The balance of the sales tax refund fund in excess of fifty thousand dollars ($50,000) shall be transferred to the general fund.

(k) 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) (i) of this section shall be paid periodically, but no less frequently than quarterly, to the general fund.

SECTION 2. The assessors of the various counties shall not be required to repay to the state or any other party any amounts previously collected or withheld as fees or compensation for services relating to the collection of sales or use taxes prior to the effective date of this act regardless of whether or not such amounts were collected or withheld in accordance with the provisions of the Idaho Sales Tax 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 27, 1975.
CHAPTER 156
(H.B.No. 9, As Amended)

AN ACT
AMENDING SECTION 63-1201, IDAHO CODE, RELATING TO THE PERSONAL PROPERTY ASSESSMENT ROLL, TO PROVIDE FOR THE REMOVAL OF MIGRATORY LIVESTOCK AND A SPECIFIC FORMAT; AMENDING SECTION 63-1302, IDAHO CODE, RELATING TO DELINQUENCY DATE ON TAXES, TO PROVIDE THAT TAXES UPON EQUITIES IN STATE LANDS AND UPON LEASEHOLD IMPROVEMENTS WHICH ARE PERSONAL PROPERTY AND LOCATED UPON FEDERAL GOVERNMENT, STATE OR INDIAN LAND MAY BE PAID IN TWO INSTALLMENTS; AMENDING SECTION 63-1403, IDAHO CODE, RELATING TO THE MANNER OF ASSESSMENT AND DEFINING THE HOME COUNTY FOR TRANSIENT PERSONAL PROPERTY, TO PROVIDE A DEFINITION OF HOME COUNTY; AMENDING SECTION 63-1404, IDAHO CODE, RELATING TO TAXES AS A LIEN, TO PROVIDE THAT A TAX LIEN ON TRANSIENT PERSONAL PROPERTY SHALL REMAIN UNTIL THE TAXES ARE PAID; AMENDING SECTION 63-1405, IDAHO CODE, RELATING TO REPORTING OF TRANSIENT PERSONAL PROPERTY, TO PROVIDE RULES AND GUIDELINES FOR REPORTING, ASSESSING AND ELECTING A HOME COUNTY FOR TRANSIENT PERSONAL PROPERTY; AND AMENDING SECTION 63-1406, IDAHO CODE, RELATING TO NOTICE OF ENTRY AND PAYMENT OF TAX ON TRANSIENT PERSONAL PROPERTY, TO PROVIDE REQUIREMENTS.

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

SECTION 1. That Section 63-1201, Idaho Code, be, and the same is hereby amended to read as follows:

63-1201. PERSONAL PROPERTY ASSESSMENT ROLL. — All personal property except migratory livestock and transient personal property and all other property, whereon the tax is not a lien on real property, or the value of the estate is insufficient to insure the collection of the full amount of all taxes, shall be entered in a separate roll, to be known as the personal property assessment roll. The said roll shall be made out in tabular form with separate columns with appropriate heads after the manner specified in the form provided for in the next section 63-1202, Idaho Code, and such additional columns as may be required. In the event that there is no property of a particular class category in any county the column heading for the classification categorization of such property may be omitted from the assessment roll of such county. Only such columns need be provided for extending taxes
as are actually required in each county for state, county, city, town, village, school district, road district or other purposes.

SECTION 2. That Section 63-1302, Idaho Code, be, and the same is hereby amended to read as follows:

63-1302. TAX PAYABLE ON DEMAND — DELINQUENCY DATE — PENALTY. — All taxes shown on the personal property assessment roll, and on any subsequent roll, shall be due and payable to the tax collector on demand and, if unpaid shall become delinquent on the twentieth day of December 20 of each year, except that taxes upon equities in state lands and upon leasehold improvements which are defined by law as personal property and which are located upon federal government, state or Indian land may be paid in two (2) installments; the first half shall become delinquent on December 20 and the second half shall become delinquent on June 20, together with a penalty of two per cent (2%) of the amount of the taxes as shown on the assessment roll, plus eight per cent (8%) for the time the tax runs. In the event the taxpayer is unable to pay his personal property tax, he may appeal to the board of county commissioners. If sufficient information is given to satisfy the board that the taxes will be paid, and that an extension should be granted, the board of county commissioners may grant an extension of time to the taxpayer for the payment of the taxes, penalty and interest, not exceeding four (4) months. A warrant of distraint shall not be issued until expiration of the extended time.

SECTION 3. That Section 63-1403, Idaho Code, be, and the same is hereby amended to read as follows:

63-1403. MANNER OF ASSESSMENT — HOME COUNTY DEFINED. — Transient personal property shall be assessed in the county wherein the same is first listed in any year, in the same manner and for the same purpose as other personal property, and the county where such transient personal property is first listed or assessed in the same year except as provided in section 63-1405, Idaho Code. The county wherein transient personal property is usually kept or where the owner has his residence or usual place of business shall be known as the home county during that year.

SECTION 4. That Section 63-1404, Idaho Code, be, and the same is hereby amended to read as follows:

63-1404. TAXES A LIEN — REMOVAL WITHOUT PAYING TAXES A MISDEMEANOR — PETITION FOR DEDUCTION OF OTHER ASSESSMENTS. — All transient personal property shall be entered upon the subsequent property assessment roll and the taxes thereon shall be a first and prior lien, except as otherwise provided by law, upon such transient personal property and all real and personal property of the owner of such transient personal property in the state of the residence of such owner until all taxes due upon such transient personal property have been paid, and any owner or agent of any owner who shall remove, or allow any such transient personal property to be moved from the county without first having paid the proportionate part of a full year's taxes thereon for the length of time said transient personal property shall have been in the county shall be guilty of a misdemeanor, and upon conviction thereof shall be punished according to law.
On or before the third Monday of December the owner of such transient personal property shall file with the clerk of the board of county commissioners, of the county wherein the same is first listed in that year, a petition for deduction from his assessment for the length of time such transient personal property has been assessed in other counties, accompanying the same with taxpayers' statements or other evidence of such assessments, and it shall be the duty of the board of county commissioners to deduct from the assessment of such transient personal property the proportionate part of the year's assessment during which such transient personal property has been kept in other counties as shown by such taxpayers' statements or other evidence of such assessments, otherwise the owner of such transient personal property shall be held liable to pay taxes thereon in the county where first listed for the full year.

SECTION 5. That Section 63-1405, Idaho Code, be, and the same is hereby amended to read as follows:

63-1405. TAXPAYER'S STATEMENT PROPERTY DECLARATION IN HOME COUNTY – ELECTION AS TO HOME COUNTY – STATEMENTS DECLARATIONS FURNISHED OTHER COUNTIES. – All transient personal property shall be assessed reported for the full year in the home county and the taxpayers' statements declarations shall show the number, amount, name, model, serial number, if any, and the year of manufacture, the year of acquisition and other identifying or necessary information requested by the county assessor of all transient personal property within the county. The assessor assessing processing said transient personal property declaration shall ascertain from the owner or the party in charge of the transient personal property, the county or counties that where the transient personal property is to be kept, moved, transported, shipped or hauled and is to remain for periods of not less than thirty (30) days in other than the home county. He shall immediately notify the assessor of the county or counties, giving the number, amount, name, model, serial number, if any, the year of manufacture, the year of acquisition and other identifying or necessary information requested by the county assessor of all the transient personal property and the period for which the transient personal property has been assessed by him in that county. In the event that any transient personal property has been or will be assessed for the current year in a foreign state, the property shall be assessed for only that portion of the year that the transient personal property is kept and does remain in the state of Idaho.

Any owner of transient personal property, as defined in this act, may elect to treat as his home county that county in which he maintains his residence or usual place of business, or in which the transient personal property is usually kept. The election shall be made upon forms furnished by the assessor, and upon making the election, the owner of transient personal property shall file the forms with the county assessor of the designated home county. If requested by the tax collector, a surety company bond not in excess of the amount that in the judgment of the tax collector will be adequate to secure the collection and payment of all taxes which may become due to any county under this act shall also be filed.
On or before the first Monday of November in each year the owner of the transient personal property shall make and file with the assessor of the home county, a statement declaration, with a copy for each county involved, in the form as provided in section 63-1406, Idaho Code, of the county or counties of the state in which the transient personal property has been kept, moved, transported, shipped or hauled and has remained for periods of not less than thirty (30) days during the current year. The assessor of the home county shall ascertain, in the manner required by this act, the portion of the year during which the transient personal property has remained in the home county and assess the property in the manner provided by this act. Upon payment of the taxes in the home county, the tax collector shall endorse the copies of the owner's statement of transient personal property, the assessed value per unit and the amount and date of payment of the taxes. The owner shall within five (5) days after the endorsement furnish to the tax collector of each county of the state in which the personal property is taxable under the provisions of this act, a copy of the owner's statement of transient personal property and pay the amount of taxes due the county or counties. Any owner or agent of any owner, who shall fail or refuse to make the statement declaration and pay the taxes due shall, in addition to the other penalties prescribed by this act, be liable under any bond filed to secure the payment of any taxes due pursuant to the statement.

SECTION 6. That Section 63-1406, Idaho Code, be, and the same is hereby amended to read as follows:

63-1406. NOTICE OF ENTRY _ ASSESSMENT AND PAYMENT OF TAX. Whenever any transient personal property is kept, moved, transported, shipped or hauled into and remains in any county in this state other than its home county, the owner or his agent shall, within ten (10) days from the time the transient personal property enters the other county, notify the assessor of the county that the transient personal property has entered the county, and at the same time shall make and deliver to the assessor of the other county, upon blanks furnished by the assessor upon request of the owner or his agent, a written and sworn statement taxpayer's declaration showing the date on which the transient personal property entered the county, the number, amount, name, model, serial number, if any, the year of manufacture, the year of acquisition and other identifying or necessary information of the transient personal property, and the full length of time during the year that the transient personal property will be within the county. At the same time he shall may be required to produce for the inspection of the tax collector, or his deputy, the receipt from the tax collector of the home county, or any other county or counties in which the transient personal property has been kept, showing that the taxes on such the transient personal property for the proportionate part of the year it has been kept in the home county or other county, or counties, have been paid, or a statement that the taxes have been secured to the satisfaction of any tax collector or evidence that such transient personal property has been assessed in the home county or other county or counties for the current year.

Approved March 27, 1975.
AN ACT
REPEALING SECTION 63-112, IDAHO CODE, RELATING TO THE DEFINITION OF MIGRATORY LIVESTOCK, AND REPEALING SECTION 63-1208, IDAHO CODE, RELATING TO THE ASSESSMENT OF MIGRATORY LIVESTOCK; AMENDING SECTION 63-216, IDAHO CODE, RELATING TO DOUBLE ASSESSMENT BEING PROHIBITED, TO STRIKE REFERENCES TO MIGRATORY LIVESTOCK; AMENDING SECTION 63-1203, IDAHO CODE, RELATING TO ASSESSMENT OF PERSONAL PROPERTY, TO STRIKE OBSOLETE REFERENCES, AND TO PROVIDE THAT THE ASSESSOR SHALL DETERMINE MARKET VALUE FROM THE INFORMATION PROVIDED BY THE TAXPAYER FOR CERTAIN PROPERTY.

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

SECTION 1. That Section 63-112, Idaho Code, and Section 63-1208, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Section 63-216, Idaho Code, be, and the same is hereby amended to read as follows:

63-216. DOUBLE ASSESSMENT PROHIBITED. - Property which has been assessed for taxation in any county in this state shall not be again assessed for taxation for the same purposes or period of time in any other county in this state for the same year, except migratory livestock, which shall be assessed as in this act provided.

SECTION 3. That Section 63-1203, Idaho Code, be, and the same is hereby amended to read as follows:

63-1203. ASSESSMENT OF PERSONAL PROPERTY. - The assessor shall assess all personal property required by this act to be entered on the personal property assessment roll, between the first day of January and the first Monday of July in each year, and shall complete the assessment on or before the first Monday in July and file the roll with the clerk of the board of county commissioners. He shall assess and enter on a subsequent roll to be by him verified in the manner provided for the verification of the personal property assessment roll, all migratory livestock except in its home county as defined in section 63-1604, Idaho Code, all personal property which comes into the county, between the first Monday of July and the third Monday of November of each year which has not been assessed, unless such property was exempt from taxation on the first day of January of the
and all personal property which has during the year escaped assessment, and shall immediately deliver the subsequent roll to the board of commissioners which shall then meet as a board of equalization as provided in section 63-1904, Idaho Code. Upon adjournment of the board of equalization the county auditor shall, without delay, compute and enter the amount of tax due thereon and deliver the roll to the tax collector and charge him with the amount thereof. In making such assessment, the assessor shall actually determine, as nearly as practicable from the information provided to him by the taxpayer's declaration, the full true market value of each piece of personal property assessed and shall enter the assessed value of such personal property in appropriate columns, after the name of the owner of such property, if known, otherwise after unknown owner. The tax levies shall be extended on the aggregate assessed valuation of the property, after deducting the amount of any exemptions allowed. Trailer houses defined as mobile houses or habitable vehicles in section 49-155, Idaho Code, shall be assessed and taxed uniformly with other property. However, the following trailer houses are specifically exempt from the operation of this section, (a) trailer houses in possession of a manufacturer or dealer and offered for sale shall be assessed uniformly with other stocks in trade; (b) trailer houses eligible to be used under a dealer's license plate, provided that trailer houses designated as sheep camps or cow camps shall be exempted from this act.

Approved March 27, 1975.
CHAPTER 158
(H.B.No. 193)

AN ACT
AMENDING CHAPTER 2, TITLE 49, IDAHO CODE, BY ADDING NEW SECTIONS THERETO, TO BE KNOWN AND DESIGNATED AS SECTIONS 49-232 THROUGH 49-237, IDAHO CODE, REQUIRING CERTIFICATE OF LIABILITY INSURANCE AS A CONDITION PRECEDENT TO THE REGISTRATION AND LICENSING OF A MOTOR VEHICLE; PERMITTING POSTING OF A BOND OR CASH WITH THE DIRECTOR OF INSURANCE; PROVIDING FOR PENALTIES; PROVIDING FOR FALSE CERTIFICATES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 2, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of new sections, to be known and designated as Sections 49-232 through 49-237, Idaho Code, and to read as follows:

49-232. DEFINITIONS. - For the purposes of this act, the term "motor vehicle" is any self-propelled vehicle required to be registered for use on the public roads or highways under the laws of the state of Idaho except those vehicles required to be licensed under section 49-127, Idaho Code.

For the purposes of this act, the term "certificate of liability insurance" shall mean a certificate of liability insurance issued by an insurance company authorized to do business in this state and signed by a manager or officer of said company, or signed by an agent of said company as described in chapter 9, title 41, Idaho Code, or a certificate of liability insurance issued by the director of insurance of this state which demonstrates insurance against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person caused by accident and arising out of the operation, maintenance or use of a motor vehicle or motor vehicles described therein in an amount not less than that required by section 49-1521, Idaho Code, and also demonstrates the existence of any other coverage required by title 41, Idaho Code, or a certificate of self-insurance issued by the director of insurance pursuant to section 49-1534, Idaho Code for each motor vehicle to be registered. Such certificate of liability insurance shall set forth the name and address of the owner of the motor vehicle and a description of the motor vehicle including identification number if there be one.

49-233. CERTIFICATE OF INSURANCE REQUIRED. - Before any applicant required to register his motor vehicle as defined in section 49-232, Idaho Code, may do so,
the applicant must display a current certificate of liability insurance covering the motor vehicle or vehicles to be registered to the county assessor.

**49-234. CANCELLATION OF POLICY.** — After a certificate of insurance is issued, no purchaser shall, within ninety (90) days, cancel a policy of liability insurance acquired pursuant to the requirements of this act without first making application to the director of law enforcement of this state for such cancellation. When it appears to the satisfaction of the director that there is good reason for such cancellation, he shall notify the insurance or surety company or its authorized agent that such cancellation has been approved. Upon notification of the approval of the cancellation by the director, the insurance or surety company or its authorized agent shall then return the unused portion of the premium to its insured. Whenever a policy of insurance hereunder is cancelled, by either the insured or the insurer, the insurer shall notify the department of law enforcement in writing within seven (7) days.

**49-235. CERTIFICATE OF LIABILITY INSURANCE — HOW ACQUIRED.** — A certificate of liability insurance to be effective must be issued by an insurance or surety company authorized to do business in this state or by an authorized agent of such company or by the director of insurance of this state. The certificate of liability insurance shall be in a form prescribed by the director of insurance. Upon purchase or renewal of such policy of insurance or upon request of its insured, an insurance or surety company or its authorized agent shall issue a certificate of liability insurance and give the same to its insured. An insurance or surety company or its authorized agent shall not charge a fee for any such certificate of liability insurance.

A motor vehicle owner who prefers to post an indemnity bond or cash with the director of insurance in lieu of obtaining a policy of liability insurance may do so. In the case of a cash deposit, the motor vehicle owner shall deposit not less than twenty thousand dollars ($20,000) for the first vehicle to be registered and ten thousand dollars ($10,000) for each other vehicle to be registered up to a maximum of sixty thousand dollars ($60,000) for five (5) or more vehicles. A person obtaining a judgment against the motor vehicle owner arising out of the operation, maintenance or use of the motor vehicle to be registered may have the court where the judgment is rendered order the director of insurance to pay to the judgment creditor or creditors such amount or amounts as are designated by said court but not to exceed a payment of more than ten thousand dollars ($10,000) for any one (1) person or twenty thousand dollars ($20,000) for any one (1) accident. In the case of an indemnity bond, such bond shall guarantee that any loss resulting from liability imposed by law for bodily injury, death or damage to property suffered by any person caused by accident and arising out of the operation, maintenance and use of the motor vehicle sought to be registered shall be paid within thirty (30) days. Such indemnity bond shall guarantee payment in an amount not less than ten thousand dollars ($10,000) for any one (1) person or twenty thousand dollars ($20,000) for any one (1) accident for each vehicle to be registered up to a maximum of sixty thousand dollars ($60,000) for five (5) or more
vehicles.

Any bond given in connection with this act shall be, and shall be construed to be, a continuing instrument and shall cover the period for which the motor vehicle is to be registered. Such bond shall be on a form approved by the director of insurance with a surety company authorized to do business in this state.

When to the satisfaction of the director of insurance it appears that a bond or cash deposit complying with the requirements of this act has been deposited with him, he shall issue to the motor vehicle owner a certificate of liability insurance.

49-236. PENALTIES. — It shall be unlawful for any person to operate a motor vehicle upon highways, streets or roadways of this state without a valid policy of liability insurance in full force and effect in an amount not less than that provided in section 49-1521, Idaho Code, or unless such person has been issued a certificate of self-insurance pursuant to section 49-1534, Idaho Code, or has previously posted an indemnity bond or cash deposit with the director of insurance as provided by section 49-235, Idaho Code. A violation of this section shall be a misdemeanor.

49-237. FALSE CERTIFICATE — PENALTY. — It shall be unlawful for anyone to alter, falsify, forge, counterfeit, or issue or make any certificate of liability insurance except as provided for in this act. A violation of this statute shall be a misdemeanor.

SECTION 2. This act shall be in full force and effect on and after July 1, 1975.
Approved March 27, 1975.
CHAPTER 159
(S.B.No. 1160)

AN ACT
RELATING TO THE PREVENTION OF JUVENILE DELINQUENCY; AMENDING SECTION 19-5101, IDAHO CODE, TO PROVIDE ADDITIONAL DEFINITIONS; AMENDING SECTION 19-5102, IDAHO CODE, TO PROVIDE ADDITIONAL MEMBERSHIP ON THE LAW ENFORCEMENT PLANNING COMMISSION; AMENDING SECTION 19-5109, IDAHO CODE, TO INCLUDE ADMINISTRATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 AS A DUTY OF THE LAW ENFORCEMENT PLANNING COMMISSION; AMENDING SECTION 19-5114, IDAHO CODE, TO PROVIDE AUTHORITY TO POLITICAL SUBDIVISIONS OF THE STATE TO PARTICIPATE IN THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM.

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

SECTION 1. That Section 19-5101, Idaho Code, be, and the same is hereby amended to read as follows:

19-5101. LAW ENFORCEMENT PLANNING COMMISSION — DEFINITIONS. As used in this act
(a) "Commission" means the Idaho law enforcement planning commission.
(b) "Political subdivision" means any city or county.
(c) "Law enforcement" means any and all activities pertaining to crime prevention or reduction and law enforcement, including police, courts, prosecution, corrections, rehabilitation, and juvenile delinquency.
(d) "Peace officer" means any employee of a police or law enforcement agency which is a part of or administered by the state or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic, or highway laws of this state or any political subdivision.
(e) "Juvenile delinquency programs" mean any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned, or dependent youth and other youth who are in danger of becoming delinquent.

SECTION 2. That Section 19-5102, Idaho Code, be, and the same is hereby amended to read as follows:
19-5102. COMMISSION ESTABLISHED - CHAIRMAN - MEMBERS. - There is hereby established in the division of budget, policy planning and coordination the Idaho law enforcement planning commission, hereinafter called "the commission," in the office of the governor. The commission shall be a department as defined in chapter 53, title 67, Idaho Code. The commission shall be chaired by the governor or his designee who shall be a voting member and shall consist of the following membership from Idaho state or local governmental units, which shall reflect a reasonable geographic balance throughout the state:

(a) The attorney general or his designee, the director of the department of law enforcement, the superintendent of state police, the state adjutant general, the chairman of the board of correction or his designee, the director of the youth rehabilitation division, a member of the state legislature from each political party having three (3) or more members in both the senate and house of representatives, with said member to be selected as follows: each party caucus in each legislative chamber shall select one (1) candidate for appointment to the commission; from these candidates the speaker of the house and the president of the senate shall jointly appoint one (1) member from each political party to the commission. Of the members so appointed, at least one (1) shall be appointed from each legislative chamber, all of whom shall serve during their term or tenure in office that state agency responsible for youth services, and the director of the division of budget, policy planning and coordination. Each member named in this subsection (a) may appoint a permanent designee who shall serve as a voting member of the commission whenever it is impossible for the named member to attend a meeting of the commission.

(b) A member of the state legislature from each political party having three (3) or more members in both the senate and house of representatives, with said member to be selected as follows: each party caucus in each legislative chamber shall select one (1) candidate for appointment to the commission; from these candidates the speaker of the house and the president of the senate shall jointly appoint one (1) member from each political party to the commission. Of the members so appointed, at least one (1) shall be appointed from each legislative chamber, all of whom shall serve during their term or tenure in office.

(c) A city police chief to be appointed by the governor.

(d) A county sheriff to be appointed by the governor.

e) A county commissioner to be appointed by the governor.

f) A mayor to be appointed by the governor.

g) A city councilman to be appointed by the governor.

h) A county prosecuting attorney to be appointed by the governor.

i) A state Supreme Court justice, a state district court judge, and a magistrate of the district court, all to be appointed by the governor. The supreme court justice named in this subsection may appoint a designee who may serve as a voting member of the commission whenever it is impossible for the named justice to attend a meeting of the commission.
Two (2) interested citizens appointed at large by the governor, provided that they both shall not be of the same political party.

Two (2) citizen representatives of professional and community organizations directly related to prevention of juvenile delinquency, to be appointed by the governor provided that they both shall not be of the same political party.

In addition, there shall be advisory to the commission, as ex officio, nonvoting members of the commission, the United States district attorney for Idaho and the special agent in charge of the Idaho division of the federal bureau of investigation, the executive director of the association of Idaho cities, and the executive director of the Idaho association of commissioners and clerks.

SECTION 3. That Section 19-5109, Idaho Code, be, and the same is hereby amended to read as follows:

19-5109. COMMISSION -- POWERS AND DUTIES. -- In addition to the duties and powers conferred upon the commission elsewhere in this act, it shall be the duty of the commission, and the commission shall have the power to:

(a) When so designated by the governor, to contract and to do all other things necessary in behalf of the state to secure the full benefits available to this state under the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351), and any amendments thereto, and under the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415), and any amendments thereto, and in so doing, to cooperate with the federal and state agencies, agencies private and public, interested organizations, and with individuals, to effectuate the purposes of those enactments, and any and all subsequent amendments thereto;

(b) Develop a comprehensive statewide plan and establish priorities for the improvement of law enforcement, the prevention, reduction and treatment of juvenile delinquency, and the improvement of the juvenile justice system throughout the state;

(c) Define, develop, and correlate programs and projects for the state and the units of general local government, and public or private agencies within the state or for combination of such units and/or agencies or in combination with other states for improvement in law enforcement, in prevention and reduction of juvenile delinquency and in the juvenile justice system;

(d) Apply for, receive, disburse, allocate and account for, in accordance with the law and constitution of this state and the purpose of this act, any and all funds, grants-in-aid awards, gifts, grants of services, and property both real and personal, particularly including those funds made available pursuant to the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351), and any amendments thereto, and those funds made available pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415), and any amendments thereto;

(e) Receive applications for financial assistance from units of general local governments and combinations of such units, and disburse available federal and state funds to th-
applicant or applicants pursuant to the state plan for the improvement of law enforcement
and the federal law;

(f) Require the submission of reports and information from state and local law
enforcement agencies within this state.

SECTION 4. That Section 19-5114, Idaho Code, be, and the same is hereby amended
to read as follows:

19-5114. POLITICAL SUBDIVISIONS — AUTHORITY TO PARTICIPATE IN
PROGRAM. — The legislature of the state of Idaho hereby authorizes the political
subdivisions of this state to participate in the state's law enforcement program as
contemplated by the Omnibus Crime Control and Safe Streets Act of 1968, and any
amendments thereto, and to participate in the state's juvenile justice and delinquency
prevention program as contemplated by the Juvenile Justice and Delinquency Prevention
Act of 1974 (Public Law 93-415), and any amendments thereto, and to do all things
necessary to secure benefits available under that act.

Approved March 27, 1975.
CHAPTER 160  
(S.B.No. 1073, As Amended, As Amended in the House)  

AN ACT  
RELATING TO THE DISTRIBUTION OF LIQUOR FUNDS, REPEALING SECTION 67-4927, IDAHO CODE; ADDING A NEW SECTION 23-408, IDAHO CODE, ALLOCATING LIQUOR FUNDS TO CITIES OF THIRTY-FIVE THOUSAND OR MORE WHICH HAVE CREATED BOARDS OF PERFORMING ARTS COMMISSIONERS UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 23-404, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION OF SURPLUS LIQUOR FUNDS TO CITIES WHICH HAVE A BOARD OF PERFORMING ARTS COMMISSIONERS, AND LIMITING THE DISTRIBUTION TO SUCH CITIES; AMENDING SECTION 23-405, IDAHO CODE, TO SUBSTITUTE DEDUCTION FOR DISTRIBUTION TO A CITY WHICH HAS A BOARD OF PERFORMING ARTS COMMISSIONERS FOR DEDUCTION FOR DISTRIBUTION TO AN AUDITORIUM DISTRICT; AND AMENDING SECTION 32-2110A, IDAHO CODE, TO SUBSTITUTE A CITY WHICH HAS A BOARD OF PERFORMING ARTS COMMISSIONERS FOR AN AUDITORIUM DISTRICT.  

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

SECTION 1. That Section 67-4927, Idaho Code, be, and the same is hereby repealed.  

SECTION 2. That Chapter 4, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 23-408, Idaho Code, and to read as follows:  

23-408. SHARE OF LIQUOR FUND ALLOTTED TO BOARD OF PERFORMING ARTS COMMISSIONERS — QUALIFICATION. — Where any county which does not contain a junior college district or any portion thereof, or which contains a junior college district or any portion thereof existing for the sole purpose of retiring outstanding general obligation bonds of that junior college district and said district has sufficient moneys on deposit for the payment of such general bonds, and within that county has a city which has established a board of performing arts commissioners, and which city has a population of not less than thirty-five thousand (35,000) persons at the last decennial census, there shall be allocated to that city and paid to the treasurer thereof fifty per cent (50%) of the money apportioned to the county out of the liquor fund of the state of Idaho as provided by section 23-404, Idaho Code. Such funds thus received by any city shall be used as directed by the mayor and city council solely for the purpose of retiring bonded indebtedness or repaying other long term indebtedness which has been incurred to provide a performing arts center for such city.
In order to be certified, the city shall notify the Idaho liquor dispensary in writing that the city qualifies under the provisions of this section, and upon such certification, shall receive the fifty per cent (50%) of the moneys allocated to such county under section 23-404, Idaho Code.

SECTION 3. That Section 23-404, Idaho Code, be, and the same is hereby amended to read as follows:

23-404. DISTRIBUTION OF SURPLUS OF LIQUOR FUND. – Whenever the amount of money available on an annual basis from the liquor fund shall exceed the amounts provided for retention by the foregoing section, such excess shall be distributed on an annual basis as follows: Fifty per cent (50%) to the various counties of the state in the same proportion as the population of said counties bears to the total population of the state as shown by the last federal census, provided, however, that fifty per cent (50%) of all the money apportioned to any county embracing all or any part of a junior college district shall be distributed and paid to the treasurer of such junior college district, as provided by section 33-2113, Idaho Code, or to a certified auditorium district, as provided by section 67-4927, city which has a board of performing arts commissioners as provided by section 23-408, Idaho Code; seven and one half per cent (7 1/2%) to incorporated and specially chartered cities of the state in the same proportion as the population of said cities bears to the total population of all incorporated and specially chartered cities of the state as shown by the last federal census; four hundred thousand dollars ($400,000) of the remaining amount in the liquor fund shall be deposited to the credit of the permanent building fund; one million dollars ($1,000,000) of the remaining amount in the liquor fund shall be distributed to the incorporated and specially chartered cities of the state in the proportion and manner above provided, and at such time as the superintendent shall determine; one hundred twenty thousand dollars ($120,000) of the remaining amount in the liquor fund shall be remitted to the state law enforcement planning commission to match federal block grants under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351); four hundred thousand dollars ($400,000) of the state liquor fund shall be distributed to each of the several counties of the state and shall be paid directly to such counties, and this one-fourty-fourth (1/44) shall be kept by the counties in the county current expense fund without being subjected to further division of the redistribution required by section 23-405, Idaho Code; and six hundred fifty thousand dollars ($650,000) of the state liquor fund shall be paid to the cooperative welfare fund. The remainder of the state liquor fund shall be paid into the public school income fund defined by section 33-903, Idaho Code. Available amounts including surplus funds shall be distributed periodically but no less often than quarterly; for this purpose estimates of surplus funds shall be made subject to adjustment at the close of the proper annual period.

Whenever funds are distributed to the city for the purposes prescribed in section 23-408, Idaho Code, in no event shall the funds so distributed exceed two hundred seventy-five thousand dollars ($275,000) in any one (1) year. No one (1) city shall receive more than twenty (20) annual payments under the distribution provided for in section 23-408,
Idaho Code.

SECTION 4. That Section 23-405, Idaho Code, be, and the same is hereby amended to read as follows:

23-405. DISTRIBUTION BY COUNTIES. — Out of the moneys allocated to a county (after deduction, if any, of the amount allocated to a junior college district or to a city which has a board of performing arts commissioners if qualified and certified as provided in section 23-408, an auditorium district if qualified and certified as provided in section 67-4927, Idaho Code) fifty per cent (50%) thereof shall be by the board of county commissioners apportioned to the general fund of the county and the remaining fifty per cent (50%) shall be allocated to incorporated and specially chartered cities and villages situate therein in such proportion as the population of each bears to the total population of all cities and villages in the county, as shown by the last federal census, or any subsequent special census conducted by the United States bureau of the census, provided, that in case of a municipality incorporated subsequent to the last federal census, a certification of the population thereof by its governing board shall be accepted in lieu of the federal census.

SECTION 5. That Section 32-2110A, Idaho Code, be, and the same is hereby amended to read as follows:

32-2110A. TUITION OF OUT OF DISTRICT IDAHO STUDENTS, COUNTY TAXES AND OTHER FINANCIAL SUPPORT. — Any student residing in the area of a county outside of a junior college district or in a county without a junior college district, who has been a resident of the county and state for not less than six (6) months continuously prior to the date of his first enrollment in a junior college, which residence may not be acquired while attending and enrolled in a junior college above the twelfth grade, may enroll in any junior college in the state, and the county of his residence shall pay that portion of his tuition as hereinafter set out. Provided, however, no student residing in a junior college area which has a junior college district may attend another junior college in the state, with the county of his residence paying a portion of the tuition, unless the student, if he be of legal age, or the parent or guardian of such student makes application to the board of trustees of the junior college district of the junior college area in which such student resides, which application shall request the attendance of such student at another junior college in the state, with the county of his residence paying a portion of the tuition, unless the student, if he be of legal age, or the parent or guardian of such student makes application to the board of trustees of the junior college district of the junior college area in which such student resides, which application shall request the attendance of such student at another junior college in the state, with the county of his residence paying a portion of the tuition, and shall set forth the facts and reasons why such attendance should be authorized and, further, shall specify the junior college at which attendance is desired. Such board of trustees shall, not less than ten (10) days before the date such application is to be heard, enter its order for a hearing and give notice by mail to the applicant as to the time and place thereof. After hearing the same, if the board of trustees shall determine it to be in the best interest of such student to attend another junior college, with the county of his residence paying a portion of the tuition, and if the other junior college has agreed to accept such student, the board shall make and enter its order to that effect. Any such decision by the board of trustees of the junior college district may be appealed to and heard by the state board of education. The tuition which shall be paid by the resident county shall be that
portion of the tuition uniformly established by a junior college district for all out of district
students, both in state as well as out of state, pursuant to section 33-2110, Idaho Code, after deducting therefrom the amount of tuition paid by a resident student at such junior
college; however, the liability of the resident county shall not exceed two-thirds (2/3) the
total tuition charged and in no instance shall it exceed three hundred twelve dollars and
fifty cents ($312.50) each semester for a two-semester year for a full-time student. The
student shall pay the tuition and fees charged a student resident in the district, and the
balance, if any, of the nonresident student tuition above the maximum liability of the
county of his residence. No county shall be liable for such out of district tuition unless the
board of county commissioners of such county has first verified to the junior college in
writing the fact that such student is a resident of such county. The verification shall be
made to the college not less than ten (10) days prior to the first day of enrollment.

The nonresident tuition shall be established annually not later than August 1st and
shall be forthwith filed with the state board of education, together with a statement
supporting the computation thereof. Each junior college, by September 30 and March 1 of
each year, shall bill the county of residence of each nonresident student enrolled at the
commencement of each semester, and each board of county commissioners shall allow and
order paid any such bill for tuition at the first regular meeting following receipt of said bill,
but not exceeding forty-five (45) days after receipt. Upon failure of a county to pay such
tuition, a junior college district may commence action in the district court of the state of
Idaho for said county to collect the same.

For the payment of tuition of nonresident students as herein provided, there shall be
allocated in each county without a junior college district or qualified city which has a board
of performing arts commissioners as provided by section 23-408, auditorium-district
certified as provided by section 67-4927, Idaho Code, to a county junior college fund, and
paid to the county treasurer to be held in such fund, fifty per cent (50%) of all moneys
apportioned to the county (before the deduction of amounts, if any, allocated therefrom to
cities and villages) out of liquor funds of the state of Idaho as set forth in chapter 4, title 23,
Idaho Code, and said amount shall be deducted from the amount that would otherwise be
allocated to such county; provided, where an allocation in a county with an existing junior
college is made pursuant to section 33-2111, Idaho Code, the maximum liability of the
county for tuition for out of district but in county students shall be reduced by
proportioning the said liquor fund over all students of the county attending the junior
college in the county; and if such liquor funds are not sufficient to pay said tuition,
commencing for the calendar year 1966, the board of county commissioners shall levy upon
the taxable property within each county without a junior college district, and, in a county
with such a district, upon the taxable property within the county lying outside of the junior
college district, a tax not to exceed thirty cents (30¢) on each one hundred dollars ($100) of
assessed value, to be certified as set out in section 33-2111, Idaho Code. The proceeds of
such levy shall likewise be placed in the county junior college fund. Apportionment of
liquor funds herein provided shall commence for the fiscal quarter ending September 30,
Based upon the enrollment established by the first semester's tuition bills received by September 30, the board of county commissioners shall establish immediately a total junior college annual tuition budget for two (2) semesters which shall be equal to twice the amount of the tuition bills plus a contingency factor of ten per cent (10%). This budget shall be adjusted after March 1 based on any change of enrollment shown by the second semester tuition bills. If enrollment is from none to not more than four (4) students, a minimum budget of five (5) students at five hundred dollars ($500) each shall be established. In the event all tuition bills received have been paid, notwithstanding any other provision hereof, (a) any liquor funds received, which in the quarter when received to any extent are in excess of said budget, to the extent of such excess shall not be paid over to the county treasurer to be held in the junior college fund, and (b) any funds received from the levy on taxable property, which when received to any extent are in excess of said budget after the application of liquor funds thereto, to the extent of such excess shall not be paid over to the junior college fund. Said excess liquor funds shall be paid pursuant to law as if this section were not applicable thereto, and said excess funds shall be paid to the general fund of the county. In the event the total liquor fund payable hereunder to the county junior college fund together with the receipts from the levy on taxable property for each fiscal year are insufficient to pay tuition bills, which deficiency is caused by a levy of less than the maximum allowed hereunder, or by enrollment in excess of the budget herein provided, the budget for each following year shall be increased to the maximum allowed by the maximum tax levy authorized herein to pay any deficiency at the earliest time. If said deficiency is due to the lack of funds in a fiscal year when the maximum levy authorized hereunder shall have been made, for the next fiscal year thereafter the number of students from such county shall be limited by the board of county commissioners to the extent necessary to pay such deficiency not later than the end of the following year. Provided nevertheless, for the two (2) semesters commencing September, 1965 the board of county commissioners shall limit the junior college budget and total students to estimated liquor funds available on quarterly disbursements through June 30, 1966. Any limitation of students authorized herein shall be accomplished (a) on the basis of student grades and financial need, and (b) by each junior college notifying the county of residence of each student's application and such county shall accept or reject the application at least five (5) days prior to the tuition billing dates set out herein. A junior college shall nevertheless have a right to require any student residing outside the district to pay nonresident tuition if the county of his residence is more than twenty-five per cent (25%) in arrears of a total county tuition bill for one (1) year as of the beginning of the subsequent semester, but such tuition shall be refunded to such students when paid by the county.

Approved March 27, 1975.
CHAPTER 161
(S.B. No. 1215)

AN ACT
APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE DEPARTMENT OF PARKS AND RECREATION FOR THE COMPLETION OF THE WATER AND SEWER PROJECT IN HEYBURN STATE PARK; PROVIDING A METHOD TO REPAY MONEYS APPROPRIATED FOR THE PROJECT TO THE GENERAL FUND FROM THE PARK AND RECREATION CAPITAL IMPROVEMENT FUND; PROVIDING A METHOD OF PAYMENT OF ASSESSMENT BY PRIVATE LEASEHOLDERS; EXPRESSING LEGISLATIVE INTENT CONCERNING THE RETURN OF ANTICIPATED GRANT MONEYS FOR THE PROJECT AS PROVIDED FOR IN THE ENVIRONMENTAL PROTECTION AGENCY GRANT PROGRAM; EXEMPTING THE APPROPRIATION FROM THE PROVISIONS OF SECTION 67-5711, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated from the fund enumerated, or so much thereof as may be necessary, to the department of parks and recreation the following amount for the design, construction and related activities of a sewer and water system to be constructed upon state land located in Heyburn State Park, Benewah County, Idaho, for the period from the effective date of this act until such project is completed.

FOR:
Design, construction and related activities of sewer and water system
at Heyburn State Park

FROM:
General Fund

This appropriation shall be in addition to the moneys appropriated for this project by chapters 265 and 324, laws of 1974, which together with this appropriation total $2,144,415, which amount shall be repaid from the park and recreation capital improvement fund to the general fund as provided for in section 2.

SECTION 2. (1) An amount of $2,144,415 shall be repaid from the park and recreation capital improvement fund to the general fund. This amount is the amount which has been appropriated from the general fund of the state of Idaho for the water and sewer project at Heyburn State Park, and shall be repaid as follows:
(a) On July 1, 1975, the state auditor shall ascertain the amount accruing to the park and recreation capital improvement fund for the previous fiscal year. Any amount accruing to the park and recreation capital improvement fund during fiscal year 1974-75 in excess of the $252,000, as appropriated by chapter 314, laws of 1974, shall be transferred from the park and recreation capital improvement fund to the general fund.

(b) On July 1, 1976, the state auditor shall ascertain the amount accruing to the park and recreation capital improvement fund for the previous fiscal year. Any amount accruing to the park and recreation capital improvement fund during fiscal year 1975-76 in excess of $196,000, shall be transferred from the park and recreation capital improvement fund to the general fund.

(c) On July 1, 1977, and on each July 1 thereafter until the full amount of $2,144,415 has been transferred from the park and recreation capital improvement fund to the general fund, the state auditor shall transfer from the park and recreation capital improvement fund to the general fund any amount in excess of $60,000 accruing to the park and recreation capital improvement fund during the previous fiscal year.

SECTION 3. (1) Commencing with fiscal year 1975-76, the Idaho park and recreation board, through the department of parks and recreation, shall collect from the private lessees in Heyburn State Park an amount of $1,349,998. This amount is the principal only, and is the amount attributable to the demand for the water and sewer system created by cottages and float homes. Private lessees may repay their assessment in one (1) or a combination of the following methods:

(a) The private lessee may pay his assessment over a maximum period of twenty (20) years, in twenty (20) consecutive annual installments, to be as nearly equal in amount as possible. The annual installment shall also include payment of the interest on the unpaid balance of the principal due and owing, at a rate of seven per cent (7%) per year.

(b) The private lessee may pay the entire remaining amount of the principal of his assessment at one time, and shall only be liable for the interest oweable up to that date.

Amounts collected from private lessees to repay their assessments for the capital costs of the water and sewer project, including any applicable interest, shall be deposited in the park and recreation capital improvement fund, and shall be used only for the repayment of the $2,144,415, as set forth in section 2. Any amounts collected from lessees under this subsection shall be included as part of the next payment. Amounts collected from lessees under this subsection shall not be used for the financing of any other park project.

(2) The Idaho park and recreation board, through the department of parks and recreation, shall collect an amount of money from private lessees in Heyburn State Park which shall defray such lessees share of the operation and maintenance costs of the Heyburn State Park water and sewer project. Amounts collected to defray operation and maintenance costs shall be credited to the park and recreation fund.
(3) The assessments and fees provided for in paragraphs (1) and (2) of this section shall be in addition to the annual rental or cottage site lease fee. Each lessee shall annually be furnished an accurate and understandable recital of the annual lease fee, operation and maintenance assessment, and the principal and interest due and owing to the state.

SECTION 4. This project is eligible to receive $550,170 in state and federal funds as a sewer project grant, as a part of the environmental protection agency’s grant program, which is administered in Idaho by the department of health and welfare. It is not anticipated that such grant money will become available until fiscal year 1977. However, if this project does receive this grant money, before construction commences, it is legislative intent that this grant money shall be applied to the project, and the amount of the appropriation as set forth in section 1 of this act shall be reduced by the amount of the grant. If such grant becomes available and is applied to the project, the repayment amount of $2,144,415 as set forth in section 2 shall be reduced by $550,170, and the amount of $794,417 as set forth in section 2 shall be reduced by an amount of $181,556. Also, if such grant becomes available, the amount recoverable from the lessees, as set forth in section 3 of this act, shall be reduced by the amount of $368,614.

SECTION 5. The provisions of this act, to include all preliminary matters through completion of construction, are expressly exempt from the provisions of section 67-5711, Idaho Code.

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 27, 1975.
CHAPTER 162
(S.B.No. 1186, As Amended)

AN ACT
RELATING TO THE LIMITATION OF LIABILITY FOR AND UNDERWRITING THE
RISK OF PROVISION OF HEALTH CARE BY PHYSICIANS AND ACUTE CARE
HOSPITALS, TO BE KNOWN AS THE HOSPITAL-MEDICAL LIABILITY ACT;
STATING A DECLARATION OF NECESSITY AND PURPOSE; PROVIDING FOR
LIMITATION OF THE CIVIL LIABILITY OF PHYSICIANS AND OF HOSPITALS;
PROVIDING FOR SECURING OF LIABILITY INSURANCE BY PHYSICIANS
AND ACUTE CARE HOSPITALS AS A CONDITION OF LICENSURE, UNLESS
WAIVED AS PROVIDED IN THE ACT; PROVIDING UNLIMITED LIABILITY
FOR PHYSICIANS AND HOSPITALS NOT IN COMPLIANCE WITH THE ACT;
PROVIDING FOR COMPLIANCE WITH THE INSURANCE REQUIREMENTS OF
THE ACT BY PLANS, FOR SELF-INSURANCE, FOR DEDUCTIBLES AND FOR
ALTERNATIVE FILING OF CASH OR OTHER APPROVED BOND; PROVIDING
FOR CERTIFICATES OF INSURANCE TO BE FILED; PERMITTING SUCH
CERTIFICATION AND UNDERWRITING BY APPROVED ASSOCIATIONS OR
ENTITIES AND FOR APPROVED TRUST FUNDS OR RECIPROCAL OR
SELF-INSURANCE PROGRAMS; LIMITING REMEDIES FOR PROFESSIONAL
MALPRACTICE OR WRONGDOING AS AGAINST COMPLYING PHYSICIANS
AND HOSPITALS TO COMMON LAW NEGLIGENCE; PROVIDING THAT
COMMON LAW AND STATUTORY DEFENSES SHALL BE PRESERVED;
PROVIDING FOR WAIVER OF INSURANCE REQUIREMENTS UPON A
SHOWING OF INABILITY TO COMPLY WITH SUCH REQUIREMENTS DESPITE
REASONABLE AND GOOD FAITH EFFORT; PROVIDING FOR RULE MAKING
AUTHORITY IN THE DIRECTOR OF THE DEPARTMENT OF INSURANCE;
PROHIBITING UNREASONABLY LARGE CONTINGENT ATTORNEY FEES
AND DEFINING PRESUMPTIVELY UNREASONABLE FEES; DECLARING AN
EMERGENCY, FIXING AN EFFECTIVE DATE, AND REPEALING THE ACT.

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

SECTION 1. TITLE. − This act shall be known as the "Hospital-Medical Liability
Act."

SECTION 2. DECLARATION OF NECESSITY AND PURPOSE. − It is the
declaration of the legislature that appropriate measures are required in the public interest to
assure that a liability insurance market be available to persons licensed to practice medicine
and surgery, persons licensed to practice osteopathic medicine and surgery, all of whom are hereinafter referred to as physicians, and to licensed hospitals providing health care in this state and that the same be available at reasonable cost, thus assuring the availability of such hospitals and physicians for the provision of care to persons in the state. It is, therefore, further declared that a limitation upon and required underwriting of the potential liability of such licensed providers of health care is in the public interest and that all exposure to civil liability of such providers of health care on account of any error, omission, neglect or other wrongdoing in the provision of care or performance of its, his or her function as an acute care hospital or physician be limited and codified in and by this act.

SECTION 3. LIABILITY LIMITED. – Licensed physicians and licensed acute care hospitals providing health care in this state shall have a limit of liability, as such, to any one (1) claimant for or on account of any one (1) occurrence or to two (2) or more claimants on account of any one (1) occurrence, as hereinafter provided; and further, there shall be no civil liability of any kind of such hospitals or physicians for any error, omission, neglect or other wrongdoing in the provision of care or performance of its, his or her function as an acute care hospital or physician other than or beyond the limit of liability as provided herein.

SECTION 4. PHYSICIAN’S LIABILITY. – The limit of civil liability for damages of a licensed physician, as aforesaid, to or on the account of injury to or death of any one (1) patient arising out of any treatment or course of treatment shall be one hundred fifty thousand dollars ($150,000), and to or on account of injury to or death of two (2) or more patients arising out of any one (1) occurrence shall be an aggregate of three hundred thousand dollars ($300,000); provided, however, the provision of the above aggregate limit is not to be construed as extending or enlarging such exposure or liability to or on account of any one (1) patient.

SECTION 5. HOSPITAL LIABILITY. – The limit of civil liability for damages of a licensed acute care hospital, as aforesaid, to or on account of injury to or death of any one (1) patient arising out of any treatment or course of treatment shall be one hundred fifty thousand dollars ($150,000), and to or on account of injury to or death of any two (2) or more patients arising out of any one (1) occurrence shall be an aggregate of three hundred thousand dollars ($300,000) or the total of the number of patient hospital beds in the facility multiplied by ten thousand dollars ($10,000), whichever figure be greater; provided, however, the provision of the above aggregate limit is not to be construed as extending or enlarging such exposure or liability to or on account of any one (1) patient.

SECTION 6. INSURANCE. – Every acute care hospital and physician licensed to provide health care in this state shall, as a condition of securing and maintaining such licensure, unless the requirement therefor has been waived as provided in section 11 of this act, secure liability insurance underwriting the exposure to loss referred to in sections 4 and 5 of this act and shall file an appropriate certificate of insurance as hereinafter provided, confirming the existence of such insurance with at least such limits of liability at all times during which licensure remains valid. The liability of any such physician or hospital which
has complied with or obtained a waiver of the insurance requirements of this act at the time of provision of any health care from which a claim for liability arises shall be limited as provided in this act, but any such physician or hospital in violation of this act in providing such care in this state under the authority and image of a licensed physician or hospital without having complied with or obtained a waiver of the insurance requirements of this act shall, as respects any claim arising from such care or conduct, have unlimited liability upon any legal theory recognized at common law.

SECTION 7. SELF-INSURANCE, DEDUCTIBLES AND ALTERNATIVE COMPLIANCE ALLOWED. - (a) Any otherwise acceptable plan, fund or policy of insurance securing or underwriting exposure to liability under this act may provide a deductible or self-insurance arrangement to the extent of the first five thousand dollars ($5,000) of exposure on any one (1) claim or for an undivided portion equal to one-half ($10,000) of the first ten thousand dollars ($10,000) of exposure on any one (1) claim, without prejudice to the sufficiency of such underwriting or other provisions for securing financial responsibility for liability recognized hereunder; and provided further, any physician or hospital so complying shall not be deemed out of compliance by reason of such a self-insurance, deductible or like arrangement.

(b) Any such physician or hospital may also comply with the insurance requirements of this act by filing a cash or other bond in an amount and form approved by the director of the department of insurance which approval shall be granted upon a showing and the director's determination of the operational, actuarial and legal sufficiency thereof, assuring the required financial responsibility of such licensee and the timely, competent processing of claims in connection therewith.

SECTION 8. CERTIFICATE OF INSURANCE - PHYSICIANS. - Any physician licensed to practice medicine in this state shall, at the time and as a condition of securing or renewing such license, place on file with the Idaho board of medicine a certificate of insurance from a licensed insurance company authorized to do business in this state, certifying that liability insurance of the scope and limits required by this act is in effect for such licensee and shall remain in effect for such period of licensure unless notification of cancellation is first given to the board at least thirty (30) days in advance of cancellation. In compliance with this section any organized professional society made up of licensed physicians, any association or entity made up of licensed acute care hospitals or the state board of medicine, or any combination thereof, may apply to the director of the department of insurance for authorization to provide such certification based upon a reciprocal program organized and operated under chapter 41, title 29, Idaho Code, and such authorization may be provided with respect to all or any part of the required security and certification specified by this act, it being specifically provided that any combination of valid certificates may be accepted as compliance with the insurance requirements of this statute; provided, the director of the department of insurance shall grant such authorization only upon a determination made to his satisfaction that such proposal is legally, actuarially
and financially sound and is supported by competent management and administration to assure good standards of practices, including, but not limited to, competent claims processing and administration.

SECTION 9. CERTIFICATE OF INSURANCE – HOSPITALS. – Any acute care hospital licensed as such in this state shall, at the time and as a condition of securing or renewing and as a condition of continuing such license, place on file with the director of the department of health and welfare of the state of Idaho a certificate of insurance from a licensed insurance company authorized to do business in this state, certifying that liability insurance of the scope and limits required by this act is in effect for such licensee and shall remain in effect for such period of licensure unless notification of cancellation is first given to the department at least thirty (30) days in advance of cancellation. In compliance with this section any organized professional society made up of licensed physicians, any association or entity made up of licensed acute care hospitals or the state board of medicine, or any combination thereof, may apply to the director of the department of insurance for authorization to provide such certification based upon a reciprocal program organized and operated under chapter 41, title 29, Idaho Code, and such authorization may be provided with respect to all or part of the required security and certification specified by this act, it being specifically provided that any combination of valid certificates may be accepted as compliance with the insurance requirements of this statute; provided, the director of the department of insurance shall grant such authorization only upon a determination made to his satisfaction that such proposal is legally, actuarially and financially sound and is supported by competent management and administration to assure good standards of practices, including, but not limited to, competent claims processing and administration.

SECTION 10. REMEDIES AT COMMON LAW LIMITED. – In furtherance of the policies of this act and in the interest of the accomplishment of its goals, it is hereby provided that licensed physicians and hospitals which are, at the time of provision of such care, in compliance with or have obtained a waiver of the insurance requirements of this act as provided herein shall not be liable to any patient, his heirs or representative on account of professional malpractice or any other theory of civil liability arising out of the provisions of health care to or on behalf of such patient except upon the common law ground of negligence proximately causing such damages, and in those cases recovery shall be limited to compensatory damages not previously paid or satisfied by any other other person or from any other source. Common law and statutory defenses recognized by the law of Idaho shall continue in full force and effect and such claims shall be resolved in keeping with the general rules of law and civil procedure applicable to such claims and causes, except as expressly in this act otherwise provided.

SECTION 11. WAIVER OF INSURANCE REQUIREMENT. – Upon a showing by any physician or acute care hospital of inability to comply with the liability insurance requirements of this act, despite reasonable and good faith efforts to do so, the director of the department of insurance shall issue his order waiving such liability insurance
requirements as to that physician or hospital for a period not to exceed the term of the license sought to be secured or maintained. Such order of waiver may be filed in lieu of the certificate of insurance otherwise required by sections 8 or 9 of this act in order to secure or maintain such license. There shall be no limit as to the number of successive orders of waiver which may be issued to any physician or hospital, so long as a new showing is made as provided herein prior to issuance of each such order.

SECTION 12. RULE MAKING AUTHORITY. — The director of the department of insurance may promulgate rules, regulations and standards for the administration and implementation of the portions of this act concerning the actuarially sound underwriting or other securing of the limited liability provided by this act, including without limitation provisions for the form and scope of policies or certificates of insurance or like documentation contemplated by this act, and provisions and procedures for the showing required to obtain a waiver of the insurance requirements of the act.

SECTION 13. CLAIMANTS' CONTINGENT ATTORNEY FEES. — In the event any claimant or claimants seeking recovery for damages on account of medical malpractice against any hospital or physician enters into a contingent fee contract pursuant to which the attorney or attorneys representing such person or persons shall be compensated, it shall be unlawful for such attorney or attorneys to charge or collect an unreasonably large fee; further, such a fee, including reimbursed expenses, which in the aggregate equals or exceeds forty per cent (40%) of amounts recovered or collected shall be presumed to be unreasonable and uncollectible.

SECTION 14. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after June 1, 1975, and is hereby repealed on and after June 1, 1977.

Approved March 27, 1975.
CHAPTER 163
(S.B.No. 1229)

AN ACT
RELATING TO MEDICAL MALPRACTICE INSURANCE, DECLARING THE PURPOSE OF THE ACT; DEFINING TERMS; PROVIDING A TEMPORARY JOINT UNDERWRITING ASSOCIATION OF LIABILITY INSURERS TO WRITE MEDICAL MALPRACTICE INSURANCE, AND PROVIDING FOR ITS GOVERNING BODY AND INSTITUTION; PROVIDING A PLAN OF OPERATION UNDER WHICH INSURANCE IS SOLD AND ADMINISTERED; PROVIDING FOR POLICY FORM AND RATES, CANCELLATION, AND RECOUPMENT OF LOSSES; PROVIDING FOR THE STABILIZATION RESERVE FUND AND ITS ADMINISTRATION; ESTABLISHING PROCEDURES; PROVIDING FOR PARTICIPATION IN THE ASSOCIATION; PROVIDING FOR THE GOVERNING BOARD OF THE ASSOCIATION; PROVIDING FOR APPEALS AND JUDICIAL REVIEW; PROVIDING FOR ANNUAL STATEMENTS; PROVIDING THAT THE ASSOCIATION SHALL BE EXAMINED BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; ESTABLISHING PRIVILEGED COMMUNICATIONS; PROVIDING THAT PUBLIC OFFICERS SHALL SUFFER NO FORFEITURE OF OFFICE BY SERVING AS TRUSTEE; AND DECLARING AN EMERGENCY.

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

SECTION 1. DECLARATION OF PURPOSE. — The legislature finds that an emergency exists because of the high cost and impending unavailability of medical malpractice insurance as defined herein. The purpose of this act is to assure that the public is adequately protected against losses arising out of medical malpractice by providing licensed physicians, hospitals and other health care providers with medical malpractice insurance by requiring certain liability insurance carriers to write medical malpractice insurance for a period of two (2) years; and to establish an association to equitably spread the risks for such insurance; and to provide for recoupment of losses resulting from the operation of the association through a stabilization reserve fund contributed to by insureds, a surcharge on future liability insurance policies, or a favorable premium tax treatment.

It is the intent of the legislature to provide an interim solution to the high cost and impending unavailability of medical malpractice insurance. It is not anticipated that this legislation will resolve the underlying causes of the unavailability and high cost which extend beyond the insurance mechanism. It is anticipated that future legislation will be
devised to deal on a more permanent basis with the underlying causes of the current emergency.

SECTION 2. DEFINITIONS. — As used in this act:

1. "Association" means the joint underwriting association established pursuant to the provisions of this act.

2. "Commission" means the Idaho medical injury insurance reparations commission established pursuant to the provisions of this act.

3. "Director" means the director of the department of insurance.

4. "Medical malpractice insurance" means insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering professional service by any licensed physician, hospital, or other licensed health care provider.

5. "Net direct premiums" mean gross direct premiums written on liability insurance as defined in section 41-506(1)(c), Idaho Code, including the liability component of multiple peril package policies as computed by the director, less return premiums for the unused or unabsorbed portions of premium deposits.

SECTION 3. TEMPORARY JOINT UNDERWRITING ASSOCIATION. — 1. A temporary joint underwriting association is hereby created, consisting of all insurers authorized to write and engaged in writing, within this state, on a direct basis, liability insurance as defined in section 41-506(1)(c), Idaho Code, including insurers covering such perils in multiple peril package policies. Every such insurer shall be a member of the association and shall remain a member as a condition of its authority to continue to transact such kind of insurance in this state.

2. The purpose of the association shall be to provide, for a period not to extend beyond 12:01 a.m., June 1, 1977, a market for medical malpractice insurance on a self-supporting basis without subsidy from its members, pending the enactment of appropriate remedial legislation.

3. The association shall not commence underwriting operations for physicians until the director after due hearing and investigation has determined that medical malpractice insurance is not available under the standards contained in section 41-1405, Idaho Code, for physicians in the voluntary market on a reasonably competitive basis. Upon such determination the association shall be the exclusive agency through which medical malpractice insurance may be written in this state on a primary basis for physicians.

The association shall not commence underwriting operations for hospitals until the director, after due hearing and investigation, has determined that medical malpractice insurance is not readily available under the standards contained in section 41-1405, Idaho Code, for hospitals in the voluntary market on a reasonably competitive basis. Upon such determination the association shall be authorized to issue policies of medical malpractice insurance to hospitals but need not be the exclusive agency through which such insurance
may be written on a primary basis in this state.

The association shall not commence underwriting operations for other licensed health care providers until the director, after due hearing and investigation, has determined that medical malpractice insurance cannot be made available under standards contained in section 41-1405, Idaho Code, for a specific type of licensed health care provider in the voluntary market on a reasonably competitive basis. Upon such determination the association shall be the exclusive agency through which medical malpractice insurance may be written in this state on a primary basis for such specific type of health care provider.

If the director determines at any time that medical malpractice insurance can be made available in the voluntary market for either (i) physicians, (ii) hospitals, or (iii) any specific type of other licensed health care provider, the association shall thereby cease its underwriting operations for such medical malpractice insurance which he has determined can be made available in the voluntary market.

4. The association shall, pursuant to the provisions of this act and the plan of operation with respect to medical malpractice insurance, have the power on behalf of its members: (a) to issue, or to cause to be issued, policies of insurance to applicants, including incidental coverages and subject to limits as specified in the plan of operation but not to exceed one million dollars ($1,000,000) for each claimant under one (1) policy and three million dollars ($3,000,000) for all claimants under one (1) policy in any one (1) year; (b) to underwrite such insurance and to adjust and pay losses with respect thereto, or to appoint service companies to perform those functions; (c) to assume reinsurance from its members; and (d) to cede reinsurance.

SECTION 4. PLAN OF OPERATION. — 1. Within thirty (30) days following the creation of the association, the directors of the association shall submit to the director, for his review, a proposed plan of operation, consistent with the provisions of this article.

2. The plan of operation shall provide for economic, fair and nondiscriminatory administration and for the prompt and efficient provision of medical malpractice insurance, and shall contain other provisions including, but not limited to, preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of members to defray losses and expenses, commission arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers or other servicing arrangements and procedures for determining amounts of insurance to be provided by the association.

3. The plan of operation shall be subject to approval by the director after consultation with the members of the association, representatives of the public and other affected individuals and organizations. If the director disapproves all or any part of the proposed plan of operation, the directors shall, within fifteen (15) days, submit for review an appropriate revised plan of operation or part thereof. If the directors fail to do so, the director shall promulgate a plan of operation or part thereof, as the case may be. The plan
of operation approved or promulgated by the director shall become effective and operational upon order of the director.

4. Amendments to the plan of operation may be made by the directors of the association, subject to the approval of the director, or shall be made at the direction of the director.

SECTION 5. POLICY FORMS AND RATES. — 1. All policies issued by the association shall provide for a continuous period of coverage beginning with their respective effective dates and terminating automatically at 12:01 a.m. on June 1, 1977, unless sooner terminated in accordance with the provisions of this act. All such policies shall be subject to the group retrospective rating plan and the stabilization reserve fund authorized by this act. No policy form shall be used by the association unless it has been filed with the director and either (a) he has approved it or (b) thirty (30) days have elapsed and he has not disapproved it as misleading or violative of public policy.

2. The association may cancel any of its policies in the event of nonpayment of any stabilization reserve fund charge by mailing or delivering to the insured at the address shown on the policy, written notice stating when, not less than ten (10) days thereafter, cancellation shall be effective.

3. The rates, rating plans, rating rules, rating classifications, and territories applicable to the insurance written by the association and statistics relating thereto shall be subject to chapter 14, title 41, Idaho Code. All rates shall be on an actuarially sound basis, giving due consideration to the group retrospective rating plan and the stabilization reserve fund, and shall be calculated to be self-supporting. The director shall take all appropriate steps to make available to the association the loss and expense experience of insurers previously writing medical malpractice insurance in this state.

4. All policies issued by the association shall be subject to a nonprofit group retrospective rating plan to be approved by the director under which the final premium for all policyholders of the association, as a group, will be equal to the administrative expenses, loss and loss adjustment expenses and taxes, plus a reasonable allowance for contingencies and servicing. Policyholders shall be given full credit for all investment income, net expenses and a reasonable management fee, on policyholder supplied funds. The standard premium (before retrospective adjustment) for each policy issued by the association shall be established for portions of the policy period coinciding with the association’s fiscal year on the basis of the association’s rates, rating plans, rating rules, rating classifications and territories then in effect. The maximum final premium for all policyholders of the association, as a group, shall be limited as provided in subsection 5 of section 6 of this act. Since the business of the association is subject to the nonprofit group retrospective rating plan required by this subdivision, there shall be a strong presumption that the rates filed and premiums for the business of the association are not unreasonable or excessive.

5. The director shall examine the business of the association as often as he deems appropriate to make certain that the group retrospective rating plan is being operated in a
manner consistent with this section. If he finds that it is not being so operated, he shall issue an order to the association, specifying in what respects its operation is deficient and stating what corrective action shall be taken.

6. The association shall certify to the director the estimated amount of any deficit remaining after the stabilization reserve fund has been exhausted in payment of the maximum final premium for all policyholders of the association. Within sixty (60) days after such certification the director shall authorize the members of the association to commence recoupment of their respective shares of the deficit by one (1) of the following procedures: (a) applying a surcharge to be determined by the association at a rate not to exceed two per cent (2%) of the annual premiums on future policies affording those kinds of insurance which form the basis for their participation in the association under procedures established by the association, or (b) deducting their share of the deficit from past or future premium taxes due the state of Idaho. If the director fails within sixty (60) days to authorize one (1) of the above procedures, each member of the association may commence recoupment of its deficit by the second procedure described above. The association shall amend the amount of its certification of deficit to the director as the values of its incurred losses become finalized and the members of the association shall amend their recoupment procedure accordingly.

7. In the event that sufficient funds are not available for the sound financial operation of the association, pending recoupment as provided in subsection 6 of this section, all members shall, on a temporary basis, contribute to the financial requirements of the association in the manner provided for in section 8 of this act. Any such contribution shall be reimbursed to the members by recoupment as provided in subsection 6 of this section.

SECTION 6. STABILIZATION RESERVE FUND. — 1. There is hereby created a stabilization reserve fund. The fund shall be administered by three (3) trustees, one (1) of whom shall be the director or his deputy. The remaining two (2) trustees shall be appointed by the director. One (1) shall be a representative of the association; the other, a representative of its policyholders.

2. The trustees shall act by majority vote with two (2) trustees constituting a quorum for the transaction of any business or the exercise of any power of the fund. The trustees shall serve without salary, but each trustee shall be reimbursed for actual and necessary expenses incurred in the performance of his official duties as a trustee of the fund. The trustees shall not be subject to any personal liability or accountability with respect to the administration of the fund.

3. Each policyholder shall pay to the association a stabilization reserve fund charge equal to one-third (1/3) of each premium payment due for insurance through the association. Such charge shall be separately stated in the policy. The association shall cancel the policy of any policyholder who fails to pay the stabilization reserve fund charge.

4. The association shall promptly pay to the fund all stabilization reserve fund
charges which it collects from its policyholders and any retrospective premium refunds payable under the group retrospective rating plan authorized by this act.

5. All monies received by the fund shall be held in trust by a corporate fiduciary selected by the trustees. The corporate fiduciary may invest the monies held in trust, subject to the approval of the trustees. All investment income shall be credited to the fund. All expenses of administration of the fund shall be charged against the fund. The monies held in trust shall be used solely for the purpose of discharging when due any retrospective premium charges payable by policyholders of the association under the group retrospective rating plan authorized by this act. Payment of retrospective premium charges shall be made by the trustees upon certification to them by the association of the amount due. If all monies accruing to the fund are finally exhausted in payment of retrospective premium charges, all liability and obligations of the association’s policyholders with respect to the payment of retrospective premium charges shall thereupon terminate and shall be conclusively presumed to have been discharged. Any monies remaining in the fund after all such retrospective premium charges have been paid shall be returned to policyholders under procedures authorized by the trustees.

SECTION 7. PROCEDURES. – 1. Any licensed physician, hospital, or other licensed health care provider shall, on or after the effective date of the plan of operation, be entitled to apply to the association for such coverage. Such application may be made on behalf of an applicant by a broker or agent authorized by the applicant.

2. If the association determines that the applicant meets the underwriting standards of the association as prescribed in the plan of operation, then the association, upon receipt of the premium or such portion thereof as is prescribed in the plan of operation, shall cause to be issued a policy of medical malpractice insurance.

SECTION 8. PARTICIPATION. – 1. All insurers which are members of the association shall participate in its writings, expenses, servicing allowance, management fees and losses in the proportion that the net direct premiums of each such member (excluding that portion of premiums attributable to the operation of the association) written during the preceding calendar year bears to the aggregate net direct premiums written in this state by all members of the association. Each insurer’s participation in the association shall be determined annually on the basis of such net direct premiums written during the preceding calendar year, as reported in the annual statements and other reports filed by the insurer with the director.

SECTION 9. GOVERNING BOARD. – The association shall be governed by a board of eleven (11) members, to be elected annually. Eight (8) members of the board shall be elected by cumulative voting by the members of the association, whose votes in such election shall be weighted in accordance with each association member’s net direct premiums written during the preceding calendar year. Three (3) members of the board shall be appointed by the director as representatives of the medical profession. The eight (8) member companies serving on the first board shall be elected at a meeting of the members
of the association held at a time and place designated by the director. The director shall appoint the other three (3) members of the board serving on the first board on or before the date of such meeting.

SECTION 10. APPEALS AND JUDICIAL REVIEW. — 1. Any applicant to the association, any person insured pursuant to this act, or their representatives, or any affected insurer, may appeal to the director within thirty (30) days after any ruling, action or decision by or on behalf of the association, with respect to those items the plan of operation defines as appealable matters.

2. All orders of the director made pursuant to this act shall be subject to review in the district court of Ada County, provided, however, that notwithstanding any other provision of law, proceedings for review shall act as a stay of the enforcement of any order or decision of the director disapproving or ordering the withdrawal, adjustment or termination of the effectiveness of any rate filing made by or on behalf of the association on the ground that the rates or premiums for the business of the association are unreasonable or excessive and the association may continue to charge rates pursuant to such filing pending final order of the court.

SECTION 11. ANNUAL STATEMENTS. — The association shall file in the office of the director, annually on or before the first day of March, a statement which shall contain information with respect to its transactions, condition, operations and affairs during the preceding year. Such statement shall contain such matters and information as are prescribed and shall be in such form as is approved by the director. The director may, at any time, require the association to furnish additional information with respect to its transactions, condition or any matter connected therewith considered to be material and of assistance in evaluating the scope, operation and experience of the association.

SECTION 12. EXAMINATIONS. — The director shall make an examination into the affairs of the association at least annually. The expenses of every such examination shall be borne and paid by the association.

SECTION 13. PRIVILEGED COMMUNICATIONS. — There shall be no liability on the part of, and no cause of action of any nature shall arise against the association, the director or his authorized representatives, or any other person or organization, for any statements made in good faith by them during any proceedings or concerning any matters within the scope of this act.

SECTION 14. PUBLIC OFFICERS OR EMPLOYEES. — No trustee of the stabilization reserve fund who is otherwise a public officer or employee shall suffer a forfeiture of his office or employment or any loss or diminution in the rights and privileges appertaining thereto, by reason of his serving as trustee of the stabilization reserve fund.

SECTION 15. 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 27, 1975.
CHAPTER 164
(S.B.No. 1025, As Amended)

AN ACT
RELATING TO STATE EMPLOYEES; AMENDING SECTION 67-5302, IDAHO CODE, TO STRIKE CERTAIN DEFINITIONS AND PROVIDE THAT TEMPORARY EMPLOYEES MAY NOT WORK IN ONE DEPARTMENT MORE THAN EIGHT MONTHS IN A TWELVE-MONTH PERIOD; AMENDING SECTION 67-5303, IDAHO CODE, TO ALTER THE EXEMPTIONS FROM THE PERSONNEL SYSTEM; AMENDING SECTION 67-5307, IDAHO CODE, TO EXPAND MEMBERSHIP OF THE PERSONNEL COMMISSION TO FIVE MEMBERS; AMENDING SECTION 67-5309, IDAHO CODE, TO MAKE THE PERSONNEL COMMISSION RESPONSIBLE FOR SETTING A CLASSIFICATION PLAN AND A COMPREHENSIVE COMPENSATION PLAN FOR COVERED EMPLOYEES, PROVIDING A BASIS FOR ADOPTING THE COMPENSATION AND CLASSIFICATION SCHEDULE AND REQUIRING APPROVAL BY THE GOVERNOR AND LEGISLATURE BEFORE THEY CAN BE IMPLEMENTED, ALLOWING A HIRING DEPARTMENT TO CHOOSE FROM THE TOP FIVE OF THE EMPLOYMENT REGISTER, PROVIDING THAT EMPLOYEES MUST BE EVALUATED AT LEAST ANNUALLY, PREVENTING DISQUALIFICATION ON THE BASIS OF COLOR, SEX OR AGE, REQUIRING A RULE FOR PROJECT EXEMPT APPOINTMENTS; AMENDING SECTION 67-5309A, IDAHO CODE, TO PROVIDE FOR EMERGENCIES; AMENDING SECTION 67-5311, IDAHO CODE, TO SPECIFY WHAT POLITICAL ACTIVITY IS PERMISSIBLE ON THE PART OF STATE EMPLOYEES; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5317, IDAHO CODE, TO PROVIDE A LEGISLATIVE OVERVIEW COMMITTEE; AMENDING SECTION 67-5327, IDAHO CODE, TO ALTER THE DEFINITION OF OVERTIME WORK; AMENDING SECTION 67-5329, IDAHO CODE, TO BRING THE SECTION IN LINE WITH THE FAIR LABOR STANDARDS ACT; AMENDING SECTION 67-5330, IDAHO CODE, TO MAKE OVERTIME COMPENSABLE AT TIME AND ONE-HALF; REPEALING SECTIONS 67-5332 AND 67-5333, IDAHO CODE; AMENDING SECTION 67-5336, IDAHO CODE, TO PROVIDE THAT HOLIDAYS COUNT AS DAYS WORKED; AND AMENDING SECTION 67-2402, IDAHO CODE, TO
C.164 '75 IDAHO SESSION LAWS 435

PROVIDE THAT ADMINISTRATORS OF DIVISIONS ARE EXEMPT FROM THE PERSONNEL COMMISSION LAW IF DECLARED SO BY THE DIRECTOR.

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

SECTION 1. That Section 67-5302, Idaho Code, be, and the same is hereby amended to read as follows:

67-5302. DEFINITIONS. — 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. Such terms and their definitions are:

(a) "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and other characteristics, that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

(b) "Commission" means the Idaho personnel commission created by this act.

(c) "Department" means any department, agency or office of the state of Idaho.

(d) "Eligible" means a person who has been determined to be qualified for a position and whose name has been placed on the register of eligibles.

(e) "Emergency appointment" means appointment to a position for a period of time not to exceed sixty (60) days when an emergency exists and it is not possible or feasible to secure such person from a register.

(f) "Intermittent appointment" means appointment to a position on an intermittent basis not to exceed eight (8) months in any twelve (12) month period, such appointment to be made from among persons previously appointed from a register and employed for at least thirty (30) days before termination of such initial employment.

(g) "Non-competitive examination" means an examination given to a selected person to determine his qualifications for a position.

(h) "Open competitive examination" means an examination which may be taken by qualified applicants to compete on an equal basis for listing on the register of eligibles.

(i) "Participating department" means any department of the state of Idaho which employs persons in positions subject to this act except as participation is deferred in accordance with section 67-5304, Idaho Code.

(j) "Personnel system" means the procedure for administering employees in accordance with this act.

(k) "Political office" means a public office for which partisan politics is a basis for nomination, election or appointment.

(l) "Political organization" means a party which sponsors candidates for election to political office.

(m) "Position" means a group of duties and responsibilities legally assigned or delegated by one (1) or more appointing authorities and requiring the employment of one (1) person.

(n) "Provisional appointment" means appointment to a position pending the
establishment of a register for such position and employment shall not be continued in this status longer than thirty (30) days after establishment of a register.

(m) "Register" means a list of names of persons who have been determined to be eligible for employment in a position as determined on the basis of examination and merit factors as established by the commission.

(n) "Service rating" means a recorded evaluation of ability and performance of an employee by his supervisor.

(o) "Temporary appointment" means appointment from a register to a position which is not permanent in nature, and in which employment will not exceed eight (8) months during any twelve (12) month period. No person holding a temporary appointment may work in excess of eight (8) months during a twelve (12) month period of time for any one (1) department.

SECTION 2. That Section 67-5303, Idaho Code, be, and the same is hereby amended to read as follows:

67-5303. APPLICATION TO STATE EMPLOYEES. – All departments of the state of Idaho and all employees in such departments, except those employees specifically exempt, shall be subject to this act and to the system of personnel administration which it prescribes. Exempt employees shall be:

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

(b) Members of statutory boards and commissions and heads of departments appointed by and serving at the pleasure of the governor, and members of advisory boards and councils appointed by the departments.

(c) All employees and officers in the office, and at the residence, of the governor; and all employees and officers in the offices of the lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and state superintendent of public instruction who are appointed on and after the effective date of this act.

(d) Except as otherwise provided by law, not more than one (1) declared position for each board or commission and/or head of a participating department in addition to those declared to be exempt by other provisions of law.

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

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

(g) All employees of the Idaho Supreme Court and district courts.

(h) Assistant attorneys general attached to the office of the attorney general.

(i) Officers and members of the teaching staffs of state institutions and the professional staff of the Idaho department of education administered by the board of regents and the board of education, and members of the teaching staff of special education
projects administered by other departments of the state government and the professional staffs of the Idaho department of vocational education and vocational rehabilitation administered by the state board for vocational education. The word “officer” as used in this subsection means presidents, vice presidents, deans, or directors, or employees in any positions meeting all of the following criteria:

1. Answers directly to or is responsible to a person occupying an administrative position no lower than the dean or director level; and,
2. Is involved in or substantially participates in the development of policy; and,
3. Receives an annual salary of not less than the equivalent of step one (1) of pay grade twelve (12) of the state salary schedule; and,
4. Requires not less than an earned bachelor's degree from an accredited college or university, or equivalent as prescribed by the personnel commission.

(j) Employees of the Idaho military department under federal control or in a position for which membership in the Idaho national guard or Idaho air national guard is a condition of employment.

(k) Patients, inmates or students employed in state institution.

(l) Persons employed by emergency appointment. Persons employed in positions established under federal grants, which, by law, restrict employment eligibility to specific individuals or groups on the basis of nonmerit selection requirements. Such employees shall be termed “project exempt” and the tenure of their employment shall be limited to the length of the project grant, or twenty-four (24) months, whichever is of the shortest duration. No person hired on a project-exempt appointment shall be employed in any position allocated to the classified service.

(m) Persons retained under independent contract for special or temporary projects. Temporary employees.

(n) Persons employed in positions which are seasonal in nature in which employment will not exceed one thousand (1,000) working hours in any twelve (12) month working period.

(o) All employees and officers of the following named commodity commissions, and all employees and officers of any commodity commission created hereafter: the Idaho potato commission, as provided in chapter 12, title 22, Idaho Code; the Idaho honey advertising commission, as provided in chapter 28, title 22, Idaho Code; the Idaho bean commission, as provided in chapter 29, title 22, Idaho Code; the Idaho prune commission, as provided in chapter 30, title 22, Idaho Code; the Idaho hop grower's commission, as provided in chapter 31, title 22, Idaho Code; the Idaho wheat commission, as provided in chapter 33, title 22, Idaho Code; the Idaho pea and lentil commission, as provided in chapter 35, title 22, Idaho Code; the Idaho apple commission, as provided in chapter 36, title 22, Idaho Code; the Idaho cherry commission, as provided in chapter 37, title 22, Idaho Code; the Idaho mint grower's commission, as provided in chapter 38, title 22, Idaho Code; the state board of sheep commissioners, as provided in chapter 1, title 25, Idaho Code; the state brand board, as provided in chapter 11, title 25, Idaho Code; the Idaho beef
council, as provided in chapter 29, title 25, Idaho Code; and the Idaho dairy products
commission, as provided in chapter 31, title 25, Idaho Code.

 Ngoài All inspectors of the fresh fruit and vegetable inspection service of the Idaho
department of agriculture.

SECTION 3. That Section 67-5307, Idaho Code, be, and the same is hereby amended
to read as follows:

67-5307. ORGANIZATION OF COMMISSION. — (1) The Idaho personnel
commission created by this act shall consist of three (3) five (5) members, not more than
two (2) three (3) of which at any time may belong to the same political party. The members
of the commission shall be appointed by the governor on the basis of experience in
personnel management, business or governmental management and their known sympathy
with merit principles for the impartial selection of efficient state government employees;
provided, however, that at least two (2) of the members shall have had at least five (5) years
of personnel management experience.

(2) Members of the commission shall be appointed for overlapping terms of six (6)
years, except that in the first instance one (1) member shall be appointed for two (2) years,
one (1) member for four (4) years and one (1) member for six (6) years. Initial members
shall be appointed to take office within thirty (30) days after the effective date of this act.
The members of the personnel commission serving on the effective date of this act shall
continue in office subject to the provisions of this act. The additional members of the
commission shall be appointed one (1) for four (4) years and one (1) for six (6) years, the
term of each to be designated by the governor. Their successors shall be appointed for terms
of six (6) years. If, for any reason, a member should leave the commission before his term
expires, the governor shall appoint another member to fill out the unexpired term.

(3) No member of the commission shall hold political office or be an officer of a
political organization during his term, nor shall any member have held political office or
have been an officer of a political organization during the twelve (12) months preceding his
appointment. No member of the commission shall have been employed as an official or
employee of the state of Idaho during the twelve (12) months preceding his appointment,
nor be so employed during his term. At its first meeting the commission shall elect one (1)
of the members as chairman. Thereafter, the chairman shall be elected during the first
meeting of each calendar year.

(4) Any department aggrieved by any action or inaction of the commission shall be
afforded an opportunity for a hearing before the commission upon request therefor in
writing. Minutes or summary of the proceedings of all hearings shall be made and filed with
the commission, together with findings of fact and conclusions of law made by the
commission.

(5) The governor may remove a commissioner for inefficiency, neglect of duty or
misconduct in office after first giving him a copy of charges against him and an opportunity
to be heard publicly before the governor. A copy of the charges and a transcript of the
record of the hearing shall be filed with the secretary of state.
(6) The commission shall meet at regularly scheduled intervals or on call of the chairman. **Two (2) Three (3)** members shall constitute a quorum for the transaction of business. Members shall each be paid an honorarium of **$25.00 twenty-five dollars** per day, not to exceed sixty (60) days in any calendar year, when on official business of the commission and shall be reimbursed for ordinary and actual travel expenses, including subsistence, incurred in accordance with regulations applicable to other state employees.

SECTION 4. That Section 67-5309, Idaho Code, be, and the same is hereby amended to read as follows:

67-5309. RULES OF THE PERSONNEL COMMISSION. — The commission shall have the power and authority to adopt, amend, or rescind such rules and regulations as may be necessary for proper administration of this act. Such rules shall include:

(a) A rule requiring the personnel commission, after consulting with each department, to develop, adopt, and make effective after approval by the commission, a classification plan for positions covered by this act, based upon an analysis of the duties and responsibilities of the position. The classification plan will include an appropriate title for each class, and a description of duties and responsibilities of positions in the classes and requirements of minimum training, experience and other qualifications, suitable for the performance of duties of the position.

(b) A rule requiring the personnel commission, after consulting with each department and the director of administration acting for the governor, to develop, adopt and make effective after approval by the commission and the director of administration acting for the governor, a comprehensive compensation plan for all classes of positions covered under this act. The compensation plan shall include salary schedules with the salary of each position consistent with the responsibility and difficulty of the work as outlined in the job specifications. Initial, intervening, and maximum rates of pay and longevity allowance for each class shall be established to provide for steps in salary advancement without change of duty in recognition of demonstrated quality of service and length of service. The commission shall adopt a compensation and classification schedule providing pay scales comparable to rates paid by private industry and government, based upon salary surveys projected as hereinafter set forth, conducted during each calendar year preceding each regular session of the legislature. The results of such surveys shall be projected to the anticipated time of implementation of the revised, adopted schedules based upon statistical, historical, and other economic factors. Such factors may include, but are not limited to, known anticipated salary adjustments for the positions surveyed, changes in cost of living as measured by the consumer price index, and historical and anticipated adjustments in the average weekly wage in the state of Idaho, as defined and determined pursuant to section 72-409, Idaho Code. A prevailing rate salary adjustment shall not be made except as a portion of compensation plan as herein provided. Before such a comprehensive compensation plan can be made effective, it must be approved by the administrator, division of budget, policy planning and coordination, acting for the governor. The compensation schedule in the plan shall be presented by concurrent resolution to the
legislature by the forty-fifth day of the regular session for its consideration. Such schedule, if approved, shall become effective on the following July 1st. If a comprehensive compensation plan is not approved, the compensation plan then in effect will be continued. It shall be the policy of the commission to maintain pay scales comparable to compensation for equivalent grades in industry and government.

(c) A rule requiring that all classes of positions which are common to the departments concerned shall have the same titles, minimum requirements and compensation.

(d) A rule providing for not less than biennial review by the commission and department heads of the personnel system including classification and compensation plans, policies and procedures.

(e) A rule requiring fair and impartial selection of appointees to all positions other than those exempted in this act, on the basis of open competitive merit examinations. An application for an examination will be accepted after the closing date of the examination from a person who was serving in the armed forces, or undergoing hospitalization of no more than one (1) year following discharge, during any period in which the examination was open; the application must be submitted within one hundred twenty (120) days of separation from the armed forces or hospitalization and prior to the expiration of the register established as a result of the examination. A disabled veteran may file an application at any time for any position for which the commission maintains a register or for which a register is about to be established, provided he or she has not already been examined twice for the same position and grade for which application is made, does not have current eligibility on that register, or is not serving in a competitive position in the same grade for which application is made. Examinations may be assembled or unassembled and may include various examining techniques such as rating of training and experience, written tests, oral interviews, recognition of professional licensing, performance tests, investigations and any other measure of ability to perform the duties of the position. Examinations shall be scored objectively. Five (5) points shall be added to the earned rating of any war veteran and the widow of any war veteran as long as she remains unmarried; provided however, that the five (5) point preference shall not be granted to any person who has served in the armed forces for a period of more than twelve (12) years and is receiving, or is eligible to receive, retirement pay from the United States solely as a result of length of service in the armed forces. Ten (10) points shall be added to the earned rating of any disabled war veteran, the widow of any disabled war veteran as long as she remains unmarried or the spouse of any disabled veteran who himself is physically unable to perform the work in the position to which the spouse seeks to apply the preference. Employment registers shall be established in order of final score except that the names of all five (5) point preference eligibles resulting from any merit system or civil service examination shall be placed on the register in accordance with their augmented rating, and the names of all ten (10) point preference eligibles shall be placed at the top of on the register above the names of all
Public personnel systems shall include the following rules:

(a) Certification of eligibility for appointment to vacancies shall be in accordance with a formula which limits selection by the hiring department from among the three (3) five (5) top ranking available eligibles, plus the names of all individuals with scores identical to the fifth ranking eligible on the register; however, selective certification shall be permitted when justified by the hiring department, under rules to be made by the commission defining adequate justification based on the duties and requirements of the position. Such examinations need not be held until after the rules have been adopted, the service classified and a pay plan established, but shall be held not later than one (1) year after departments commence participation in the personnel system.

(f) A rule that, whenever practicable, a vacancy in a classified position shall be filled by the promotion of a qualified permanent employee of the agency in which the vacancy occurs. An inter-agency promotion shall be made through competitive examination and all qualified state employees shall have the opportunity to compete for such promotions. If an employee's name appears within certifiable range on a current register for a higher class of position, he shall be eligible for a transfer and promotion.

(g) A rule for development and maintenance of a system of service ratings and the use of such ratings by all departments in connection with promotions, demotions, retentions, separations and reassignments. The rule shall require that an evaluation of each classified employee shall be made at least annually, and that a copy of the evaluation shall be filed with the commission.

(h) A rule prohibiting disqualification of any person from taking an examination, from appointment to a position, from promotion, or from holding a position because of race or national origin, color, sex, age, political or religious opinions or affiliations, or other nonmerit factors, and providing for right of appeal.

(i) A rule for cooperation with other public personnel agencies whose merit or civil service systems operate in accordance with standards comparable with those provided in this act and the rules of the commission.

(j) A rule establishing a probation period not to exceed a stipulated period of time, and for the appointing authority to notify the commission and the employee in writing prior to the expiration of the probationary period concerning satisfactory or unsatisfactory performance. Employees who during the probationary period are performing in an unsatisfactory manner may be asked to resign and, upon failure to submit such resignation, may be discharged without the right of appeal. The appointing authority must notify the commission and the employee in writing in order for the probationer to become a permanent employee.

(k) A rule concerning noncompetitive, emergency and provisional appointments.

(l) A rule concerning intermittent and temporary appointments.

(m) A rule governing the employment of consultants and persons retained under independent contract.
(n) A rule for the discharge or reduction of rank or grade or disciplining of permanent employees only for cause with reasons given in writing. Such rule shall provide that any of the following reasons shall be proper cause for the discharge, reduction of rank or grade, or suspension of any employee in the state classified service:

1. Failure to perform the duties and carry out the obligations imposed upon him by the state constitution, state statutes, rules and regulations of his department, or rules and regulations of the personnel commission.
2. Inefficiency, incompetency, or negligence in the performance of duties.
3. Physical or mental incapability for performing assigned duties.
4. Refusal to accept a reasonable and proper assignment from an authorized supervisor.
5. Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in his department.
6. Intoxication on duty.
7. Careless, negligent, or improper use or unlawful conversion of state property, equipment or funds.
8. Use of any influence which violates the principles of merit system in an attempt to secure a promotion or privileges for individual advantage.
9. Conviction of official misconduct in office, or conviction of any felony, or conviction of any other crime involving moral turpitude.
10. Acceptance of gifts in exchange for influence or favors given in his official capacity.
11. Habitual pattern of failure to report for duty at the assigned place and time.
13. Unauthorized disclosure of confidential information from official records.
15. Misstatement or deception in his application for the position.
16. Failure to obtain or maintain a current license or certificate lawfully required as a condition for performing his duties.
17. Prohibited participation in political activities.

(o) A rule to establish procedures for maintenance of a record of the employment history and appropriate information relating to performance of all employees under the personnel system.

(p) Rules to provide for recruitment programs in cooperating with department heads and the employment security agency in keeping with current employment conditions and labor market trends.

(q) Rules to establish procedures for examinations as necessary for the purpose of maintaining current registers from which to fill employment vacancies.

(r) Other rules not inconsistent with the foregoing provisions of this section as may be necessary and proper for the administration and enforcement of this act.

(s) A rule concerning "project exempt" appointments.
SECTION 5. That Section 67-5309A, Idaho Code, be, and the same is hereby amended to read as follows:

67-5309A. ESTABLISHMENT AND ADOPTION OF EMPLOYEE GRIEVANCE PROCEDURE. — (1) Each participating department shall, on or before January 1, 1974, establish and adopt an employee grievance procedure within such department, which shall be reduced to writing and be approved by the Idaho personnel commission. A copy of the approved grievance procedure plan shall be furnished and explained to each employee of the department concerned. No employee shall be disciplined or otherwise prejudiced in his employment for exercising his rights under the plan, and department heads shall encourage the use of the plan in the resolution of grievances arising in the course of public employment. As used in this act, grievances may include, but are not necessarily limited to, classification, annual leave, sick leave, dismissal, suspensions, involuntary transfers, promotions and demotions. Compensation shall not be deemed a proper subject for consideration under the grievance procedure except as it applies to alleged inequities within a particular agency or department.

(2) No action of a participating department relating to classification, dismissal, suspension, involuntary transfer or demotion shall be effective until the affected employee shall have had the opportunity to complete the grievance procedure adopted pursuant to subsection (1) hereof, unless such employee shall have waived his rights to proceed thereunder in writing; provided, however, upon application to the director of the commission by the department and a showing that the matter is of an emergency nature, the director of the commission may approve the immediate implementation of the department action. However, such approval shall not deprive the employee of his right to proceed pursuant to the grievance procedure nor of his right to seek other remedies pursuant to the provisions of chapter 53, title 67, Idaho Code.

The term "emergency" as used in this section shall mean a sudden unforseen set of facts requiring immediate action to avoid irreparable harm to the role or mission of the participating department. Before invoking the emergency procedure provided for herein, the department shall give written notice to the employee of its intent to invoke such procedure and of the facts constituting such emergency, and shall furnish proof of such notice to the state personnel director.

(3) If the grievance concerns a matter which is reviewable pursuant to section 67-5316, Idaho Code, the time for appeal to the commission shall not commence to run until the employee has completed the grievance procedure provided by the department in accordance with the terms thereof; provided, however, the failure of an employee to pursue the grievance procedures established within his department shall constitute a waiver of the employee's right of review by the commission.

(4) Any grievance procedure adopted by a department shall contain the following minimum requirements:

(a) procedure requiring prompt resolution of the grievance and establishing time periods for each step of the procedure,
(b) provision for impartial review of the grievance which may include review by persons not connected with the particular department,

(c) procedure guaranteeing the employee the right to be represented by a person of his own choosing at each step of the procedure, except the initial informal discussion with his immediate supervisor.

SECTION 6. That Section 67-5311, Idaho Code, be, and the same is hereby amended to read as follows:

67-5311. LIMITATION OF POLITICAL ACTIVITY. — (1) No employee of a state department covered by this act, except those hereinbefore exempt, shall:

(a) Use his official authority or influence for the purpose of interfering with an election to or a nomination for office, or affecting the result thereof, or

(b) Directly or indirectly coerce, attempt to coerce, command, or direct any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes.

(2) No such officer or employee shall take any active part in political organization management. All such employees shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates:

(a) Register and vote in any election;

(b) Express his opinion as an individual privately and publicly on political subjects and candidates;

(c) Display a political picture, sticker, badge, or button;

(d) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization;

(e) Be a member of a political party or other political organization and participate in its activities;

(f) Attend a political convention, rally, fund-raising function, or other political gathering;

(g) Sign a political petition as an individual;

(h) Make a financial contribution to a political party or organization;

(i) Take an active part, in support of a candidate, in an election;

(j) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

(k) Serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by state or local law; and

(l) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise the neutrality, efficiency, or integrity of his administration of state functions.
SECTION 7. That Chapter 53, 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 67-5317, Idaho Code, and to read as follows:

67-5317. LEGISLATIVE OVERVIEW. — A committee of members of the house and senate state affairs committee of the legislature is hereby created to review and make recommendations to the personnel commission on all aspects of the personnel system, including policies, wages and salaries. The chairmen of the respective committees shall serve as co-chairmen of the committee. The committee shall meet at such times and places as the co-chairmen shall direct. Members of the committee shall receive twenty-five dollars ($25.00) per day for each day of actual attendance at committee meetings and shall be reimbursed for their out-of-pocket expenses from legislative funds.

SECTION 8. That Section 67-5327, Idaho Code, be, and the same is hereby amended to read as follows:

67-5327. DEFINITIONS. — The following terms as used in this act are hereby defined as follows:

(a) “Appointing authority” means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to make appointments to or employ personnel in any department.

(b) “Classified employee” means any person appointed to or holding a position in any department of the state of Idaho which position is subject to the provisions of chapter 53, title 67, Idaho Code.

(c) “Department” means any department, agency, institution or office of the state of Idaho.

(d) “Holiday” means the following:
January 1 (New Year’s Day);
Third Monday in February (Washington’s Birthday);
Last Monday in May (Decoration Day);
July 4 (Independence Day);
First Monday in September (Labor Day);
Second Monday in October (Columbus Day);
November 11 (Veterans Day);
Fourth Thursday in November (Thanksgiving);
December 25 (Christmas).

In addition, the term “holiday” shall mean any day so designated by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday.

(e) “Overtime work” means time worked in excess of eight (8) hours in a period of twenty-four (24) consecutive hours or in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours or, in the case of those employees covered, any work week established for an employee under the provisions of the Fair Labor Standards Act of 1938, as amended.
(f) "Vacation leave" means a period of exemption from work granted to employees during which time said employees shall be compensated. The term shall not include compensatory time for overtime work.

SECTION 9. That Section 67-5329, Idaho Code, be, and the same is hereby amended to read as follows:

67-5329. ALTERNATIVE TO CASH FOR OVERTIME – COMPENSATORY TIME. – Unless specifically exempted by provisions of this act, employees shall be entitled to payments in cash for overtime work performed. Each appointing authority shall provide compensation for overtime work; provided, however, as an alternative to providing cash compensation for overtime work, appointing authorities may provide compensatory time for such overtime work in an individual employee’s normal work week in lieu of cash compensation. Compensatory time which has been earned but not taken within six (6) months of the time it was earned shall be paid in cash compensation not later than the end of the first payroll period following the expiration of the six (6) months herein described. Compensatory time shall be allowed in those instances where an employee has been required to perform his duties on a holiday. In the event that a holiday occurs on the normal and usual day off of any employee, the employee shall be granted compensatory time. In the event that a holiday occurs on a Saturday, the preceding Friday shall be granted and if the holiday falls on Sunday, the following Monday shall be granted for compensatory purposes.

Executive, administrative and professional classes as determined by the provisions of this act, Fair Labor Standards Act of 1938, as amended, shall receive compensatory time credit but shall not receive overtime payments in cash.

SECTION 10. That Section 67-5330, Idaho Code, be, and the same is hereby amended to read as follows:

67-5330. RATE OF OVERTIME COMPENSATION. – Cash compensation for overtime shall be at one and one-half (1½) times the hourly rate for that employee’s grade, class and step contained in the established compensation schedule of the Idaho personnel commission, except as provided in section 67-5332.

SECTION 11. That Sections 67-5332 and 67-5333, Idaho Code, be, and the same are hereby repealed.

SECTION 12. That Section 67-5336, Idaho Code, be, and the same is hereby amended to read as follows:

67-5336. PAID HOLIDAYS – EXEMPTION FROM HOLIDAY WORK. – All holidays as defined herein are declared to be compensable days worked for the normal work week of employees. Employees shall be exempt from work in state service on days declared by this act to be a holiday, subject to the provisions of sections 67-5328 and 67-5329, Idaho Code.

SECTION 13. That Section 67-2402, Idaho Code, be, and the same is hereby amended to read as follows:

67-2402. STRUCTURE OF THE EXECUTIVE BRANCH OF IDAHO STATE GOVERNMENT. – (1) Pursuant to section 20, article IV, Idaho constitution, all executive
and administrative offices, agencies, and instrumentalities of the executive department of
state, except for those assigned to the elected constitutional officers, are allocated among
and within the following departments:

Department of administration
Department of agriculture
Department of correction
Department of employment
Board of examiners
Department of finance
Department of fish and game
Department of health and welfare
Department of insurance
Idaho transportation department
Industrial commission
Department of labor and industrial services
Department of lands
Department of law enforcement
Department of parks and recreation
Department of revenue and taxation
Department of self-governing agencies
Department of water resources
State board of education

(2) The governor, lieutenant governor, secretary of state, state auditor, state
reassurer, attorney general and superintendent of public instruction each heads a
constitutional office.

(3) For its internal structure, unless specifically provided otherwise, each department
shall adhere to the following standard terms:

(a) The principal unit of a department is a division. Each division shall be headed
by an administrator. The administrator of any division –shall may be exempt
from the provisions of chapter 53, title 67, Idaho Code, if declared exempt by
the director of the department at the time of the creation of the division.

(b) The principal unit of a division is a bureau. Each bureau shall be headed by a
chief.

(c) The principal unit of a bureau is a section. Each section shall be headed by a
supervisor.

SECTION 14. All state employees exempt from the personnel commission shall be
compensated at a level as close as is practical to comparable classifications in classified
service.

Approved March 27, 1975.
AN ACT
AMENDING SECTION 1, CHAPTER 259, LAWS OF 1974, TO PROVIDE A STATEMENT OF INTENT FOR INCREASED APPROPRIATIONS TO THE OFFICE OF THE GOVERNOR; AMENDING SECTION 2, CHAPTER 259, LAWS OF 1974, BY INCREASING THE APPROPRIATION FROM THE GENERAL FUND BY THE AMOUNT OF $33,400 TO THE OFFICE OF THE GOVERNOR AND DESIGNATING A NEW PROGRAM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 259, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 1. It is legislative intent that the expenditures for the Office of the Governor not exceed the following amounts for the period July 1, 1974, through June 30, 1975:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Fund</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>2,109,400</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Dedicated Funds:</td>
</tr>
<tr>
<td></td>
<td>Idaho Development &amp; Publicity Fund</td>
</tr>
<tr>
<td></td>
<td>Public Employee Retirement Fund</td>
</tr>
<tr>
<td></td>
<td>Liquor Fund</td>
</tr>
<tr>
<td></td>
<td>State Insurance Fund</td>
</tr>
<tr>
<td></td>
<td>Federal Funds:</td>
</tr>
<tr>
<td></td>
<td>Urban Planning Project Fund</td>
</tr>
<tr>
<td></td>
<td>State Planning Fund</td>
</tr>
<tr>
<td></td>
<td>Human Rights Fund</td>
</tr>
<tr>
<td></td>
<td>Idaho Commission for the Blind Fund</td>
</tr>
<tr>
<td></td>
<td>Adjutant General Receipts Fund</td>
</tr>
<tr>
<td></td>
<td>Radiological Instrument Repair Fund</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>4,228,625</td>
</tr>
<tr>
<td>TOTAL</td>
<td>12,365,346</td>
</tr>
</tbody>
</table>

$5,321,018 + $2,541,973 + $240,330 + $4,228,625 = $12,991,946

$2,109,400 + $12,365,346 = $14,474,746
Civil Defense Fund 36,578
Law Enforcement Planning Commission Fund 3,947,221
Receipts to Appropriations 48,100
TOTAL $12,331,946
$12,365,346

SECTION 2. That Section 2, Chapter 259, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Office of the Governor, for the functions to be performed by the Governor, the following amounts to be expended for designated programs according to expense classes designated therein from the listed fund for the period July 1, 1974, through June 30, 1975:

A. ADMINISTRATION PROGRAM:
   FOR:
   Personnel Costs $165,905
   Operating Expenditures 72,135
   Capital Outlay 2,000
   TOTAL $240,040
   FROM:
   General Fund $240,040

B. RESIDENCE PROGRAM:
   FOR:
   Personnel Costs $ 5,600
   Operating Expenditures 6,760
   Capital Outlay 2,000
   TOTAL $14,360
   FROM:
   General Fund $14,360

C. EXPENSE ALLOWANCE PROGRAM:
   FOR:
   Operating Expenditures $ 5,000
   TOTAL $ 5,000
   FROM:
   General Fund $ 5,000

D. INTERN PROGRAM:
   FOR:
   Personnel Costs $ 6,400
   TOTAL $ 6,400
   FROM:
   General Fund $ 6,400
E. PACIFIC NORTHWEST REGIONAL COMMISSION PROGRAM:

FOR:

Trustee and Benefit Payments $ 33,400
TOTAL $ 33,400

FROM:

General Fund $ 33,400

GRAND TOTAL $265,800 $299,200

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 27, 1975.
AN ACT
AMENDING SECTION 1, CHAPTER 216, LAWS OF 1974, TO PROVIDE A STATEMENT
OF INTENT FOR INCREASED APPROPRIATIONS TO THE STATE AUDITOR;
AMENDING SECTION 2, CHAPTER 216, LAWS OF 1974, RELATING TO THE
APPROPRIATION TO THE STATE AUDITOR FOR THE PERIOD JULY 1, 1974,
THROUGH JUNE 30, 1975; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 216, Laws of 1974, be, and the same is hereby
amended to read as follows:

SECTION 1. It is legislative intent that the expenditures for the State Auditor not
exceed the following amounts for the period July 1, 1974, through June 30, 1975:
FOR:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$835,033</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$632,017</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$797,217</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$2,497,467</td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$1,157,100</td>
</tr>
<tr>
<td>Interaccount Billings</td>
<td>$350,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$1,515,200</td>
</tr>
</tbody>
</table>

SECTION 2. That Section 2, Chapter 216, Laws of 1974, be, and the same is hereby
amended to read as follows:

SECTION 2. There is hereby appropriated to the State Auditor for the functions to
be performed by the State Auditor, the following amounts to be expended for designated
programs, according to expense classes designated therein from the listed funds for the
period July 1, 1974, through June 30, 1975:
<table>
<thead>
<tr>
<th><strong>A. AUDITING, PRE-AUDIT &amp; ACCOUNTING PROGRAM:</strong></th>
<th><strong>FROM</strong></th>
<th><strong>FROM</strong></th>
<th><strong>TOTAL</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FOR:</strong></td>
<td><strong>GENERAL</strong></td>
<td><strong>INTERACCOUNT</strong></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$247,343</td>
<td>$</td>
<td>$297,343</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>54,528</td>
<td>16,000</td>
<td>70,528</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>1,950</td>
<td></td>
<td>1,950</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$304,422</td>
<td>$16,000</td>
<td>$320,422</td>
</tr>
</tbody>
</table>

**B. COMPUTER DATA CENTER PROGRAM:**

| **FOR:**                                      | **FROM** | **TOTAL** |
| Personnel Costs                               | $403,470 | $403,470 |
| Operating Expenditures                        | 322,479  | 726,689  |
| Capital Outlay                                | 28,100   | 28,100   |
| **TOTALS**                                    | $754,049 | $1,292,479 |

**C. MANAGEMENT INFORMATION SYSTEMS PROGRAM:**

| **FOR:**                                      | **FROM** |          |
| Personnel Costs                               | $183,620 | $183,620 |
| Operating Expenditures                        | 15,010   | 15,010   |
| **TOTALS**                                    | $198,630 | $198,630 |

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 27, 1975.
AN ACT
AMENDING SECTION 49-901A, IDAHO CODE, RELATING TO WEIGHT LIMITATIONS AND EXCEPTIONS, TO PROVIDE AN ADDITIONAL EXCEPTION, AND TO PROVIDE CORRECTED FIGURES FOR MAXIMUM LOADS PERMITTED.

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

SECTION 1. That Section 49-901A, Idaho Code, be, and the same is hereby amended to read as follows:

49-901A. WEIGHT LIMITATION – EXCEPTIONS. – On all highways in this state, except those as to which the application of this section would result in loss or forfeiture of federal-aid highway funds, and notwithstanding the provisions of section 49-901, Idaho Code, the maximum single axle gross weight shall be 20,000 pounds and the maximum single wheel gross weight shall be 10,000 pounds.

(a) The maximum gross vehicle or combination weight shall be determined according to the following formula in which:

\[ W = 500 \left( \frac{LN + 12N + 36}{N-1} \right) \]

\( W \) = maximum weight in pounds (to the nearest 500 pounds) carried on any group of two (2) or more consecutive axles.
\( L \) = distance in feet between the extremes of any group of two (2) or more consecutive axles.
\( N \) = number of axles in the group under consideration., except that two (2) consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more.

(b) The maximum gross vehicle or combination weight allowable in the application of the above formula is 105,500 pounds, as illustrated in the following table:

<table>
<thead>
<tr>
<th>N</th>
<th>L (feet)</th>
<th>W (pounds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>36</td>
<td>105,500</td>
</tr>
</tbody>
</table>

(c) The maximum total weight of a vehicle or combination of vehicles shall be determined by the following formula:

\[ T = 500 \left( \frac{LN + 12N + 36}{N-1} \right) \]

\( T \) = total weight in pounds (to the nearest 500 pounds) of a vehicle or combination of vehicles.

The formula shall be used for all combinations of axles, except two (2) consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more.
Distance in feet between the extremes of any group of 2 or more consecutive axles

<table>
<thead>
<tr>
<th>Number of Axles</th>
<th>2 Axles</th>
<th>3 Axles</th>
<th>4 Axles</th>
<th>5 Axles</th>
<th>6 Axles</th>
<th>7 Axles</th>
<th>8 Axles</th>
<th>9 Axles</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>34,000</td>
<td>50,000</td>
<td>58,000</td>
<td>58,000</td>
<td>58,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>51,000</td>
<td>60,500</td>
<td>66,000</td>
<td>67,000</td>
<td>68,000</td>
<td>74,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>54,000</td>
<td>58,000</td>
<td>63,000</td>
<td>68,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>54,500</td>
<td>58,500</td>
<td>64,500</td>
<td>69,000</td>
<td>74,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>55,500</td>
<td>59,500</td>
<td>65,000</td>
<td>69,500</td>
<td>75,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>56,000</td>
<td>60,000</td>
<td>65,000</td>
<td>70,000</td>
<td>75,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>57,000</td>
<td>60,500</td>
<td>65,500</td>
<td>71,500</td>
<td>76,500</td>
<td>82,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>57,500</td>
<td>61,500</td>
<td>66,000</td>
<td>71,500</td>
<td>77,000</td>
<td>82,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>58,500</td>
<td>62,000</td>
<td>66,500</td>
<td>72,000</td>
<td>77,500</td>
<td>83,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>59,000</td>
<td>62,500</td>
<td>67,500</td>
<td>72,500</td>
<td>78,000</td>
<td>83,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>60,000</td>
<td>63,500</td>
<td>68,000</td>
<td>73,000</td>
<td>78,500</td>
<td>84,500</td>
<td>90,000</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>64,000</td>
<td>68,500</td>
<td>74,000</td>
<td>79,000</td>
<td>85,000</td>
<td>90,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>64,500</td>
<td>69,000</td>
<td>74,500</td>
<td>80,000</td>
<td>85,500</td>
<td>91,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>65,500</td>
<td>70,000</td>
<td>75,000</td>
<td>80,500</td>
<td>86,000</td>
<td>91,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>66,000</td>
<td>70,500</td>
<td>75,500</td>
<td>81,000</td>
<td>86,500</td>
<td>92,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>66,500</td>
<td>71,000</td>
<td>76,000</td>
<td>81,500</td>
<td>87,000</td>
<td>93,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>67,500</td>
<td>72,000</td>
<td>77,000</td>
<td>82,000</td>
<td>87,500</td>
<td>93,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>68,000</td>
<td>72,500</td>
<td>77,500</td>
<td>82,500</td>
<td>88,500</td>
<td>94,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>68,500</td>
<td>73,000</td>
<td>78,000</td>
<td>83,500</td>
<td>89,000</td>
<td>94,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>69,500</td>
<td>73,500</td>
<td>78,500</td>
<td>84,000</td>
<td>89,500</td>
<td>95,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>70,000</td>
<td>74,000</td>
<td>79,000</td>
<td>84,500</td>
<td>90,000</td>
<td>95,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>70,500</td>
<td>75,000</td>
<td>80,000</td>
<td>85,000</td>
<td>90,500</td>
<td>96,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>71,500</td>
<td>75,500</td>
<td>80,500</td>
<td>85,500</td>
<td>91,000</td>
<td>96,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>72,000</td>
<td>76,000</td>
<td>81,000</td>
<td>86,000</td>
<td>91,500</td>
<td>97,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>72,500</td>
<td>76,500</td>
<td>81,500</td>
<td>87,000</td>
<td>92,500</td>
<td>98,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>73,500</td>
<td>77,500</td>
<td>82,000</td>
<td>87,500</td>
<td>93,000</td>
<td>98,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>74,000</td>
<td>78,000</td>
<td>83,000</td>
<td>88,000</td>
<td>93,500</td>
<td>99,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>74,500</td>
<td>78,500</td>
<td>83,500</td>
<td>88,500</td>
<td>94,000</td>
<td>99,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>75,000</td>
<td>79,000</td>
<td>84,000</td>
<td>89,000</td>
<td>94,500</td>
<td>100,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>76,000</td>
<td>80,000</td>
<td>84,500</td>
<td>89,500</td>
<td>95,000</td>
<td>100,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>76,500</td>
<td>80,500</td>
<td>85,000</td>
<td>90,500</td>
<td>95,500</td>
<td>101,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>77,500</td>
<td>81,000</td>
<td>86,000</td>
<td>91,000</td>
<td>96,500</td>
<td>102,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>78,000</td>
<td>81,500</td>
<td>86,500</td>
<td>91,500</td>
<td>97,000</td>
<td>102,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>78,500</td>
<td>82,000</td>
<td>87,500</td>
<td>92,000</td>
<td>97,500</td>
<td>103,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>79,500</td>
<td>83,000</td>
<td>87,500</td>
<td>92,500</td>
<td>98,000</td>
<td>103,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>80,000</td>
<td>83,500</td>
<td>88,000</td>
<td>93,000</td>
<td>98,500</td>
<td>104,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>84,000</td>
<td>89,000</td>
<td>94,000</td>
<td>99,000</td>
<td>104,500</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Distance in feet between the extremes of any group of 2 or more consecutive axles

<table>
<thead>
<tr>
<th>2 axles</th>
<th>3 axles</th>
<th>4 axles</th>
<th>5 axles</th>
<th>6 axles</th>
<th>7 axles</th>
<th>8 axles</th>
<th>9 axles</th>
</tr>
</thead>
<tbody>
<tr>
<td>59</td>
<td>85,000</td>
<td>89,500</td>
<td>94,500</td>
<td>99,500</td>
<td>105,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>85,500</td>
<td>90,000</td>
<td>95,000</td>
<td>100,500</td>
<td>105,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>86,000</td>
<td>90,500</td>
<td>95,500</td>
<td>101,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>87,000</td>
<td>91,000</td>
<td>96,000</td>
<td>101,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>87,500</td>
<td>92,000</td>
<td>96,500</td>
<td>102,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>88,000</td>
<td>92,500</td>
<td>97,500</td>
<td>102,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>88,500</td>
<td>93,000</td>
<td>98,000</td>
<td>103,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>89,500</td>
<td>93,500</td>
<td>98,500</td>
<td>103,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>90,000</td>
<td>94,000</td>
<td>99,000</td>
<td>104,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>68</td>
<td>90,500</td>
<td>95,000</td>
<td>99,500</td>
<td>105,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>69</td>
<td>91,000</td>
<td>95,500</td>
<td>100,000</td>
<td>105,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>70</td>
<td>92,000</td>
<td>96,000</td>
<td>101,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>92,500</td>
<td>96,500</td>
<td>101,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>93,000</td>
<td>97,000</td>
<td>102,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>93,500</td>
<td>98,000</td>
<td>102,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>74</td>
<td>94,500</td>
<td>98,500</td>
<td>103,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>95,000</td>
<td>99,000</td>
<td>103,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>76</td>
<td>95,500</td>
<td>99,500</td>
<td>104,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>77</td>
<td>96,000</td>
<td>100,000</td>
<td>105,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>78</td>
<td>97,000</td>
<td>101,000</td>
<td>105,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>79</td>
<td>97,500</td>
<td>101,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>80</td>
<td>98,000</td>
<td>102,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>81</td>
<td>98,500</td>
<td>102,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>82</td>
<td>99,000</td>
<td>103,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>83</td>
<td>100,000</td>
<td>104,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>84</td>
<td>104,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>85</td>
<td>105,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>86 or more</td>
<td>105,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Vehicles or combinations of vehicles having an overall length in excess of seventy-five (75) feet may be operated only in accordance with subsection C of section 49-913, Idaho Code. Provided that the Idaho transportation board may limit the application of the weights authorized in this section as to certain highways which it determines have limited structural capacity of pavements, bridges, or other appurtenances thereto. In designating such highways, it may specify a minimum wheelbase for combinations to be operated thereon. It may also designate specific highways or portions thereof on which operation of a combination of vehicles with seven, eight or nine axle vehicles will be subject to specified lesser allowable gross weights.

Provided, further, that the provisions of section 49-901, Idaho Code, shall apply as to all limitations in which they exceed those encompassed by this section.

(b) In applying the weight limitations imposed by this section the distance between axles shall be measured to the nearest even foot. When a fraction is exactly one-half (½) foot the next larger whole number shall be used.

(c) The limitations imposed by this section are in addition and supplemental to all other laws imposing limitations upon the size and weight of vehicles. Approved March 27, 1975.
CHAPTER 168

(S.B.No. 1140, As Amended in the House, As Amended in the House)

AN ACT
AMENDING SECTION 50-1714, IDAHO CODE, TO PROVIDE THE PERIOD OF TIME IN WHICH PROTESTS MAY BE FILED AGAINST A RESOLUTION OF INTENTION TO CREATE A LOCAL IMPROVEMENT DISTRICT; AMENDING SECTION 50-1715, IDAHO CODE, TO PROVIDE PROCEDURES FOR PROTESTS; AND AMENDING SECTION 50-1716, IDAHO CODE, TO PROVIDE THAT IF THE ESTABLISHMENT OF A PROPOSED LOCAL IMPROVEMENT DISTRICT IS NOT PREVENTED AS PROVIDED IN SECTION 50-1715, IDAHO CODE, THE COUNCIL MAY PROCEED WITH HEARING AND WITH THE ESTABLISHMENT OF SUCH PROPOSED LOCAL IMPROVEMENT DISTRICT.

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

SECTION 1. That Section 50-1714, Idaho Code, be, and the same is hereby amended to read as follows:

50-1714. NOTICE OF RESOLUTION AND HEARING OF PROTESTS. — Upon the adoption by the council of a resolution of intention as provided for in the previous section, the clerk shall give notice of the passage of the same, and the time within which protests against said proposed improvement or the creation of such district may be filed, and the date when such protests will be heard and considered by the council, and shall describe the general character of the improvement or improvements proposed to be made and the estimated total cost thereof, and shall refer to the resolution on file in the office of the clerk for further information in regard thereto, and shall cause such notice to be published in the official newspaper of such municipality in three (3) consecutive issues if in a daily paper, or in one (1) issue if a weekly paper, or in case no newspaper be published in such municipality then by posting in three (3) public places within said proposed improvement district; and on or before the date of posting a copy of such notice shall be mailed to each owner of property if known, or his agent if known, within the limits of said proposed improvement district, addressed to such person at his post office address if known, or if unknown, to the post office in such municipality where said improvement is to be made. The date for the expiration of the filing of protests shall be not less than ten (10) days after the date of the last publication of such notice, or fifteen (15) days after the date of posting and mailing of the same... and to and including the date immediately...
preceding the day of the hearing. Proof of publication must be filed with the clerk and the clerk must make and file in his office an affidavit showing the posting and mailing of such notices.

SECTION 2. That Section 50-1715, Idaho Code, be, and the same is hereby amended to read as follows:

50-1715. HEARING OF PROTESTS — PROCEDURES — REVIEW BOARDS. — (1) All protests shall be made in writing and filed with the clerk within the time fixed in the notice provided for in the preceding section. At the time appointed for hearing protests the council shall proceed to hear and pass upon all protests so made and filed and its decision shall be final and conclusive. Should the council determine that any property is included within said district which would not be assessed to pay the cost and expenses of such improvement, or that any portion of such improvement should not be made, the same may be eliminated, and the council thereupon may ratify and approve the resolution of intention as so modified.

(2) In cases where the creation of a local improvement district has been proposed by the governing board of an entity other than a city council or board of county commissioners, and where written protests are filed and sixty percent (60%) of the resident owners or the owners of two-thirds (2/3) of the abutting, adjoining, contiguous and adjacent lots and lands within such proposed improvement district have signed such protest, the governing board of the governmental entity proposing the local improvement district shall not be allowed to proceed with the creation of the district for a period of one hundred eighty (180) days. During this one hundred eighty (180) day period, the city council shall act as a review board for as much of the proposed district as is situated within the boundaries of the city, and the board of county commissioners shall act as a review board for that portion of the proposed local improvement district as is situated within the unincorporated portion of the county. As a review board, the city council or board of county commissioners shall review the record of the proposal, including conformance with procedural provisions of law. The city council or board of county commissioners shall also evaluate the necessity or desirability of the proposed district, and shall take into consideration the creation of the proposed local improvement district as it relates to the following:

(a) the health, safety and welfare of the residents of the proposed district, or of persons having the necessity to travel through the district; and

(b) the financial impact of the creation and implementation of the objectives of the proposed district upon the property owners within the proposed district, especially in light of projects recently undertaken or contemplated for the near future within the district.

After its evaluation, the city council shall approve, modify or reject the proposal for the creation of a local improvement district for as much of the proposed district as is situated within the boundaries of the city, and the board of county commissioners shall approve,
modify or reject the proposal for the creation of a local improvement district for as much of
the proposed district as is situated within the unincorporated portion of the county.

(3) If the protest is against the proposed work, and the cost thereof is to be assessed
upon the property within the proposed district and such protest is made by the owners of
more than two thirds (2/3) of the abutting, adjoining, contiguous and adjacent lots and
lands within such proposed improvement district the council shall not proceed further with
the work unless three fourths (3/4) of the entire members of said council shall vote to
proceed with such work.

SECTION 3. That Section 50-1716, Idaho Code, be, and the same is hereby amended
to read as follows:

50-1716. ORDINANCE CREATING IMPROVEMENT DISTRICT. — If the estab­
lishment of such proposed local improvement district is not terminated as provided in
section 50-1715, Idaho Code, at the time set for the hearing, the council shall examine
the petition, whether protests are filed or not, and determine the value of the property
included in the proposed district, the purposes of the creation of the district or all other
matters pertinent to the organization of the district. If upon such hearing and examination,
the council finds the petition to be proper, that the district will be for the best interest of
the property affected and the municipality and that there is reasonable probability that the
obligations of such district will be paid, then it shall report such findings in its minutes and
shall be deemed to have acquired jurisdiction to order the proposed improvements. And the
council at such meeting shall then, or at a subsequent time, enact an ordinance providing for
such improvements and creating a local improvement district, to be called “Local
Improvement District No. for ,” which shall include all the
property within said improvement district in accordance with the resolution of intention as
ratified and approved by the council, and said ordinance creating said district shall set forth
the boundaries of said district, and shall provide that such improvement shall be made, and
that the cost and expenses thereof shall be taxed and assessed upon all property in such
local improvement district, which cost and expenses shall be assessed in proportion to the
number of square feet of such lands and lots abutting, adjoining, contiguous and adjacent
thereto included in the improvement district formed or in proportion to the benefits derived
to such property by said improvements; provided, that said ordinance shall set forth the
amount, if any, of the total cost and expenses of such improvements which is to be paid
from the general fund as hereinbefore authorized.

Approved March 27, 1975.
CHAPTER 169
(S.B.No. 1036)

AN ACT
AMENDING SECTION 49-316, IDAHO CODE, PROVIDING THAT AN APPLICATION FOR OPERATOR'S OR CHAUFFEUR'S LICENSE MAY BE PROCESSED IN ANY COUNTY WITHIN THE STATE OF IDAHO CONVENIENT TO THE APPLICANT, STRIKING THE REQUIREMENT OF EXAMINATION TO BE GIVEN WITHIN TEN DAYS FROM DATE OF APPLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-316, Idaho Code, be, and the same is hereby amended to read as follows:

49-316. EXAMINATION OF APPLICANTS. - (a) The sheriff or deputy shall examine every applicant for an operator's or chauffeur's license, except as otherwise provided in this section, or in this act. Such examination shall be held in any county where most convenient to the applicant resides within not more than 10 days from the date application is made. It shall include a test of the applicant's eyesight and hearing, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

SECTION 2. This act shall be in full force and effect on and after July 1, 1975.

Approved March 27, 1975.
CHAPTER 170
(S.B.No. 1054, As Amended)

AN ACT
RELATING TO THE STATE INCOME TAX, AMENDING SECTION 63-3024, IDAHO CODE, TO UPDATE REFERENCES TO THE CURRENT YEAR, TO PROVIDE RESIDENT INDIVIDUALS AN INCOME TAX CREDIT FOR ONE-HALF OF ALL POLITICAL CONTRIBUTIONS, BUT LIMITED TO FIVE DOLLARS FOR AN INDIVIDUAL AND TEN DOLLARS ON A JOINT RETURN, OR PROVIDING A TAX DEDUCTION; AND DECLARING AN EMERGENCY AND GIVING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3024, Idaho Code, be, and the same is hereby amended to read as follows:

63-3024. INDIVIDUALS' TAX AND TAX ON ESTATES AND TRUSTS. - A tax is hereby imposed for each taxable year commencing on and after January 1, 1975, upon every resident individual, trust or estate which shall be measured by his or its taxable income, and upon that part of the taxable income of any nonresident individual, trust or estate derived from sources within the state of Idaho as set forth in section 63-3027, Idaho Code.

(a) The tax imposed upon individuals, trusts and estates shall be computed at the following rates:

(1) On the first $1,000 of such taxable income or any part thereof, at the rate of 2.0 per centum;
(2) On the second $1,000 of such taxable income or any part thereof, at the rate of 4.0 per centum;
(3) On the third $1,000 of such taxable income or any part thereof, at the rate of 4.5 per centum;
(4) On the fourth $1,000 of such taxable income or any part thereof, at the rate of 5.5 per centum;
(5) On the fifth $1,000 of such taxable income or any part thereof, at the rate of 6.5 per centum;
(6) On any taxable income in excess of $5,000, at the rate of 7.5 per centum;

(b) In case a joint return is filed by husband and wife pursuant to the provisions of section 63-3031, Idaho Code, the tax imposed by this section shall be twice the tax which would be imposed on one half (½) of the aggregate taxable income. For the
purposes of this section, a return of a surviving spouse, as defined in section 2(b) of the Internal Revenue Code, and a head of household, as defined in section 1(b), (2), (3), and (4) of the Internal Revenue Code, shall be treated as a joint return and the tax imposed shall be twice the tax which would be imposed on one half (½) of the taxable income.

(c) The state tax commission shall compute and publish Idaho income tax liability for resident taxpayers at the midpoint of each bracket of adjusted gross income (as defined in section 62 of the Internal Revenue Code), adjusted as required by section 63-3022, Idaho Code, in twenty-five dollar ($25.00) steps below three thousand dollars ($3,000) and fifty dollar ($50.00) steps to ten thousand dollars ($10,000), rounding such calculations to the nearest dollar. Resident taxpayers having elected standard deductions with adjusted gross incomes within such brackets shall file returns based upon and pay taxes according to the schedule thus established. The state tax commission shall publish regulations defining the conditions upon which such returns shall be filed.

(d) A credit shall be allowed to resident individuals against taxes due under the Idaho Income Tax Act. This credit shall be in the amount of fifteen dollars ($15.00) for taxable year 1974 only, and for taxable year 1975 and each taxable year thereafter shall be ten dollars ($10.00) for each personal exemption for which a deduction is permitted by section 151(b) and (e) of the Internal Revenue Code, as that section appeared on December 31, 1964, if such deduction is claimed on the taxpayer's Idaho income tax return. If the credit is not claimed for the year for which the individual income tax return is filed, the right thereafter to claim such credit shall be forfeited. No credit may be claimed for an exemption which represents a person who has himself filed an Idaho income tax return claiming a deduction for his own personal exemption, and in no event shall more than one (1) taxpayer be allowed a credit for the same exemption.

(e) A resident individual of the state of Idaho who has reached his sixty-fifth birthday before the end of his taxable year and has been allowed none, or less than all, of the credit provided by this subsection shall be entitled to a refund equal to the amount of ten dollars ($10.00) or the balance of his unused credit, whichever is less, for each personal exemption for which a deduction is permitted by section 151 of the Internal Revenue Code, as that section appeared on December 31, 1964, and upon making application therefor at such time and in such manner as may be prescribed by the state tax commission, be entitled to a payment out of the state refund fund.

(f) A resident individual of the state of Idaho who is:
   (i) blind, or
   (ii) a disabled American veteran of any war engaged in by the United States, whose disability is recognized as a service-connected disability of a degree of ten percent (10%) or more, or who is in receipt of a pension for nonservice-connected
(iii) over sixty-two (62) years of age,
and has been allowed none, or less than all, of the credit provided by subsection (d)
or subsection (e) of this section, shall be entitled to a payment from the refund fund
in an amount equal to fifteen dollars ($15.00) for taxable year 1974 only, or the
balance of his unused credit, whichever is less, upon making application therefor at
such time and in such manner as the state tax commission may prescribe.

(g) A credit shall be allowed to resident individuals against taxes due under the Idaho
Income Tax Act. This credit shall be in the amount of one-half (½) of all political
contributions made by the taxpayer within the taxable year, but shall be limited to
five dollars ($5.00) for an individual and ten dollars ($10.00) for a married couple
filing a joint return; or a deduction shall be allowed to resident individuals for any
political contribution made by the taxpayer within the taxable year as prescribed and
limited by section 218 of the Internal Revenue Code. The term political contributions
means political contributions as defined in section 41 of the Internal Revenue Code as
it appeared on January 1, 1975.

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, 1975.
Approved March 27, 1975.
AN ACT

RELATING TO ATTACHMENT OF A DEBTOR'S INTEREST IN PERSONAL PROPERTY SUBJECT TO A SECURITY AGREEMENT; AMENDING SECTION 8-506A, IDAHO CODE, TO PROVIDE THAT THE SECTION DOES NOT CONSTITUTE CONSTRUCTIVE NOTICE TO A BONA FIDE PURCHASER FOR VALUE OF ANY MOTOR VEHICLE WHO HAS RELIED ON A CERTIFICATE OF TITLE FOR DETERMINATION AS TO THE SECURED PARTIES SHOWN THEREON.

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

SECTION 1. That Section 8-506A, Idaho Code, be, and the same is hereby amended to read as follows:

8-506A. ATTACHMENT OF A DEBTOR'S INTEREST IN PERSONAL PROPERTY SUBJECT TO SECURITY AGREEMENT — ATTACHMENT OF DEFENDANT'S INTEREST IN MORTGAGE OR TRUST DEED — ATTACHMENT OF DEFENDANT'S INTEREST IN SECURITY AGREEMENT. — Personal property subject to a security interest, a defendant's equity of redemption in personal property and a defendant's interest in a real estate mortgage or deed of trust or as secured party under a security agreement may be attached by the following methods, and no other:

(a) Personal property capable of manual delivery may be attached by taking possession, provided all secured parties with a perfected security interest therein under the Idaho Uniform Commercial Code consent thereto in writing, and the attachment shall be subject to the rights of any secured party under a perfected security agreement, but otherwise would be to the same effect and in the same manner as if the property were not subject to the security agreement.

(b) If any secured party with a perfected security interest does not consent in writing that the sheriff take possession of the personal property, the attaching creditor must pay or tender to the secured party the amount due on the security agreement before the officer may take the property into possession. The attaching creditor upon so redeeming shall be subrogated to the rights of the secured party under the security agreement, and the secured party shall, upon payment or tender assign the security agreement, note or notes so paid, and any filed financing statements to the attaching creditor. Upon any sale by judicial proceedings, any amounts owing to the attaching creditor on the security agreement so
redeemed, with lawful interest thereon, shall first be paid to the attaching creditor.

(c) If the attaching creditor so elects and instructs the sheriff, the equity of redemption of the defendant in the personal property subject to a perfected security agreement shall be attached. Such attachment is made by serving upon the secured party, upon the defendant, and upon the person in possession of the property, if other than the defendant or secured party, if said parties can be found within the county where the property is situated, a copy of the writ of attachment, together with a notice signed by the sheriff, describing the property attached, giving the name of the secured party, and stating the interest of the defendant in the property attached, and by causing the notice to be filed in the office where a security agreement or financing statement on said property should be filed to perfect the security according to the Idaho Uniform Commercial Code or other applicable law. The sheriff shall make the filing by mail if in an office outside his county, and shall also file with the notice in any office where a financing statement should be filed for the property, a financing statement describing the property attached, the prior security agreement, and signed by the attaching creditor or his agent as secured party and for the defendant as debtor by the sheriff. The filing officer shall receive and file the financing statement and index the same pursuant to title 28, chapter 9, part 4, Idaho Code. Service and filing as above provided shall operate as an attachment of the property described in the notice, subject to the prior rights of the secured party under the security agreement; possession of the property shall not be taken by the sheriff. Compliance with the foregoing is constructive notice to the world of the attachment. Provided, however, that this section shall not be constructive notice to a bona fide purchaser for value of any motor vehicle who has actual or constructive possession of the vehicle and who has relied on the certificate of title for determination by said purchaser as to secured parties shown thereon; nothing in this section shall relieve any person from complying with section 49-405, Idaho Code.

When the sale of such property attached under this subdivision (c) is made on writ of execution obtained by such creditor, the proceeds must be applied as in the case of any other execution sale. The purchaser at any such sale acquires all title and rights of the judgment debtor in the property sold, as of the time the attachment was levied, subject to the perfected security agreement including all liens if any thereunder, securing obligations to be created after the security agreement was made in cases where such obligations have actually been created, and are by law entitled to priority over attaching creditors, and is entitled to the possession of such property subject, however, to the rights of the secured party.

Any transfer of encumbrance of the attached interest of the debtor-defendant is void as against the attaching creditor, but this provision shall not be construed as forbidding or invalidating any transfer or disposition of the property lawfully made pursuant to the prior security agreement, or any other right exercised or acquired thereunder.

(d) Any interest of the defendant as mortgagee of a real estate mortgage or beneficiary of a trust deed on real estate whether held directly or as an assignee, may be attached. The sheriff must record with the county recorder where the real property is
located a copy of the writ along with a notice in writing, naming the defendant, describing the real property, and identifying the recording information on the real estate mortgage or trust deed, and stating that the defendant’s interest therein is attached, and by serving copies of the notice and writ upon the defendant and upon the mortgagor of the mortgage or trustor of the trust deed if they can be located within the county where the property is located. The recorder shall index the same as an assignment of the defendant’s interest in the mortgage or deed of trust, and it shall be constructive notice to the world of the attachment. The attachment shall be subject to the rights of a holder in due course of a note or notes secured by the mortgage or trust deed, whether acquired before or after the attachment.

(e) Any interest of the defendant as secured party of a security agreement, whether held directly or as an assignee, shall be attached by the sheriff filing with the filing office where the security agreement or financing statement pursuant thereto is or should by law be filed, a copy of the writ along with a notice in writing, naming the defendant, describing the property listed in the financing statement or filed security statement, identifying the parties to the security agreement, and stating that the defendant’s interest therein is attached. The sheriff shall serve a copy of the notice and writ upon the defendant and upon the debtor under the security agreement, if they can be located within the county where the property is located. The sheriff may file the copy of the writ or notice by mail if the filing officer is outside the county. The filing officer shall index the same as an assignment of the defendant’s interest in the security agreements, and it shall be constructive notice to the world. The attachment shall be subject to the rights of a holder in due course of a note or notes secured by the security agreement, whether acquired before or after the attachment.  

Approved March 27, 1975.
CHAPTER 172  
(S.B.No. 1078) 

AN ACT 
APPROPRIATING $50,000 FROM THE GENERAL FUND TO THE LEGISLATIVE COUNCIL FOR THE PURPOSE OF CONDUCTING A STUDY OF THE PERSONNEL SYSTEM OF THE STATE OF IDAHO, INCLUDING ANY CONSULTANT FEES NECESSARY TO COMPLETE THE STUDY; 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 the sum of $50,000 to the legislative council to be used for all purposes connected with the study of the personnel system authorized by concurrent resolution, including consultant fees if necessary. These funds shall be available from and after the effective date of this act until the study is completed. 

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 27, 1975.
CHAPTER 173
(S.B.No. 1083)

AN ACT
AMENDING SECTION 39-2702, IDAHO CODE, RELATING TO CERTIFICATE OF COMPETENCY FOR PLUMBING, BY EXEMPTING SEWER CONTRACTORS, SEWAGE DISPOSAL CONTRACTORS OR ANY EXCAVATING OR UTILITY CONTRACTOR FROM EMPLOYING ONLY JOURNEY MEN PLUMBERS WHEN SUCH BUSINESS OF INSTALLING, ALTERING OR REPAIRING SEWERS, DISPOSAL SYSTEMS, WATER DISTRIBUTION OR DRAINAGE IS OUTSIDE FOUNDATION WALLS; AMENDING SECTION 39-2715, IDAHO CODE, RELATING TO CERTIFICATION BEING A PREREQUISITE, BY EXCEPTING SEWER CONTRACTORS, SEWAGE DISPOSAL CONTRACTORS, OR EXCAVATING OR UTILITY CONTRACTORS OR THEIR EMPLOYEES.

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

SECTION 1. That Section 39-2702, Idaho Code, be, and the same is hereby amended to read as follows:

39-2702. EXCEPTIONS. — Certificate of competency requirements of this act shall not be deemed to apply to:

(a) Any person who does plumbing work in a single or duplex family dwelling, including accessory buildings, quarters and grounds in connection with such dwelling; provided that such person owns or is a contract purchaser of the premises, and provided further that such person shall comply with the minimum standards, rules and regulations applicable to plumbing practices provided by this act.

(b) Farm buildings located outside the incorporated limits of any city or town unless such buildings are connected to a public water or sewer system; and a farm is hereby defined to be an agricultural unit on which the owner or occupant resides and from which the owner or occupant derives his principal income and livelihood.

(c) Logging, mining or construction camps when plumbing installations are made to conform with the recommendations of the department of health and welfare.

(d) Piping systems in industrial processing plants located outside the incorporated limits of any city or town unless such systems are connected to a public water or sewer system.

(e) Work on plumbing systems on premises owned or operated by an employer who regularly employs maintenance or construction plumbers, provided that alterations,
extensions and new construction shall comply with the minimum standards, rules and
regulations applicable to plumbing practices provided by this act.

(f) Nothing contained in this section or any other provision of this code shall be
construed or applied to require a sewer contractor, sewage disposal contractor, or any
excavating or utility contractor who generally engages in the business of installing, altering
or repairing sewers, private and public sewage disposal systems, and water distribution
and/or drainage lines outside the foundation walls of any building or structure, to obtain a
valid contractor's certificate of competency or to employ only journeymen plumbers
possessing a valid journeyman plumber's certificate of competency or registration, or to in
any way require that his employees be registered, licensed or declared competent by the
state plumbing board.

(g) Water treatment installations and repairs when installed in residential or business
properties, provided the same when installed, repaired or completed, shall be inspected by a
designated, qualified and properly identified agent of the state plumbing board of the
department of labor and industrial services as to quality of workmanship and compliance
with the applicable provisions of this act.

Any person, firm, co=partnership, association or corporation making water treatment
installations and/or repairs in accordance with the provisions of this act shall maintain a
surety bond in the amount of two thousand dollars ($2000).

SECTION 2. That Section 39-2715, Idaho Code, be, and the same is hereby amended
to read as follows:

39-2715. CERTIFICATE A PREREQUISITE. – It shall be unlawful for any person
or firm, copartnership, association or corporation, to engage in the business, trade, practice
or work of plumbing in this state after the adoption of this act, unless such person, or
responsible person representing such firm, copartnership, association or corporation, has
successfully passed an examination as provided herein and has issued to him a state
certificate of competency, which shall not be transferable, and said certificates of
competency shall not be required for sewer contractors, sewage disposal contractors, or any
excavating or utility contractors, or for their employees, as set forth and defined in section
39-2702(f), Idaho Code.

Approved March 27, 1975.
CHAPTER 174
(S.B.No. 1105, As Amended)

AN ACT
PROVIDING FOR A PRESIDENTIAL PREFERENCE PRIMARY VOTE IN IDAHO; PROVIDING FOR SELECTION OF CANDIDATES FOR NOMINATION IN THE PRESIDENTIAL PRIMARY; PROVIDING FOR NOTIFICATION TO CANDIDATES, AND EXEMPTING CANDIDATES FROM FILING A DECLARATION OF CANDIDACY IN IDAHO; PROVIDING FOR VOTING IN THE PRESIDENTIAL PRIMARY; PROVIDING FOR A CANDIDATE'S LIST OF PROPOSED DELEGATES TO THE NATIONAL POLITICAL PARTY CONVENTION; PROVIDING CRITERIA FOR SELECTION OF DELEGATES TO THE NATIONAL POLITICAL PARTY CONVENTION; DEFINING UNCOMMITTED DELEGATE; PROVIDING FOR THE CONDUCT OF THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION; PROVIDING THAT THE COSTS OF THE PRESIDENTIAL PREFERENCE PRIMARY SHALL BE ASSUMED BY THE STATE; PROVIDING THAT THE SECRETARY OF STATE MAY ADOPT RULES AND REGULATIONS; AMENDING SECTION 34-102, IDAHO CODE, RELATING TO PRIMARY ELECTIONS, TO DEFINE A PRESIDENTIAL PRIMARY OR PRESIDENTIAL PREFERENCE PRIMARY; AMENDING SECTION 34-601, IDAHO CODE, RELATING TO DATES OF ELECTIONS, TO PROVIDE THE DATE OF THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 34-713, IDAHO CODE, RELATING TO PREPARATION OF PRIMARY BALLOTS, TO PROVIDE FOR PREPARATION OF PRESIDENTIAL PRIMARY BALLOTS; AMENDING SECTION 34-902, IDAHO CODE, RELATING TO BALLOTS AND SUPPLIES, TO PROVIDE THAT THE COUNTY COMMISSIONERS SHALL AUTHORIZE THE PRINTING OF BALLOTS IN APRIL RATHER THAN JULY; AMENDING SECTION 34-1205, IDAHO CODE, TO PROVIDE FOR CANVASSING THE VOTE IN PRESIDENTIAL PRIMARY ELECTIONS; AMENDING SECTION 34-624, IDAHO CODE, TO PROVIDE FOR ELECTION OF PRECINCT COMMITTEEMEN AT PRESIDENTIAL PRIMARIES, AND TO PROVIDE THE TERM OF OFFICE OF PRECINCT COMMITTEEMEN; AMENDING SECTION 34-704, IDAHO CODE, TO PROVIDE FOR FILING DECLARATIONS OF CANDIDACY FOR PRECINCT OFFICES; AMENDING SECTION 34-1208, IDAHO CODE, TO PROVIDE FOR CERTIFICATION OF
ELECTION OR NOMINATION; AND PROVIDING FOR THE TERM OF OFFICE OF PRECINCT COMMITTEEMEN ELECTED IN 1974.

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

SECTION 1. PRESIDENTIAL PREFERENCE VOTE. – In years in which a president of the United States is to be nominated and elected, a presidential preference primary shall be held at which voters shall express their choice for candidates for nominations for president. The presidential preference primary shall be held on the fourth Tuesday in May of each presidential year.

SECTION 2. SELECTION OF CANDIDATES FOR NOMINATION IN PRESIDENTIAL PRIMARY. – Each qualified elector shall have the opportunity to vote on the official presidential preference primary ballot for one person to be the candidate for nomination by a party for president of the United States. The name of any candidate for a political party nomination for president of the United States shall be printed on the ballots only:

1. If the secretary of state shall have determined, in his sole discretion, that the person's candidacy is generally advocated or recognized in national news media throughout the United States. For the purpose of promoting the aspect of a regional primary in this regard, the Secretary of State may consult with the chief election officers of neighboring states which conduct a presidential primary election on the fourth Tuesday in May. The secretary of state shall publish the names of such persons determined by him to be such candidates, together with their party affiliation, not less than sixty (60) days prior to the date of the presidential preference primary.

2. If a petition for nomination meeting the requirements of subsection 3 of this section is filed with the secretary of state by members of a political party to which the candidate belongs.

3. The petition referred to in subsection (2) hereof shall:
   a. Have attached thereto a sheet or sheets containing the signatures of at least a number of qualified electors equal to one per cent (1%) of the number of votes cast in this state for presidential electors at the previous general election at which a president of the United States was elected;
   b. Be filed with the secretary of state not later than thirty (30) days prior to the date of the presidential preference primary;
   c. The format of the signature petition sheets shall be prescribed by the secretary of state and shall be patterned after, but not limited to, such sheets as used for state initiative and referendum measures;
   d. The petitions and signatures so submitted shall be verified in the manner prescribed in section 34-1807, Idaho Code.

SECTION 3. NOTIFICATION TO CANDIDATES — NO AFFIDAVIT OF CANDIDACY REQUIRED. – The secretary of state shall forthwith notify each person whom he has nominated and each such person nominated by petition in writing by registered mail that such person's name will be printed as a candidate on the Idaho presidential preference primary ballot. In the event the secretary of state is informed of a candidate's death or
incapacity, the secretary of state may, in his sole discretion, remove the name of such nominated candidate from the ballot, but not later than thirty (30) days prior to said election. No declaration of candidacy or affidavit of candidacy shall be required of any candidate as a condition for printing the name of that candidate on the official ballot used in the presidential preference primary.

SECTION 4. VOTING IN PRESIDENTIAL PRIMARY. – At a presidential preference primary, qualified electors may vote for candidates for nomination for president of the United States from among the candidates of one political party only. The elector shall be able to cast his ballot for one (1) of the presidential candidates of his party, or for "none of the names shown." A vote of the latter kind shall express the preference for an uncommitted delegation from Idaho to the national convention of that elector's party.

SECTION 5. CANDIDATE'S LIST OF PROPOSED DELEGATES TO NATIONAL CONVENTION. – No later than ten (10) days prior to the presidential primary election, each candidate for nomination by a party for president, or a designated representative of such candidate, shall file with the secretary of state a list of names and addresses of persons proposed by that candidate to be delegates to the national convention of the party of that candidate. The number of names set forth on such list of proposed delegates shall be equal to the number of delegates and alternates to the national party convention as are allotted to Idaho for that year by the national committee of that party. No person’s name shall be placed on such a list of proposed delegates unless that person has attained the age of eighteen (18) years at the time said delegates' list is filed, is a citizen of the United States, is a qualified elector of the state of Idaho, and shall have resided in the state of Idaho for at least one (1) year next preceding filing of said list. The qualifications of each person, whose name appears on such list of proposed delegates, shall be verified by an affidavit of the candidate, or a representative of the candidate, and said affidavit shall be attached to said list so filed. The form of said affidavit shall be determined by the secretary of state.

SECTION 6. DELEGATES TO NATIONAL CONVENTION. – (1) Upon completion of the state canvass of the results of the presidential primary, the secretary of state shall certify to the state chairman of each political party participating in the presidential primary the number of votes received by each candidate of that party and the number of votes for an uncommitted delegation received by that party.

(2) Each political party shall then select as many delegates and alternates to the national party convention as are allotted to it by the national committee of that party, according to the provisions of the following subsections of this section.

(3) Eighty per cent (80%) of such delegates and eighty per cent (80%) of such alternates to a national party convention shall be selected by a party at its state convention, or as the party rules otherwise provide, from among:

(a) The persons named on the lists of proposed delegates to the national conventions filed with the secretary of state by that party's respective candidates for nomination by the party for president of the United States; and
(b) The persons selected by that party at its state convention, or as the party rules otherwise provide, to comprise any uncommitted delegation.

(4) The number of delegates and the number of alternates selected by a party from a candidate's list of proposed delegates, or selected by that party to comprise any uncommitted delegation, shall bear the same proportion to eighty per cent (80%) of the total number of delegates and alternates allotted to such party as the total vote received by such candidate or uncommitted delegation bears to the total combined vote cast in said primary election for all candidates and uncommitted delegation, if any, receiving more than five per cent (5%) of the votes cast for that party. Upon determination of the number of delegates and alternates that shall be selected from each candidate's list of proposed delegates and that shall be selected to comprise an uncommitted delegation, if any, the party shall then select delegates and alternates to that party's national convention in that respective number from each such list and to comprise the uncommitted delegation, if any. The delegates and alternates comprising any such uncommitted delegation shall be selected as the party rules determine.

(5) Twenty per cent (20%) of the delegates and twenty per cent (20%) of the alternates to a national party convention as are allotted to a party by the national committee of that party shall be selected as delegates and alternates to the national convention of that party as the party rules may determine.

(6) In the event a candidate in the presidential preference primary fails to file with the secretary of state a list of proposed delegates to his party's national convention, or to the extent that such list of proposed delegates provided by such candidate fails to name a sufficient number of persons qualified for the office of delegate, such number of delegates and alternates, as would be selected from said candidate's list of proposed delegates according to the election results, shall be selected by the party as delegates and alternates to that party's national convention, as the party rules may determine.

(7) When selecting a delegate or an alternate from a candidate's list of proposed delegates, as provided for in this section, the party shall have the authority to select any qualified person on that list for the office of such delegate or alternate.

(8) In calculating the apportionment of delegate votes in conjunction with the selection of delegates and alternates, as provided for in this section, such proportions of delegate votes shall be expressed as decimal-fractional votes or the nearest whole number of delegate votes as the rules of the particular national party or convention may provide.

(9) There shall be no unit rule applied to or by the delegation of any party to that party's national convention. No party or delegation shall commit or instruct delegates and alternates selected from that party's candidates' lists of proposed delegates or selected as uncommitted delegates and alternates. Other delegates and alternates may be committed and/or instructed as the party rules may provide.

SECTION 7. UNCOMMITTED DELEGATES. — The word "uncommitted" as applied to a delegate or an alternate in this act means that such delegate or alternate is not
committed or bound to any one candidate at his party’s national convention, and that he is free to vote his conscience at such convention.

SECTION 8. CONDUCT OF ELECTION. – Insofar as practicable, and where the provisions of this act do not specifically indicate otherwise, the presidential preference primary election shall be conducted and canvassed in the manner provided by law for the conduct and canvassing of state primary elections.

SECTION 9. COSTS OF PRESIDENTIAL PREFERENCE PRIMARY. – Whenever a presidential preference primary election is held as provided by this act, the state of Idaho shall assume all costs of holding such election and shall be liable for its prorated share of such costs in a general election. The county clerk shall determine the election costs, including the state’s prorated share, if applicable, and shall file a certified claim therefor which shall be examined, allowed and paid as other claims against the state are paid.

SECTION 10. RULES AND REGULATIONS. – The secretary of state as chief election officer may adopt such rules and regulations as are necessary to facilitate the operation, accomplishment and purpose of this act.

SECTION 11. That Section 34-102, Idaho Code, be, and the same is hereby amended to read as follows:

34-102. “PRIMARY ELECTION” DEFINED – PURPOSES – PRESIDENTIAL PRIMARY. – “Primary election” means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties. Primary elections shall be held on the Tuesday succeeding the first Monday of August in each even-numbered year.

“Presidential primary” or “presidential preference primary” means an election held for the purpose of allowing voters to express their choice for candidates for nominations for president of the United States. Presidential primary elections shall be held on the fourth Tuesday of May in each presidential election year.

SECTION 12. That Section 34-601, Idaho Code, be, and the same is hereby amended to read as follows:

34-601. DATES ON WHICH ELECTIONS SHALL BE HELD. – 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 first Monday of August, 1972, and every two (2) 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 (2) 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.

(4) A presidential primary shall be held on the fourth Tuesday in May, 1976, and every four (4) years thereafter on the above mentioned Tuesday.
SECTION 13. That Section 34-713, Idaho Code, be, and the same is hereby amended to read as follows:

34-713. PREPARATION OF PRIMARY BALLOTS. — Upon receipt of the sample ballot and instructions from the secretary of state, each county clerk shall print and prepare the official primary or presidential 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, and shall cause to be published on the earliest date possible in May the names of all candidates who shall appear on the presidential preference primary year ballot. The names shall be listed alphabetically under each particular office title.

SECTION 14. That Section 34-902, Idaho Code, be, and the same is hereby amended to read as follows:

34-902. COUNTY COMMISSIONERS TO PROVIDE SUFFICIENT BALLOTS AND BALLOT BOXES FOR EACH POLLING PLACE AT ALL ELECTIONS. — At its regular meeting in July April, 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 15. That Section 34-1205, Idaho Code, be, and the same is hereby amended to read as follows:

34-1205. COUNTY BOARD OF CANVASSERS—MEETINGS. — 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 within seven (7) days after the primary or presidential preference primary election and within ten (10) days after the general election for the purpose of canvassing the election returns of all precincts within the county.

SECTION 16. That Section 34-624, Idaho Code, be, and the same is hereby amended to read as follows:

34-624. ELECTION OF PRECINCT COMMITTEEMEN—QUALIFICATIONS. — (1) At the presidential primary election, 1972; 1976, and every four (4) years thereafter, and at the primary election held on the Tuesday after the first Monday of August, 1978, and every alternate year four (4) years thereafter, a precinct committeeman for each political party shall be elected in every voting precinct within each county. The term of office of a precinct committeeman elected at the presidential primary election shall be from
the eighth day following the presidential primary election until the eighth day following the primary election in non-presidential primary election years. The term of office of a precinct committeeman elected at the primary election in non-presidential primary election years shall be from the eighth day following the primary election until the eighth day following the presidential primary election.

(2) No person shall be elected to the office of precinct committeeman unless he has attained the age of eighteen (18) 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 six (6) months 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 17. That Section 34-704, Idaho Code, be, and the same is hereby amended to read as follows:

34-704. DECLARATION OF CANDIDACY. — Any person legally qualified to hold such office is entitled to become a candidate and file his declaration of candidacy. Each candidate for state, district or county office shall file his declaration of candidacy in the proper office between 8 A.M., June 1 and 5 P.M., June 7 prior to the primary election. All candidates shall declare their party affiliation in their declaration of candidacy, except candidates for nonpartisan office.

All candidates for precinct office shall file their declaration of candidacy in the office of the county clerk between 8 A.M., April 1 and 5 P.M., April 7, prior to the presidential primary election, or between 8 A.M., June 1 and 5 P.M., June 7, prior to the primary election held in non-presidential primary election years.

SECTION 18. That Section 34-1208, Idaho Code, be, and the same is hereby amended to read as follows:

34-1208. CERTIFICATES OF NOMINATION OR ELECTION TO COUNTY OFFICES AFTER PRIMARY. — 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 also certify by registered mail the results of both the primary and the presidential primary 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 19. On the seventh day following the presidential primary election in 1976, those precinct committeemen elected at the primary election in 1974 shall cease to hold office, and the terms of section 34-1208, Idaho Code, shall control.

Approved March 27, 1975.
CHAPTER 175
(S.B.No. 1202)

AN ACT
AMENDING SECTION 37-1520, IDAHO CODE, RELATING TO DEFINITIONS, TO PROVIDE A NEW DEFINITION FOR DEALER AND EGG HANDLER, AND TO PROVIDE A DEFINITION FOR INTRASTATE COMMERCE; AMENDING SECTION 37-1523, IDAHO CODE, RELATING TO FEES, TO PROVIDE FOR ASSESSMENTS TO BE COLLECTED; AMENDING CHAPTER 15, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-1523A, IDAHO CODE, TO PROVIDE FOR ASSESSMENTS ON EGGS ENTERING INTRASTATE COMMERCE, TO PROVIDE FOR EXEMPTIONS FROM SUCH ASSESSMENTS, TO PROVIDE FOR PREPAYMENT OF SUCH ASSESSMENTS BY THE PURCHASE OF EGG SEALS, TO PROVIDE FOR AUDIT OF REQUIRED ASSESSMENTS, AND TO PROVIDE FOR HANDLING OF ASSESSMENTS RECEIVED; AND AMENDING SECTION 37-1524, IDAHO CODE, RELATING TO SEALS AND STATEMENTS ON EGG CONTAINERS, TO STRIKE REFERENCES TO SEALS ON CONTAINERS.

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

SECTION 1. That Section 37-1520, Idaho Code, be, and the same is hereby amended to read as follows:

37-1520. DEFINITIONS. - When used in this act:
(a) The term “candling” shall refer to the act or function of determining the grade of eggs; and the term “candler” shall refer to the person performing that act or function.
(b) The term “carton” shall mean a container containing one (1) dozen eggs.
(c) The term “director” shall refer to the director of the department of agriculture.
(d) The term “consumer” shall mean a person who purchases eggs or egg products for use as food and not for resale in any form.
(e) The term “container” shall mean any carton, case, box, basket, sack, bag or other receptacle.
(f) The term “dealer” or “egg handler” shall mean any person who acquires eggs or egg products from a producer or distributor for resale to consumers only, produces, contracts for or obtains possession or control of any eggs for the purpose of sale to another or a retailer, or for processing and sale to a dealer, retailer or a consumer.
(g) The term "distributor" shall refer to any person having possession or control of eggs or egg products for the purpose of candling, grading, packing, selling, peddling, distributing, dealing in or trading in eggs or egg products for resale to a dealer in the state of Idaho, but shall not refer to a producer when engaging in the sale of eggs or egg products to a distributor or when engaging in the sale of eggs directly to a consumer at the place of production.

(h) The term "grade" when used as a verb shall mean to classify eggs as to quality and size, and when used as a noun shall mean the classification as to quality and size so established.

(i) The term "person" shall include an individual, partnership, corporation, firm, association and agent.

(j) The term "producer" shall mean a person engaged in the business of operating or controlling the operation of one or more farms, ranches or establishments on which eggs or egg products are produced in the state of Idaho.

(k) The term "sale" or "sell" or "selling" or "sold" shall include sale, offer of sale, display for sale, have in possession for sale, exchange, barter, trade or other dealing.

(l) "Intrastate commerce" means any eggs or egg products in intrastate commerce whether such eggs or egg products are intended for sale, held for sale, offered for sale, sold, stored, transported or handled in this state in any manner and prepared for eventual distribution in this state whether at wholesale or retail.

SECTION 2. That Section 37-1523, Idaho Code, be, and the same is hereby amended to read as follows:

37-1523. FEES — RENEWAL. — (a) The annual license fee for each physically separate establishment of a distributor shall be ten dollars ($10.00). The annual license fee for each egg candler shall be two dollars and fifty cents ($2.50). The period for which the license fee is paid and for which the license is issued shall be July first to and including the following June thirtieth, and if the license is issued within that period the license fee shall nevertheless be the full amount above stated. Each license shall be renewed on July first of each year.

(b) All license fees, assessments and moneys collected by the director under the provisions of this act shall be placed in a separate fund in the state treasury to be used by the director solely for the purpose of inspection, administration and the enforcement of this act.

SECTION 3. That Chapter 15, 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 37-1523A, Idaho Code, and to read as follows:

37-1523A. ASSESSMENTS — EXEMPTIONS TO ASSESSMENTS — PREPAYMENT — AUDIT. — (1) There is hereby levied an assessment not to exceed three (3) mills per dozen eggs (3/10 of a cent per dozen eggs) entering intrastate commerce as prescribed by rules and regulations issued by the director. Such assessment shall be applicable to all eggs
entering intrastate commerce in retail cartons. Such assessment shall be paid to the
department of agriculture on a monthly basis on or before the 10th day following the
month such eggs enter intrastate commerce. The director may require reports by egg
handlers, dealers, or distributors along with the payment of the assessment fee. Such reports
may include any and all pertinent information necessary to carry out the purpose of this
act. The director, may by regulations, require egg container manufacturers to report on a
monthly basis on agriculture containers sold to any egg handler, dealer or distributor.

(2) The assessment provided in this section shall not apply to:
(a) Sale and shipment to points outside of this state;
(b) Sale to the United States government and its instrumentalities;
(c) Sale to breaking plants for processing into egg products;
(d) Sale to consumers at the place of production or processing; or
(e) Sale between egg distributors.

(3) Any egg handler, dealer or distributor may prepay the assessment provided for in
subsection (1) of this section by purchasing Idaho state egg seals from the director to be
placed on egg containers showing that the proper assessment has been paid. Any carton
manufacturer may apply to the director for a permit to place reasonable facsimiles of the
Idaho state egg seals to be imprinted on egg containers. The director shall from time to time
prescribe rules and regulations governing the affixing of seals and he is authorized to cancel
any such permit issued pursuant to this chapter whenever he finds that a violation of the
terms of which the permit has been granted has been violated.

(4) Every egg handler, dealer or distributor who pays assessments required under the
provisions of this section on a monthly basis in lieu of seals shall be subject to audit by the
director on an annual basis or more frequently if necessary. Failure to pay assessments when
due or refusal to allow an audit may be cause for a suspension or revocation of an egg
handler, dealer or distributor’s license. The conditions and assessments applicable to egg
handlers, dealers and distributors set forth in section 37-1523, Idaho Code, shall also be
applicable to payments to the director for facsimiles of seals placed on egg containers.

SECTION 4. That Section 37-1524, Idaho Code, be, and the same is hereby amended
to read as follows:

37-1524. SEALS AND STATEMENTS ON CONTAINER. — (a) Each carton or
other container in which eggs are being sold or offered for sale by a distributor, egg handler
or by a dealer in the state of Idaho shall bear:

\[(1)\] A seal acquired from the director or a facsimile thereof imprinted under
authorization from the director, as contemplated in subsection (b) of this section.

\[(2)\](1) A legible statement of the grade and size of eggs.

\[(2)\](2) A legible statement of the name and address of the distributor by or for whom
the eggs were graded and canded.

\[(b)\] The director shall provide official seals to be affixed to cartons or other
containers in which eggs are being sold or offered for sale, as contemplated in this section.
In lieu of official seals to be glued or otherwise affixed, under rules and regulations to be adopted from time to time by the director, a facsimile of the official seal may be imprinted upon each carton or other container upon which a seal is required hereunder.

The director is authorized to charge for official seals or for the privilege of imprinting a facsimile thereof at the rate calculated to reasonably provide sufficient revenue to finance the administration and enforcement of this act, which shall, however, not exceed thirty-three and one-third (3 1/3) mills per dozen eggs (3/10 of a cent per dozen eggs).

(e) (b) The words "fresh", "country", "hennery", "ranch" or words of similar import shall not be deemed a substitute for official grade designation, and may be used upon containers of eggs only as authorized by the director. Each advertisement of eggs for sale by a dealer shall plainly and conspicuously indicate the official grade and size thereof.

Approved March 27, 1975.
CHAPTER 176
(S.B.No. 1173)

AN ACT
AMENDING SECTION 67-5904, IDAHO CODE, TO PROVIDE THAT THE MEMBERS OF THE IDAHO COMMISSION ON HUMAN RIGHTS SHALL RECEIVE AN HONORARIUM OF TWENTY-FIVE DOLLARS PER DAY WHILE ON OFFICIAL BUSINESS OF THE COMMISSION AND REIMBURSEMENT FOR OTHER EXPENSES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5904, Idaho Code, be, and the same is hereby amended to read as follows:

67-5904. ORGANIZATION OF COMMISSION — COMPENSATION OF MEMBERS. — The commission shall annually select a president and vice-president. Each member of the commission shall be entitled to reimbursement of expenses incurred by him in the performance of his duties in addition to such daily allowance as the legislature may hereinafter provide. Members shall each be paid an honorarium of twenty-five dollars ($25.00) per day, not to exceed sixty (60) days in any calendar year, when on official business of the commission and shall be reimbursed for ordinary and actual travel expenses, including subsistence, incurred in accordance with regulations applicable to other state employees. The commission may appoint a staff director to serve at its pleasure. Other subordinate staff necessary to accomplish the commission's mission shall be subject to the provisions of chapter 53, title 67, Idaho Code.

SECTION 2. This act shall be in full force and effect on and after July 1, 1975.
Approved March 27, 1975.
CHAPTER 177
(S.B.No. 1172)

AN ACT
REPEALING SECTIONS 67-2026 THROUGH 67-2031, IDAHO CODE, TO REMOVE FROM THE STATE BOARD OF EXAMINERS STATE RECORD KEEPING FUNCTIONS; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5751A, IDAHO CODE, TO PROVIDE THE DEPARTMENT OF ADMINISTRATION THE POWER TO TRANSFER OFFICIAL RECORDS OF HISTORICAL VALUE TO THE STATE HISTORICAL SOCIETY.

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

SECTION 1. That Sections 67-2026 through 67-2031, Idaho Code, be, and the same are hereby repealed.

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 67-5751A, Idaho Code, and to read as follows:

67-5751A. HISTORICAL RECORDS. — Upon the determination of the director of the department of administration that certain public records have no apparent official value but have historical value, those records shall be transferred to, and may constitute a part of, the collection of the state historical society.

Approved March 27, 1975.
CHAPTER 178
(S.B.No. 1216)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE SECRETARY OF STATE; AND APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE SECRETARY OF STATE TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975 THROUGH JUNE 30, 1976.

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

SECTION 1. It is legislative intent that the expenditures for the Secretary of State not exceed the following amounts for the period July 1, 1975 through June 30, 1976.

FOR:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$267,100</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>156,200</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>6,100</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>275,500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$704,900</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$426,900</td>
</tr>
<tr>
<td>Federal Funds: Idaho Commission on Arts &amp; Humanities Fund</td>
<td>273,000</td>
</tr>
<tr>
<td>Receipts to Appropriations</td>
<td>5,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$704,900</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Secretary of State for the functions to be performed by the Secretary of State the following amounts, to be expended for designated programs according to expense classes designated therein from the listed fund for the period July 1, 1975 through June 30, 1976.

A. OPERATING THE OFFICE OF THE SECRETARY OF STATE:

FOR:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$234,200</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>138,500</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>5,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>377,700</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$377,700</td>
</tr>
</tbody>
</table>
SECTION 3. There is hereby appropriated to the Secretary of State for the functions to be performed by the Commission on Uniform State Laws the following amounts, to be expended for designated programs according to expense classes designated therein from the listed fund for the period July 1, 1975 through June 30, 1976.

A. COMMISSION ON UNIFORM STATE LAWS PROGRAM:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$700</td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>6,100</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$6,800</td>
<td></td>
</tr>
</tbody>
</table>

FROM:

| General Fund | $6,800 |

SECTION 4. There is hereby appropriated to the Secretary of State for the functions to be performed by the Idaho Commission on Arts and Humanities the following amounts, to be expended for designated programs according to expense classes designated therein from the listed funds for the period July 1, 1975 through June 30, 1976.

<table>
<thead>
<tr>
<th>A. IDAHO COMMISSION ON ARTS AND HUMANITIES PROGRAM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR: [Table]</td>
</tr>
<tr>
<td>Personnel Costs</td>
</tr>
<tr>
<td>Operating Expenditures</td>
</tr>
<tr>
<td>Capital Outlay</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
</tr>
<tr>
<td>TOTAL</td>
</tr>
</tbody>
</table>

Approved March 27, 1975.
AN ACT
AMENDING SECTION 23-929, IDAHO CODE, RELATING TO RESTRICTION OF SALES BY LICENSEE, TO PROVIDE THAT A MILITARY IDENTIFICATION CARD IS ACCEPTABLE IDENTIFICATION; AND AMENDING SECTION 23-1013, IDAHO CODE, RELATING TO RESTRICTIONS CONCERNING AGE, TO PROVIDE THAT A MILITARY IDENTIFICATION CARD IS ACCEPTABLE IDENTIFICATION.

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

SECTION 1. That Section 23-929, Idaho Code, be, and the same is hereby amended to read as follows:

23-929. RESTRICTION OF SALES BY LICENSEE. — No licensee or his or its employed agents, servants or bartenders shall sell, deliver or give away, or cause or permit to be sold, delivered, or given away, any liquor to:

1. Any person under the age of nineteen (19) years, proof of which, for every resident of this state, shall be a valid driver's license, military identification card or an identification card issued by the department of law enforcement.
2. Any person actually, apparently or obviously intoxicated.
3. An habitual drunkard.
4. An interdicted person.

Any person under the age of nineteen (19) years, or other person, who knowingly represents his or her qualifications for the purpose of obtaining liquor from such licensee shall be equally guilty with such licensee and shall, upon conviction thereof, be guilty of a misdemeanor.

SECTION 2. That Section 23-1013, Idaho Code, be, and the same is hereby amended to read as follows:

23-1013. RESTRICTIONS CONCERNING AGE. — It shall be unlawful for any person to sell, serve or dispense beer to or by any person under nineteen (19) years of age, proof of which, for every resident of this state, shall be a valid driver's license, military identification card or an identification card issued by the department of law enforcement.

Approved March 27, 1975.
CHAPTER 180
(S.B.No. 1013, As Amended, As Amended in the House)

AN ACT
REPEALING CHAPTER 41, TITLE 39, IDAHO CODE, RELATING TO FACTORY-BUILT HOUSING; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION THERETO OF A NEW CHAPTER TO BE KNOWN AND DESIGNATED AS CHAPTER 41, TITLE 39, IDAHO CODE, ENTITLED THE IDAHO BUILDING CODE ADVISORY ACT, PROVIDING LEGISLATIVE FINDING AND INTENT; PROVIDING A SHORT TITLE; PROVIDING FOR SCOPE AND EXEMPTIONS; PROVIDING THAT THE DIRECTOR OF LABOR AND INDUSTRIAL SERVICES SHALL ENFORCE THE PROVISIONS OF THE ACT; PROVIDING DEFINITIONS; PROVIDING FOR THE CREATION OF AN IDAHO BUILDING CODE ADVISORY BOARD, ITS MEMBERSHIP, APPOINTMENT, TERMS, QUORUM, COMPENSATION AND MEETINGS; PROVIDING FOR POWERS AND DUTIES; PROVIDING FOR CERTIFICATION OF BUILDING INSPECTORS, DURATION OF CERTIFICATION, FEES, RENEWAL, REVOCATION OR SUSPENSION AND HEARINGS; PROVIDING FOR THE ADOPTION OF CERTAIN CODES; PROVIDING FOR THE PROPOSAL AND ADOPTION OF NEW STANDARDS FOR COMMERCIAL COACHES AND FOAMED PLASTICS; PROVIDING FOR THE REQUIREMENT FOR PERMITS; PROVIDING A MAXIMUM FOR PERMIT FEES; PROVIDING FOR PLAN CHECKING AND A MAXIMUM FEE; PROVIDING FOR INSPECTION FEES; PROVIDING FOR PERSONNEL; PROVIDING FOR ENFORCEMENT AND ASSISTANCE; PROVIDING FOR NOTIFICATION FOR INSPECTION AND TIME LIMITS FOR SUCH INSPECTIONS; PROVIDING FOR FUEL GAS INSPECTIONS; PROVIDING THAT LOCAL APPEALS BOARDS SHALL BE OPTIONAL FOR LOCAL UNITS OF GOVERNMENT; PROVIDING FOR APPEALS; PROVIDING FOR MANUFACTURED BUILDINGS, INSIGNIA OF APPROVAL, INSTALLATION AND MODIFICATION; PROVIDING FOR COMMERCIAL COACHES, ISSUANCE OF INSIGNIA OF APPROVAL AND COST OF INSIGNIA; PROVIDING THAT ZONING AND SITE DEVELOPMENT SHALL BE WITHIN THE PURVIEW OF CITIES AND COUNTIES; PROVIDING FOR THE ESTABLISHMENT OF AN IDAHO BUILDING CODE FUND; PROVIDING FOR INJUNCTIONS AND AN AFFIDAVIT SETTING OUT THE NONCONFORMITY; PROVIDING THAT VIOLATIONS ARE MISDEMEANORS; PROVIDING FOR CIVIL ACTION; PROVIDING FOR RECIPROCITY OF STANDARDS WITH OTHER STATES; PROVID-
ING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 41, Title 39, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a new chapter, to be known and designated as Chapter 41, Title 39, Idaho Code, and to read as follows:

CHAPTER 41
IDAHO BUILDING CODE ADVISORY ACT

39-4101. LEGISLATIVE FINDING AND INTENT. — (1) Uniformity of building codes and uniformity in procedures for enforcing building codes throughout the nation and state are matters of nationwide and statewide concern and interest, in that uniformity would enhance elimination of obsolete, restricting, conflicting, duplicating and unnecessary regulations and requirements which could unnecessarily increase construction costs or retard the use of new materials and methods of installation or provide unwarranted preferential treatment to types or classes of materials or products or methods of construction.

(2) It is the intent of the legislature to:
   (a) Promote the health, safety and welfare of the occupants or users of buildings and structures and the general public;
   (b) Require minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire and life safety;
   (c) Require standards and requirements in terms of performance and nationally accepted standards;
   (d) Permit the use of modern technical methods, devices and improvements; and
   (e) Provide for a uniform interpretation of the building and safety codes for the state of Idaho.

39-4102. SHORT TITLE. — This act shall be known as “The Idaho Building Code Advisory Act of 1975.”

39-4103. SCOPE — EXEMPTIONS. — (1) The provisions of this act shall apply to all buildings and construction within the state of Idaho, except as otherwise herein provided.

(2) Structures used primarily for industrial chemical process purposes and for mineral extraction and mineral processing purposes shall be exempt from this act except for erection and fabrication of new structures, and equipment as required therein to condition the building for personnel comfort and safety. Equipment in this regard shall mean and shall be limited to facilities or installations for heating, ventilating, air conditioning, refrigerating facilities associated with air conditioning, elevators, dumbwaiters, escalators, and boilers and pressure vessels associated with building heating systems.

(3) Temporary facilities, as defined in section 39-4105(16), Idaho Code, shall be exempt from this act, except for such temporary facilities which are classified as a
manufactured building under the provisions of section 39-4121, Idaho Code, and/or a commercial coach under the provisions of section 39-4122, Idaho Code.

(4) Farms, as defined in section 39-4105(19), Idaho Code, shall be exempt from this act except for any structure which is classified as a manufactured building under the provisions of section 39-4121, Idaho Code, and/or a commercial coach under the provisions of section 39-4122, Idaho Code, or a mobile home under the provisions of chapter 40, title 39, Idaho Code.

39-4104. ENFORCEMENT OF LAW. — The director of labor and industrial services shall enforce the provisions of this act.

39-4105. DEFINITIONS. — As used in this chapter, the terms defined in this section shall have the following meaning, unless the context clearly indicates another meaning:

(1) “Director” means the director of the department of labor and industrial services for the state of Idaho.
(2) “Department” means the department of labor and industrial services of the state of Idaho.
(3) “Board” means the Idaho building code advisory board, herein created.
(4) “Person” means a natural person, corporation, partnership, trust, society, club, association, or other organization.
(5) “Building” means a combination of materials, whether portable or fixed, which comprises a structure affording facilities or shelter for any use or occupancy, and shall include a part or parts thereof and all equipment therein normally a part of the structure.
(6) “Construction” means the erection, fabrication, reconstruction, demolition, alteration, conversion, or repair of a building (other than in-kind), or the installation of equipment therein normally a part of the structure.
(7) “Equipment” means facilities or installations including, but not limited to, heating, ventilating, air conditioning, and refrigerating facilities or installations, and elevators, dumbwaiters, escalators, boilers and pressure vessels and ski lifts, but not including telecommunications facilities.
(8) “Local inspection agency” means the agency or agencies of local government with authority to make inspections of buildings and to enforce the codes, laws, rules and regulations of the state of Idaho which establish standards and requirements applicable to the construction, alteration, repair, or demolition of buildings.
(9) “Local government” means any city or county of this state.
(10) “Manufactured building” means any building which is of closed construction and which is made or assembled in manufacturing facilities, on or off the building site, for installation, or assembly and installation, on the building site.
(11) “Building site” means any lot, tract, parcel, or subdivision of land, either public or private, upon which a building is placed or is to be placed.
(12) “Closed construction” means any building, building component, assembly or system manufactured in such a manner that all concealed parts or processes of manufacture
cannot be inspected before installation at the building site without disassembly, damage or destruction.

(13) "Commercial coach" means a factory-assembled structure equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and originally designed to be used either as a dwelling unit or other use without a permanent foundation.

(14) "Mobile home" means a structure transportable in one (1) or more sections which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

(15) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters, which is less than eight (8) body feet in width and is less than thirty-two (32) body feet in length, for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, fifth-wheel camper, and motor home.

(16) "Temporary facility" means a structure designed and constructed to service actual construction projects and which is completely removed upon completion of the project. This structure shall not be a place of employment or human habitation, and does not include those temporary structures used for the protection of the public around and in conjunction with construction work.

(17) "Human habitation," when used in respect to temporary facilities, means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, storage or utility space and similar areas are not considered space for human habitation.

(18) "Telecommunications facilities" means all wires, cables, equipment, apparatus or other installations necessary to furnish service, by which there is accomplished or may be accomplished, the sending or receiving of information, data, message writing signs, signals, pictures, and sounds of all kinds, by aid of such wires, cables, equipment, apparatus or other installations, but shall not include the habitable structure in which such telecommunications facilities are housed.

(19) "Farm" means an agricultural unit of five (5) acres or more.

39-4106. IDAHO BUILDING CODE ADVISORY BOARD CREATED — MEMBERSHIP — APPOINTMENT — TERMS — QUORUM — COMPENSATION — MEETINGS. — (1) The Idaho building code advisory board is hereby created within the department of labor and industrial services as an appeals board, code adoption and variance board, and advisory board, to be appointed by the governor, and shall consist of fifteen (15) members: five (5) members of the general public; one (1) fire official; one (1) registered engineer; one (1) city building inspector; one (1) material supplier; one (1) licensed architect; one (1) homebuilder; one (1) representative of the manufactured building industry; one (1) general
contractor; one (1) representative of the natural gas industry; and one (1) representative of
the mobile home and recreational vehicle industry; provided that no two (2) members shall
be employed by the same firm. The board shall be appointed within ninety (90) days after
the adoption of this act, and shall serve the following terms commencing July 1, 1975; three
(3) members shall be appointed for a term of one (1) year, four (4) for a term of two (2)
years, four (4) for a term of three (3) years, and four (4) for a term of four (4) years.
Thereafter board members shall be appointed for a term of four (4) years. Three (3)
consecutive failures by a member to attend meetings of the board without reasonable cause
shall constitute cause for removal of the members from the board by the governor.
Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy
for the unexpired portion of the term.

(2) The members of the board shall, at their first regular meeting following the
effective date of this act and every two (2) years thereafter, elect by majority vote of the
members of the board, a chairman who shall preside at meetings of the board. A majority of
the members of the board shall constitute a quorum provided that said majority shall
include at least one (1) public member.

(3) Each member of the board not otherwise compensated by public moneys shall be
reimbursed for transportation and subsistence at the same rate as are other state personnel
and shall be paid twenty-five dollars ($25.00) for each day spent in attendance at meetings
of the board.

(4) The board shall meet for regular business sessions at the call of the director,
chairman, or at the request of three (3) members of the board, provided that the board shall
meet at least quarterly.

39-4107. POWERS AND DUTIES. - (1) The board shall determine the suitability of
alternate materials and methods of construction.

(2) The board shall function as a board of appeals and shall provide for reasonable
interpretations of the provisions of the codes enumerated in this act.

(3) The decisions of the board shall, in respect to code interpretations, be final, and
the board shall render all decisions and findings in writing to the appropriate enforcement
official and agency, the appellant, and the director within ten (10) days of the conclusion of
a hearing.

(4) For each appeal brought before the board, the chairman shall appoint not less
than three (3) members of the board to hear the appeal and render a decision and finding in
the name of the board, provided at least one (1) member of which shall be a public member.

(5) The board shall continually study the operation of adopted codes, standards,
rules and regulations relating to the construction of buildings to ascertain their effect upon
the public safety.

(6) The board shall adopt the latest changes to the codes enumerated in this act, and
shall recommend to the director such amendments deemed necessary for the safety of the
public. Such amendments shall be promulgated only after public hearings on the subject
amendments.

(7) The board shall utilize experts, consultants, and technical advisors for assistance
and recommendations relative to codes, standards, and appeals.

39-4108. CERTIFICATION - DURATION - FEES - RENEWAL - REVOCATION OR SUSPENSION - HEARINGS. - (1) The board is hereby authorized and empowered to conduct examinations and to pass upon the qualifications of state and local government inspectors, and the director is hereby authorized and empowered to grant and issue certificates of competency to such applicants as are found to be qualified by the board to be engaged as building code inspectors. All certificates issued hereunder shall not be transferable.

(2) All certificates shall bear the date of issue, and shall expire on the first day of January next following the date of issue, unless renewed as provided in this act.

(3) All applicants shall pay to the director at the time of application for examination, a fee of ten dollars ($10.00).

(4) Certification once issued under this act, unless revoked or suspended as herein provided, may be renewed at any time during the month of December next following its issuance on the payment of the renewal fee of five dollars ($5.00), and any certification which has expired may be renewed at any time within one (1) year from the first day of January next following its issuance, by payment of the examination fee.

(5) The director shall have the power to revoke or suspend any certification if the same was obtained through error or fraud, or if the holder thereof is shown to be grossly incompetent, or has wilfully violated any of the rules and regulations prescribed by said director or as prescribed by this act; provided before any certification shall be revoked or suspended, the holder thereof shall have written notice enumerating the charges against him, and shall be given a hearing by said director. The provisions of chapter 52, title 67, Idaho Code, shall apply to all cases of revocation or suspension of certification.

(6) The director shall have power to appoint, by an order in writing, any competent person to take testimony, who shall have power to administer oaths, issue subpoenas and compel the attendance of witnesses, and the decision of the director shall be based on his examination of the testimony taken and the records produced. Any person whose certification has been revoked may, after the expiration of one (1) year from the date of such revocation, but not before, apply for new certification.

39-4109. ADOPTION OF CODES. - The following codes are hereby adopted for the state of Idaho:

(1) The Uniform Building Code, 1973, 1974 supplement, 1975 supplement, and the appendices thereto, excepting chapter 15 as it relates to agricultural buildings as defined in section 402, published by the International Conference of Building Officials;

(2) The Uniform Housing Code, 1973, published by the International Conference of Building Officials;


(4) The Uniform Mechanical Code, 1973, published by the International Conference of
Building Officials and the International Association of Plumbing and Mechanical Officials;


(6) Scheme for the Identification of Piping Systems, ASA A13.1-1956, published by the American Society of Mechanical Engineers, and shall be applicable to public and private hospitals;


(10) National Fire Protection Association Code numbers 501B-1974 (ANSI A119.1), and 501C-1974 (ANSI A119.2), and the accepted engineering practice standards therein, for compliance by the mobile home and recreational vehicle industry, published by the National Fire Protection Association;

(11) National Fire Protection Association Code numbers 501A-1974, and 501D-1974, published by the National Fire Protection Association; and

(12) National Fire Protection Association Code number 54-1974 (ANSI Z223.1), and the appendices thereto, as it pertains to natural gas, and National Fire Protection Association number 59A-1972, both published by the National Fire Protection Association. These codes shall not be applicable to gases produced as a byproduct internal to the process of manufacture.

39-4110. PROPOSAL AND ADOPTION OF NEW STANDARDS – COMMERCIAL COACHES – FOAMED PLASTICS. – (1) The board may propose new standards and requirements which apply to buildings and the director may adopt such standards and requirements if:

   (a) The adoption will not substantially reduce uniformity of building regulations; and

   (b) Such adoption does not discriminate against particular technologies, techniques and materials, unless such is necessary for the safety of the public.

(2) The board shall propose construction codes and standards for commercial coaches and the director shall adopt such codes and standards and such rules and regulations deemed necessary for the enforcement thereof for commercial coaches. Such codes and standards shall be applicable to all commercial coaches manufactured after January 1, 1976.

(3) The Board shall propose codes and standards for foamed plastics and the director shall adopt such codes and standards and such rules and regulations deemed necessary for
the enforcement thereof for foamed plastics. Such codes and standards shall include the requirements for either an international conference of building officials research committee recommendation or the submission of sufficient technical data to substantiate compliance with section 1717 of the uniform building code regarding the uses of foamed plastics in or on walls and ceilings of all structures, and shall also include all uses in mobile homes, recreational vehicles and commercial coaches.

(4) All adoptions of codes and standards under this section shall be in conformity with the provisions of chapter 52, title 67, Idaho Code.

39-4111. PERMITS REQUIRED. - It shall be unlawful for any person, firm, copartnership, association or corporation to do, or cause or permit to be done, after the adoption of this act, whether acting as principal, agent or employee, any construction, improvement, extension or alteration of any building, residence or structure, coming under the purview of this act, in the state of Idaho without first procuring a permit from the appropriate agency authorizing such work to be done.


39-4113. PLAN CHECKING - MAXIMUM FEES. - (1) Notwithstanding the provisions of section 301(b)4, uniform building code, 1973, the board may require the submission of plans and specifications with the application for a building permit. Plan checking, if required, shall be accomplished prior to the issuance of a permit and the director shall establish a program for total plan checking and permit issue entirely within the safety inspection division of the department. The requirement for submission of such plans and specifications shall be optional for local governments who enforce the provisions of this act.

(2) Notwithstanding the provisions of paragraph B, section 303, uniform building code, 1973, the plan checking fee for buildings with “I” and “J” occupancy shall not exceed fifty per cent (50%) of the permit fee. The plan checking fee for all other buildings shall not exceed sixty-five per cent (65%) of the permit fee.

(3) Each manufacturer of mobile homes, recreational vehicles, commercial coaches and manufactured buildings shall submit the building plans for every model of such structure to the director for the purpose of inspection. The manufacturer must certify that each such building plan meets the appropriate construction and safety standards in force at that time before the model involved is produced.

39-4114. INSPECTION FEES. - In all instances where the department enforces the codes enumerated in this act, the director shall establish and charge a reasonable and uniform schedule of fees therefor, which shall not exceed the expenses of providing such inspection service.

39-4115. PERSONNEL. - The department shall employ a bureau chief, who shall in addition to his other duties, function as the executive director of the board, and such other personnel as necessary to effect enforcement of the codes herein enumerated. All such employees shall be classified as prescribed in chapter 53, title 67, Idaho Code.
39-4116. ENFORCEMENT — ASSISTANCE. — (1) Local governments shall, effective January 1, 1976, comply with the codes enumerated in this act, and such codes, rules and regulations promulgated pursuant to this act, and such inspection and enforcement may be provided by the local government, or shall be provided by the department if such local government opts not to provide such inspection and enforcement, except that the department shall retain jurisdiction of inspection and enforcement of construction standards enumerated in section 39-4109(10), Idaho Code, for mobile homes and recreational vehicles, and for inspection and enforcement of construction standards for manufactured buildings and commercial coaches.

(2) All building code inspectors, including those of local governments, shall be certified as provided by section 39-4108, Idaho Code.

(3) The department may contract to assist a local government in such matters as technical assistance, code interpretation, education, training, personnel, and information and dissemination of information and statistics.

(4) The department may conduct or sponsor pre-entry and in-service education and training programs on the technical, legal, and administrative aspects of building code administration and enforcement. For this purpose, it may cooperate and contract with educational institutions, local, state, regional or national building officials' organizations, and any other appropriate organization.

39-4117. NOTIFICATION FOR INSPECTION - TIME LIMIT FOR INSPECTION. — (1) It shall be the duty of the permit holder to notify the nearest representative of the appropriate inspection agency at least twelve (12) hours prior to the time of inspection, exclusive of Saturdays, Sundays and holidays, that he will be ready for inspection at a stipulated time.

(2) The director shall, upon recommendation of the board, establish by regulation the time periods stipulated before the failure of an inspector to inspect shall allow the permit holder to proceed with work the same as if the inspection has been made.

39-4118. FUEL GAS INSPECTIONS. — The director may, in writing, certify selected personnel of a natural gas utility operating within the state to inspect for the department during periods of nonavailability of a state fuel gas inspector, fuel gas installations for the purpose of supplying fuel to a natural gas system until such time as a state fuel gas inspector is available. Such inspections conducted under the provisions of this section shall be at the same rate as that charged by the state. This provision shall not apply to those local governments which conduct fuel gas inspections.

39-4119. LOCAL APPEALS BOARDS. — Notwithstanding the provisions of section 204, uniform building code, 1973, or any other sections of any codes enumerated herein which pertain to the mandatory establishment of local appeals boards therein, the establishment of local appeals boards shall be optional on the part of the cities and counties. If a local appeals board is not provided, appeals may be taken directly to the state board. Local appeals boards shall operate within the same time limits imposed upon the state board.
by sections 39-4107(3) and 39-4120, Idaho Code, and shall render all decisions in writing to the appropriate enforcement official and agency, the appellant, and the director of labor and industrial services.

39-4120. APPEALS. — (1) The board shall, within twenty (20) days after receipt of notice for an appeal, hear such appeals brought before it by persons affected by any code, rule, regulation or decision pursuant to this act; provided, such appeals shall be heard only after the appellant has received a decision from the local appeals board, if any, as provided for in section 39-4119, Idaho Code. An appeal from a determination by a local appeals board may be taken directly to the state board, provided such appeal is filed with the state board within ten (10) days from the date of decision by a local appeals board. Final decision by the board, other than code interpretations, are reviewable upon appeal to the district court in the county wherein the person praying for the appeal is a resident, or in the county of Ada, and shall be heard de novo.

(2) Appeals of board decisions shall be in such form and manner as provided by the Idaho rules of civil procedure.

39-4121. MANUFACTURED BUILDINGS — INSIGNIA OF APPROVAL — INSTALLATION — MODIFICATION. — (1) No manufactured building shall be installed on a building site in this state on or after July 1, 1975, unless it is approved and bears the insignia of approval of the department.

(2) Any manufactured building bearing an insignia of approval of the department shall be deemed to comply with codes, laws, or regulations enacted by the state of Idaho which govern the manufacturing and construction of such building.

(3) No manufactured building which has been approved by the department shall be in any way modified prior to or during installation by a manufacturer or installer unless approval of such modification is first made by the department.

39-4122. COMMERCIAL COACHES — ISSUANCE OF INSIGNIA — COST. — The director shall issue insignia for commercial coaches which meet the requirements of the standards, rules and regulations promulgated by the director pursuant to this act. The cost of the insignia, if issued, shall be included as a part of the fee schedule.

39-4123. ZONING AND SITE DEVELOPMENT. — No building permit shall be issued or authorized unless the work or project is in compliance with zoning and/or site development ordinances of the city or county, provided such zoning, and/or site development is not in conflict with the codes herein enumerated.

39-4124. “IDAHO BUILDING CODE FUND” ESTABLISHED. — All money received by the department under the terms and provisions of this act shall be paid into the state treasury, and shall be, by the state treasurer, placed to the credit of the general fund in an account to be known as the “Idaho Building Code Fund,” and all such moneys, hereafter placed in said fund, are hereby set aside and appropriated to the department to carry into effect the provisions of this act.

39-4125. INJUNCTION — AFFIDAVIT SETTING OUT NONCONFORMITY. — The department may obtain from a district court having jurisdiction, a temporary injunction
enjoining the construction of a building(s) or installation of manufactured buildings on any building site upon affidavit of the department that such building does not conform to the requirements of this act or to the rules and regulations adopted pursuant to this act or any other act of the state of Idaho relating to building construction. The affidavit must set forth such violations in detail. The injunction may be made permanent, in the discretion of the court.

39-4126. VIOLATIONS MISDEMEANORS. — (1) Any person who wilfully violates any provision of this act or who wilfully violates any provision of the codes enumerated herein or promulgated by the director pursuant to this act, is guilty of a misdemeanor, and upon conviction, shall be fined not more than three hundred dollars ($300), or imprisoned for not more than ninety (90) days or by both such fine and imprisonment. Violations of this act shall be tried in any court of competent jurisdiction within the state of Idaho.

(2) A separate violation is deemed to have occurred with respect to each building not in compliance with this act. Each day such violation continues constitutes a separate offense.

(3) The misdemeanor provisions of (1) and (2) of this section shall not apply to mobile homes. Violations of mobile home construction and safety standards shall be tried in any court of competent jurisdiction.

39-4127. CIVIL ACTION. — Notwithstanding any other remedies available, any person in an individual capacity, damaged as a result of a violation of this act or the codes enumerated herein or promulgated pursuant to this act, has a cause of action in any court of competent jurisdiction against the person who committed the violation, and if such damaged person prevails, he shall be entitled to a reasonable attorney's fee to be determined by the court together with court costs.

39-4128. RECIPROCITY OF STANDARDS WITH OTHER STATES. — (1) If the director determines that standards for manufactured buildings and commercial coaches which have been adopted by the statutes or regulations of another state are at least equal to the standards adopted by the director, the director may so provide by regulation.

(2) If the director determines that standards for manufactured buildings and commercial coaches have not been adopted by another state, and manufactured buildings and commercial coaches from that state are transported into this state to be offered for sale, the director may certify personnel to inspect such manufactured buildings or commercial coaches. If the director shall then determine that said units meet the standards of this state, the product shall be acceptable and the director may issue insignia for said manufactured building or commercial coach.

39-4129. SEVERABILITY. — If any portion of this act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this act, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

SECTION 3. This act shall be in full force and effect on and after July 1, 1975.
Approved March 27, 1975.
CHAPTER 181
(S.B.No. 1059)

AN ACT
AMENDING SECTION 33-503, IDAHO CODE, TO PROVIDE FOR DETERMINING THE WINNER WHEN THERE IS A TIE VOTE CAST AT A SCHOOL TRUSTEE ELECTION; AND AMENDING SECTION 33-504, IDAHO CODE, TO STRIKE REFERENCE TO VACANCIES CREATED BY A TIE VOTE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-503, Idaho Code, be, and the same is hereby amended to read as follows:

33-503. ELECTION OF TRUSTEES - UNIFORM DATE. - The election of school district trustees including those in charter districts shall be on the third Tuesday in May. Notice and conduct of the election, and the canvassing of the returns shall be as provided in sections 33-401 – 33-406, Idaho Code. In each trustee zone, the person receiving the greatest number of votes cast within his zone shall be declared by the board of trustees as the trustee elected from that zone.

If any two (2) or more persons have an equal number of votes in any trustee zone and a greater number than any other nominee in that zone, the board of trustees shall declare the office vacant and proceed to fill such vacancy in the manner prescribed by section 33-504, Idaho Code determine the winner by a toss of a coin.

SECTION 2. That Section 33-504, Idaho Code, be and the same is hereby amended to read as follows:

33-504. VACANCIES ON BOARDS OF TRUSTEES. – A vacancy shall be declared by the board of trustees when any nominee has been elected but has failed to qualify for office, or when any trustee shall (a) die; (b) resign as trustee; (c) remove himself from his trustee zone of residence; (d) no longer be a resident or school district elector of the district; (e) refuse to serve as trustee; or (f) without excuse acceptable to the board of trustees, fail to attend four (4) consecutive regular meetings of the board. If, when there is a tie vote in the election of trustees, such declaration of vacancy shall be made at any regular or special meeting of the board of trustees, at which any of the above mentioned conditions are determined to exist.

The board of trustees shall appoint to such vacancy a person qualified to serve as trustee of the school district providing there remain in membership on the board of trustees
a majority of the membership thereof, and the board shall notify the state board of education of the appointment. Otherwise, appointments shall be made by the board of county commissioners of the county in which the district is situate, or of the home county if the district be a joint district.

Any person appointed as herein provided shall serve until the annual election of school district trustees next following such appointment. At such annual election a trustee shall be elected to complete the unexpired term of the office which was declared vacant and filled by appointment.

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 27, 1975.
AN ACT
AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, RELATING TO ENVIRONMENTAL PROTECTION AND HEALTH, BY THE ADDITION OF A NEW SECTION 39-119, IDAHO CODE, AUTHORIZING THE DEPARTMENT OF HEALTH AND WELFARE TO CHARGE AND COLLECT FEES FOR SERVICES ESTABLISHED BY STANDARDS FORMULATED BY THE BOARD OF HEALTH AND WELFARE, AND TO REQUIRE INFORMATION CONCERNING INCOME AND ASSETS FROM PERSONS RECEIVING SERVICES; AND DECLARING AN EMERGENCY.

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 39-119, Idaho Code, and to read as follows:

39-119. COLLECTION OF FEES FOR SERVICES. - The department of health and welfare is hereby authorized to charge and collect reasonable fees, established by standards formulated by the board of health and welfare, for any service rendered by the department. The fee may be determined by a sliding scale according to income or available assets. The department is hereby authorized to require information concerning the total income and assets of each person receiving services in order to determine the amount of fee to be charged.

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 27, 1975.
AN ACT
AMENDING SECTION 67-412, IDAHO CODE, RELATING TO ALLOWANCES FOR
MEMBERS OF THE LEGISLATURE, TO PROVIDE THAT RATE PER MILE
ALLOWED FOR TRAVEL IN COMING TO AND FROM SESSIONS OF THE
LEGISLATURE SHALL NOT EXCEED THE RATE ALLOWED BY THE BOARD
OF EXAMINERS FOR OFFICIAL TRAVEL; DECLARING AN EMERGENCY AND
PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 67-412, Idaho Code, be, and the same is hereby amended
to read as follows:

67-412. ALLOWANCE FOR MEMBERS. — (1) From and after December 1, 1970, a
member of the legislature of the state of Idaho who, while serving during any session of the
legislature, and a lieutenant governor while performing his duties as president of the senate
who maintains a second home in Ada County during such period shall receive an allowance
of thirty-five dollars ($35.00) per day while away from home during such period for his
away from home expenses.

(2) A member of the legislature and a lieutenant governor of the state of Idaho who
does not maintain a second residence in Ada County during any legislative session, but who
commutes to the legislative sessions from his home, shall be reimbursed for actual travel
expenses necessarily incurred in traveling to and from the legislature at the rate of ten cents
allowed by the board of examiners for official travel, not to exceed one (1)
round trip per day and not to exceed ten dollars ($10.00) total expenses per day, during
each day of the legislative session, including each day after December 1, 1970, which
expenses shall be accounted for to the presiding officer of the legislative body in which the
member serves, and shall additionally receive the sum of twenty-five dollars ($25.00) per
day as expenses for board, necessary committee expenses, and the necessary expenses of
maintaining the office of a legislator.

(3) The legislature of the state of Idaho further finds and declares that in the
discharge of their official duties it is important that legislators return to their legislative
districts on occasion during the term of each legislative session to confer and consult with
their constituents concerning pending legislation. Therefore, commencing January 11, 1971,
in addition to the travel expenses allowed in section 23, article 3 of the Idaho Constitution,
each member of the legislature shall be reimbursed for actual expenses necessarily incurred in travel to and from his home legislative district on four (4) occasions during each regular legislative session. Reimbursement shall be upon voucher submitted in the usual form.

(4) The legislature of the state of Idaho finds and declares that to enable the legislature to carry out its constitutional duties and to function responsibly and effectively as an independent branch of state government, its members are required during periods when the legislature is not in session, to meet and correspond with officials of the departments and agencies of the executive and judicial branches of state government and local governments as well as individual constituents and groups of constituents concerning state and area problems and concerns, proposed legislation, existing laws, and to study and prepare proposed legislation. To offset the expense incurred in performing such services and maintaining the office of legislator, each member of the forty-first legislature of the state of Idaho, and each member of subsequent legislatures, shall receive for legislative expenses and for the expense of maintaining the office of legislator while the legislature is not in session, the sum of three dollars and fifty cents ($3.50) per day during each day the legislature is not in session. This expense allowance shall be paid in regular instalments as determined by the state auditor and shall be in addition to all other compensation, either as per diem or expense, paid to any member of the legislature under the previous subsections or as an officer or member of any council, board, commission or other agency or instrumentality of the state of Idaho.

(5) Members of the legislature shall receive the same per diem allowances and be reimbursed for actual expenses necessarily incurred in attending meetings or performing services previously authorized by the legislature and held during the interim between legislative sessions in the same manner and in the same amounts as is provided for members of the legislative council, including each day so spent after December 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, and retroactively to January 1, 1975.

Approved March 27, 1975.
CHAPTER 184  
(S.B.No. 1219)

AN ACT
RELATING TO ALLOWABLE GROSS LOADS ON HIGHWAYS; STATING LEGISLATIVE FINDINGS AND INTENT; AMENDING SECTION 49-901, IDAHO CODE, TO STRIKE UNPROCESSED FROM AGRICULTURAL PRODUCTS AND TO CLEARLY DEFINE THE PURPOSE AND INTENT OF THE LEGISLATURE IN ENACTING THAT PORTION OF THE SECTION REGULATING AXLE WEIGHTS FOR CERTAIN COMMODITIES BEING HAULED; PREVENTING THE LOSS OF FEDERAL FUNDS THROUGH OVERWEIGHT VEHICLES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. STATEMENT OF LEGISLATIVE DETERMINATION AND INTENT AND THE PUBLIC POLICY. — It is the finding of the legislature and is declared to be in the public interest of the state of Idaho (1) that industry and commerce be encouraged and enhanced for the betterment of the economy of the state and the welfare of its people by assuring and allowing the transporting of goods, materials and all commodities as well as for other legitimate commerce and activities, by permitting the movement of goods and vehicles on the public highways of the sort and of the maximum weights specified in chapter 9 of title 49, Idaho Code; and further, (2) to provide such legal permission and declare and acknowledge said longstanding public policy and intent retroactively to January 1, 1975, and earlier, it being hereby declared and found that such is and has been the policy of the state of Idaho for many years and constituted one of the motivating public policies underlying the enactment of chapter 9, title 49, Idaho Code, and especially section 49-901(c), Idaho Code, and sundry amendments thereof, wherein said statute provided distinctions between types of highway use for certain commercial or farm type of vehicles, which policy declaration is reaffirmed and continued in effect by this act, and it is expressly provided that nothing herein contained shall be construed to the contrary.

It is also the finding of the legislature that the economy of the state of Idaho is largely dependent upon products of the forests, agriculture, livestock, mining and related products produced from the earth which must generally be transported by motor vehicles operating upon the highways within the state for reason that water, rail and air transportation are available to only a few areas of the state of Idaho, and the above mentioned products are generally loaded at locations where weighing devices are not
available, and fairness, justice and the public interest dictate that vehicles transporting the products mentioned in section 49-901(c), Idaho Code, be given a reasonable and adequate weight tolerance as is provided when transporting such products, and, in order that all parts of the state of Idaho have at their disposal adequate transportation facilities, it is necessary to utilize the interstate and national defense highways constructed under the Federal Aid Highway Act of 1956.

SECTION 2. That Section 49-901, Idaho Code, be, and the same is hereby amended to read as follows:

49-901. ALLOWABLE GROSS LOADS. – No vehicle, motor vehicle, trailer and/or semi-trailer, or combination thereof, which with the load thereon exceeds the following weight limitations, shall be operated on the United States federal interstate and defense highways of this state:

(a) The total gross weight imposed on the highway by any one (1) axle shall not exceed 18,000 pounds, nor shall the total gross weight imposed on the highway by any one (1) wheel exceed 9,000 pounds.

(b) The total gross weight imposed on the highway by any group of consecutive axles shall not exceed the weight set forth for the respective axle spacing in the following table:

<table>
<thead>
<tr>
<th>Distance in Feet between First and Last Axles of any Group of Axles</th>
<th>Allowed Weight in Pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>30,500</td>
</tr>
<tr>
<td>4</td>
<td>32,000</td>
</tr>
<tr>
<td>5</td>
<td>32,000</td>
</tr>
<tr>
<td>6</td>
<td>32,200</td>
</tr>
<tr>
<td>7</td>
<td>32,900</td>
</tr>
<tr>
<td>8</td>
<td>33,600</td>
</tr>
<tr>
<td>9</td>
<td>34,300</td>
</tr>
<tr>
<td>10</td>
<td>35,000</td>
</tr>
<tr>
<td>11</td>
<td>35,700</td>
</tr>
<tr>
<td>12</td>
<td>36,400</td>
</tr>
<tr>
<td>13</td>
<td>37,100</td>
</tr>
<tr>
<td>14</td>
<td>38,400</td>
</tr>
<tr>
<td>15</td>
<td>39,700</td>
</tr>
<tr>
<td>16</td>
<td>41,000</td>
</tr>
<tr>
<td>17</td>
<td>42,200</td>
</tr>
<tr>
<td>18</td>
<td>43,600</td>
</tr>
<tr>
<td>19</td>
<td>45,000</td>
</tr>
<tr>
<td>20</td>
<td>46,400</td>
</tr>
<tr>
<td>21</td>
<td>48,000</td>
</tr>
<tr>
<td>Distance in Feet between First and Last Axles of any Group of Axles</td>
<td>Allowed Weight in Pounds</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>22</td>
<td>55,000</td>
</tr>
<tr>
<td>23</td>
<td>56,470</td>
</tr>
<tr>
<td>24</td>
<td>57,940</td>
</tr>
<tr>
<td>25</td>
<td>59,400</td>
</tr>
<tr>
<td>26</td>
<td>60,000</td>
</tr>
<tr>
<td>27</td>
<td>60,000</td>
</tr>
<tr>
<td>28</td>
<td>60,000</td>
</tr>
<tr>
<td>29</td>
<td>60,000</td>
</tr>
<tr>
<td>30</td>
<td>60,000</td>
</tr>
<tr>
<td>31</td>
<td>60,000</td>
</tr>
<tr>
<td>32</td>
<td>61,200</td>
</tr>
<tr>
<td>33</td>
<td>62,050</td>
</tr>
<tr>
<td>34</td>
<td>62,900</td>
</tr>
<tr>
<td>35</td>
<td>63,750</td>
</tr>
<tr>
<td>36</td>
<td>64,600</td>
</tr>
<tr>
<td>37</td>
<td>65,450</td>
</tr>
<tr>
<td>38</td>
<td>66,300</td>
</tr>
<tr>
<td>39</td>
<td>68,000</td>
</tr>
<tr>
<td>40</td>
<td>70,000</td>
</tr>
<tr>
<td>41</td>
<td>72,000</td>
</tr>
<tr>
<td>42</td>
<td>73,280</td>
</tr>
<tr>
<td>43</td>
<td>73,280</td>
</tr>
<tr>
<td>44</td>
<td>73,280</td>
</tr>
<tr>
<td>45</td>
<td>73,280</td>
</tr>
<tr>
<td>46</td>
<td>73,280</td>
</tr>
<tr>
<td>47</td>
<td>73,280</td>
</tr>
<tr>
<td>48</td>
<td>73,280</td>
</tr>
<tr>
<td>49</td>
<td>73,280</td>
</tr>
<tr>
<td>50</td>
<td>73,280</td>
</tr>
<tr>
<td>51</td>
<td>73,280</td>
</tr>
<tr>
<td>52</td>
<td>73,600</td>
</tr>
<tr>
<td>53</td>
<td>74,400</td>
</tr>
<tr>
<td>54</td>
<td>75,200</td>
</tr>
<tr>
<td>55</td>
<td>76,000</td>
</tr>
<tr>
<td>56 and over</td>
<td>76,800</td>
</tr>
</tbody>
</table>

(c) The weight limitations set forth in subsections (a) and (b) hereof shall not apply to any vehicle, motor vehicle, trailer and/or semi-trailer, or combination thereof, engaged in
the transportation of logs, pulp wood, stull, poles or piling; nor to any such vehicle engaged in the transportation of ores, concentrates, sand and gravel, and aggregates thereof, in bulk; nor to any such vehicle engaged in the transportation of agricultural commodities including livestock, but no such vehicle shall be operated on the highways of this state where the total gross weight imposed on the highway by any one (1) axle exceeds 18,900 pounds, or where the total gross weight imposed on the highway by any one (1) wheel exceeds 9,450 pounds, or where the total gross weight imposed on the highway by any group of consecutive axles exceeds the weight set forth for the respective axle spacing in the following table:

<table>
<thead>
<tr>
<th>Distance in Feet between First and Last Axles of any Group of Axles</th>
<th>Vehicles with Three or Four Axles Allowed Load in Pounds</th>
<th>Vehicles with Five or More Axles Allowed Load in Pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>4</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>5</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>6</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>7</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>8</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>9</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>10</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>11</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>12</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>13</td>
<td>56,470</td>
<td>56,470</td>
</tr>
<tr>
<td>14</td>
<td>57,940</td>
<td>57,940</td>
</tr>
<tr>
<td>15</td>
<td>59,400</td>
<td>59,400</td>
</tr>
<tr>
<td>16</td>
<td>60,610</td>
<td>60,610</td>
</tr>
<tr>
<td>17</td>
<td>61,820</td>
<td>61,820</td>
</tr>
<tr>
<td>18</td>
<td>63,140</td>
<td>63,140</td>
</tr>
<tr>
<td>19</td>
<td>64,350</td>
<td>64,350</td>
</tr>
<tr>
<td>20</td>
<td>65,450</td>
<td>65,450</td>
</tr>
<tr>
<td>21</td>
<td>66,000</td>
<td>66,330</td>
</tr>
<tr>
<td>22</td>
<td>66,000</td>
<td>67,250</td>
</tr>
<tr>
<td>23</td>
<td>66,000</td>
<td>67,880</td>
</tr>
<tr>
<td>24</td>
<td>66,000</td>
<td>68,510</td>
</tr>
<tr>
<td>25</td>
<td>66,000</td>
<td>69,150</td>
</tr>
<tr>
<td>26</td>
<td>66,000</td>
<td>69,770</td>
</tr>
<tr>
<td>27</td>
<td>66,000</td>
<td>70,400</td>
</tr>
<tr>
<td>28</td>
<td>66,000</td>
<td>70,950</td>
</tr>
<tr>
<td>29</td>
<td>66,000</td>
<td>71,500</td>
</tr>
<tr>
<td>30</td>
<td>66,000</td>
<td>72,050</td>
</tr>
</tbody>
</table>
### Distance in Feet between First and Last Axles of any Group of Axles

<table>
<thead>
<tr>
<th>Distance (Feet)</th>
<th>Allowed Load in Pounds:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Vehicles with Three or Four Axles</td>
</tr>
<tr>
<td>31</td>
<td>72,600</td>
</tr>
<tr>
<td>32</td>
<td>73,150</td>
</tr>
<tr>
<td>33</td>
<td>73,700</td>
</tr>
<tr>
<td>34</td>
<td>74,250</td>
</tr>
<tr>
<td>35</td>
<td>74,800</td>
</tr>
<tr>
<td>36</td>
<td>75,350</td>
</tr>
<tr>
<td>37</td>
<td>75,900</td>
</tr>
<tr>
<td>38</td>
<td>76,450</td>
</tr>
<tr>
<td>39</td>
<td>77,000</td>
</tr>
<tr>
<td>40</td>
<td>77,550</td>
</tr>
<tr>
<td>41</td>
<td>78,100</td>
</tr>
<tr>
<td>42</td>
<td>78,650</td>
</tr>
<tr>
<td>43</td>
<td>79,000</td>
</tr>
<tr>
<td>44</td>
<td>79,000</td>
</tr>
<tr>
<td>45</td>
<td>79,000</td>
</tr>
<tr>
<td>46</td>
<td>79,000</td>
</tr>
<tr>
<td>47</td>
<td>79,000</td>
</tr>
<tr>
<td>48</td>
<td>79,000</td>
</tr>
<tr>
<td>49</td>
<td>79,000</td>
</tr>
<tr>
<td>50</td>
<td>79,000</td>
</tr>
<tr>
<td>51</td>
<td>79,000</td>
</tr>
<tr>
<td>52</td>
<td>79,000</td>
</tr>
<tr>
<td>53</td>
<td>79,000</td>
</tr>
<tr>
<td>54</td>
<td>79,000</td>
</tr>
<tr>
<td>55</td>
<td>79,000</td>
</tr>
<tr>
<td>56 and over</td>
<td>79,000</td>
</tr>
</tbody>
</table>

(d) The weight limitations set forth in subsections (a) and (b) hereof shall not apply to any vehicle, motor vehicle, trailer and/or semitrailer, or combination thereof when a greater allowed weight in pounds would be permitted such vehicles under the table provided in this subsection, but no such vehicle shall be operated on the highways of this state where the total gross weight imposed on the highway by any one (1) axle exceeds 18,900 pounds, or where the total gross weight imposed on the highway by any one (1) wheel exceeds 9,450 pounds, or where the total gross weight imposed on the highway by any group of consecutive axles exceeds the weight set forth for the respective axle spacing in the following table:
<table>
<thead>
<tr>
<th>Distance in Feet between First and Last Axles of any Group of Axles</th>
<th>Allowed Load in Pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Vehciles with Three or Four Axles</td>
</tr>
<tr>
<td>3</td>
<td>37,800</td>
</tr>
<tr>
<td>4</td>
<td>37,800</td>
</tr>
<tr>
<td>5</td>
<td>37,800</td>
</tr>
<tr>
<td>6</td>
<td>37,800</td>
</tr>
<tr>
<td>7</td>
<td>37,800</td>
</tr>
<tr>
<td>8</td>
<td>37,800</td>
</tr>
<tr>
<td>9</td>
<td>37,800</td>
</tr>
<tr>
<td>10</td>
<td>37,800</td>
</tr>
<tr>
<td>11</td>
<td>37,800</td>
</tr>
<tr>
<td>12</td>
<td>37,800</td>
</tr>
<tr>
<td>13</td>
<td>56,470</td>
</tr>
<tr>
<td>14</td>
<td>57,940</td>
</tr>
<tr>
<td>15</td>
<td>59,400</td>
</tr>
<tr>
<td>16</td>
<td>60,610</td>
</tr>
<tr>
<td>17</td>
<td>61,820</td>
</tr>
<tr>
<td>18</td>
<td>63,140</td>
</tr>
<tr>
<td>19</td>
<td>64,350</td>
</tr>
<tr>
<td>20</td>
<td>65,450</td>
</tr>
<tr>
<td>21</td>
<td>66,000</td>
</tr>
<tr>
<td>22</td>
<td>66,000</td>
</tr>
<tr>
<td>23</td>
<td>66,000</td>
</tr>
<tr>
<td>24</td>
<td>66,000</td>
</tr>
<tr>
<td>25</td>
<td>66,000</td>
</tr>
<tr>
<td>26</td>
<td>66,000</td>
</tr>
<tr>
<td>27</td>
<td>66,000</td>
</tr>
<tr>
<td>28</td>
<td>66,000</td>
</tr>
<tr>
<td>29</td>
<td>66,000</td>
</tr>
<tr>
<td>30</td>
<td>66,000</td>
</tr>
<tr>
<td>31</td>
<td>66,000</td>
</tr>
<tr>
<td>32</td>
<td>66,000</td>
</tr>
<tr>
<td>33</td>
<td>66,000</td>
</tr>
<tr>
<td>34</td>
<td>66,000</td>
</tr>
<tr>
<td>35</td>
<td>66,000</td>
</tr>
<tr>
<td>36</td>
<td>66,000</td>
</tr>
<tr>
<td>37</td>
<td>66,000</td>
</tr>
<tr>
<td>38</td>
<td>66,000</td>
</tr>
</tbody>
</table>
### Distance in Feet between First and Last Axles of any Group of Axles

<table>
<thead>
<tr>
<th>Distance (Feet)</th>
<th>Allowed Load (Pounds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td>77,000</td>
</tr>
<tr>
<td>40</td>
<td>77,550</td>
</tr>
<tr>
<td>41</td>
<td>78,100</td>
</tr>
<tr>
<td>42</td>
<td>78,650</td>
</tr>
<tr>
<td>43</td>
<td>79,000</td>
</tr>
<tr>
<td>44</td>
<td>79,000</td>
</tr>
<tr>
<td>45</td>
<td>79,000</td>
</tr>
<tr>
<td>46</td>
<td>79,000</td>
</tr>
<tr>
<td>47</td>
<td>79,000</td>
</tr>
<tr>
<td>48</td>
<td>79,000</td>
</tr>
<tr>
<td>49</td>
<td>79,000</td>
</tr>
<tr>
<td>50</td>
<td>79,000</td>
</tr>
<tr>
<td>51</td>
<td>79,000</td>
</tr>
<tr>
<td>52</td>
<td>79,000</td>
</tr>
<tr>
<td>53</td>
<td>79,000</td>
</tr>
<tr>
<td>54</td>
<td>79,000</td>
</tr>
<tr>
<td>55</td>
<td>79,000</td>
</tr>
<tr>
<td>56 and over</td>
<td>79,000</td>
</tr>
</tbody>
</table>

(e) In applying the weight limitations imposed by this section the distance between axles shall be measured to the nearest even foot. When a fraction is exactly one-half (½) foot the next larger whole number shall be used.

(f) The limitations imposed by this section are in addition and supplemental to all other laws imposing limitations upon the size and weight of vehicles.

SECTION 3. Notwithstanding the provisions of chapter 9, title 49, Idaho Code, no vehicle, motor vehicle, trailer and/or semi-trailer, or combination thereof may be operated on the public highways of the state under loads which would result in the withholding of funds by operation of controlling federal law as provided in the Federal Aid Highway Act of 1956, as amended.

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 and retroactive to January 1, 1975.

Approved March 27, 1975.
AN ACT
AMENDING SECTION 49-701, IDAHO CODE, TO STRIKE REFERENCES TO THE
EMERGENCY DECLARED BY P. L. 93-239, AND TO STRIKE REFERENCES TO
AN EFFECTIVE TERMINATION DATE TO A MAXIMUM SPEED LIMIT; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-701, Idaho Code, be, and the same is hereby amended
to read as follows:

49-701. BASIC RULE AND PRIMA FACIE LIMITS. - (a) No person shall drive a
vehicle on a highway at a speed greater than is reasonable and prudent under the conditions
and having regard to the actual and potential hazards then existing. In every event speed
shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or
other conveyance on or entering the highway in compliance with legal requirements and the
duty of all persons to use due care.

(b) Where no special hazard exists that requires lower speed for compliance
with paragraph (a) of this section the speed of any vehicle not in excess of the limits
specified in this section or established as hereinafter authorized shall be lawful, but any
speed in excess of the limits specified in this section or established as hereinafter authorized
shall be prima facie evidence that the speed is not reasonable or prudent and that it is
unlawful:

1. Thirty-five (35) miles per hour in any urban district;
2. Sixty (60) miles per hour in other locations during the daytime;
3. Fifty-five (55) miles per hour in such other locations during the nighttime.

Provided, that, notwithstanding any other provisions of law, no person shall exceed a
maximum speed of fifty-five (55) miles per hour during the period of the emergency
declared by P. L. 93-239, which maximum speed limit shall be in effect until such date as
the President of the United States declares there is no fuel shortage or until June 30, 1975,
whichever date occurs first.

During the time period prescribed in the preceding paragraph, when the
maximum speed on a given highway is set at fifty-five (55) miles per hour, and the
maximum posted speed was more than fifty-five (55) miles per hour prior to the emergency
declared by P. L. 93-239, the maximum fine that shall be imposed for exceeding fifty-five
(55) miles per hour, but not exceeding the posted limits prior to the emergency, shall be five dollars ($5.00). In addition, no jail sentence shall be imposed on such a conviction, nor shall a conviction result in violation point counts as prescribed in section 49-330, Idaho Code. A conviction under this paragraph shall not be deemed to be a moving traffic violation for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer.

The prima facie speed limits set forth in this section may be altered as authorized in sections 49-702 and 49-703, Idaho Code.

(c) The driver of every vehicle shall, consistent with the requirements of paragraph (a), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

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 27, 1975.
CHAPTER 186
(S.B.No. 1237)

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF LAW ENFORCEMENT; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF LAW ENFORCEMENT TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976; AND PROVIDING THAT WHEN FEDERAL FUNDS ARE RECEIVED, THE GENERAL FUND APPROPRIATION SHALL BE REDUCED.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Law Enforcement not exceed the following amounts for the period July 1, 1975 through June 30, 1976:

FOR:

Personnel Costs $ 7,584,800
Operating Expenditures 3,197,900
Capital Outlay 514,400
TOTAL $11,297,100

FROM:

General Fund $ 1,104,700
Dedicated Funds:
Highway Fund 6,024,700
Motor Vehicle Fund 2,425,400
Liquor Law Enforcement Fund 274,200
Idaho State Horse Racing Commission Fund 132,600
State Brand Board Fund 850,700
General Interaccount Fund 90,800
Alcohol Safety Action Program Fund 394,000
TOTAL $11,297,100

SECTION 2. There is hereby appropriated to the Department of Law Enforcement the following amounts to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1975 through June 30, 1976:
<table>
<thead>
<tr>
<th>Program</th>
<th>From:</th>
<th>For Personnel Costs</th>
<th>For Operating Expenditures</th>
<th>For Capital Outlay</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General Administration Program:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Motor Vehicle Fund</td>
<td>$482,800</td>
<td>$335,600</td>
<td>$11,200</td>
<td>$829,600</td>
</tr>
<tr>
<td>B. Idaho State Police Program:</td>
<td>Highway Fund</td>
<td>$2,596,900</td>
<td>$731,100</td>
<td>$381,200</td>
<td>$3,709,200</td>
</tr>
<tr>
<td></td>
<td>General Interaccount Fund</td>
<td>77,000</td>
<td>13,800</td>
<td></td>
<td>90,800</td>
</tr>
<tr>
<td></td>
<td>Alcohol Safety Action Program Fund</td>
<td>348,100</td>
<td>45,900</td>
<td></td>
<td>394,000</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$2,945,000</td>
<td>$854,000</td>
<td>$395,000</td>
<td>$4,194,000</td>
</tr>
<tr>
<td>C. Driver and Vehicle Services Program:</td>
<td>Motor Vehicle Fund</td>
<td>$468,100</td>
<td>$767,400</td>
<td>$600</td>
<td>$1,236,100</td>
</tr>
<tr>
<td></td>
<td>Highway Fund</td>
<td>408,200</td>
<td>114,300</td>
<td></td>
<td>522,500</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$876,300</td>
<td>$881,700</td>
<td>$600</td>
<td>$1,758,600</td>
</tr>
<tr>
<td>D. Brand Inspection Program:</td>
<td>State Brand Board Fund</td>
<td>$674,500</td>
<td>$150,100</td>
<td>$26,100</td>
<td>$850,700</td>
</tr>
<tr>
<td></td>
<td>Idaho State Horse Racing Commission Fund</td>
<td>$89,000</td>
<td>$42,100</td>
<td>$1,500</td>
<td>$132,600</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$1,481,500</td>
<td>$273,800</td>
<td>$37,700</td>
<td>$1,793,000</td>
</tr>
<tr>
<td></td>
<td>Liquor Law Enforcement Fund</td>
<td>201,800</td>
<td>57,300</td>
<td>15,100</td>
<td>274,300</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$1,035,700</td>
<td>$660,600</td>
<td>$42,300</td>
<td>$1,738,600</td>
</tr>
</tbody>
</table>

*SECTION 3...in the event that federal funds are received by the Department of Law Enforcement, the general funds appropriated in section 2 shall be reduced by the amount received and shall revert to the general fund.*

*Item vetoed.

Approved March 27, 1975.
AN ACT

APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE IDAHO BICENTENNIAL COMMISSION, TO BE EXPENDED ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS, FOR THE PERIOD JULY 1, 1975 THROUGH JUNE 30, 1976; APPROPRIATING $2,000 FROM FISCAL YEAR 1975 GENERAL FUND MONEYS, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASS FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1976; PROVIDING THAT WHEN FEDERAL FUNDS RECEIVED EXCEED THE AMOUNT APPROPRIATED THE GENERAL FUND APPROPRIATION SHALL BE REDUCED; PROVIDING AN EFFECTIVE DATE FOR CERTAIN SECTIONS OF THIS ACT AND DECLARING AN EMERGENCY FOR SECTION 2 OF THIS ACT.

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

SECTION 1. There is hereby appropriated from the funds enumerated to the Idaho Bicentennial Commission the following amounts, to be expended according to expense classes designated from the listed funds, for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FROM GENERAL FUND</th>
<th>FROM FEDERAL FUNDS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$10,800</td>
<td>$15,300</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>10,800</td>
<td>10,600</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$21,600</td>
<td>$25,900</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated from the fund enumerated the following amount to the Idaho Bicentennial Commission, to be expended according to the expense class designated, for the period from the effective date of this act through June 30, 1976:

FOR:
Personnel Costs                                    $2,000

FROM:
Fiscal year 1975 general fund moneys                $2,000

*SECTION 3. In the event that the amount of federal funds received by the Idaho Bicentennial Commission is in excess of those appropriated in Section 1 hereof, the general fund appropriation shall be reduced by the amount so exceeded.
SECTION 4. This act shall be in full force and effect on and after July 1, 1975, except for section 2 hereof. An emergency existing therefor, which emergency is hereby declared to exist, section 2 shall be in full force and effect on and after passage and approval of this act.

* Item vetoed.

Approved March 27, 1975.
CHAPTER 188
(S.B. No. 1094, As Amended)

AN ACT
RELATING TO LAND USE PLANNING AND THE PLANNING PROCESS AT THE LOCAL LEVEL; REPEALING CHAPTERS 11 AND 12, TITLE 50, IDAHO CODE, AND CHAPTER 38, TITLE 31, IDAHO CODE; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER, TO BE KNOWN AND DESIGNATED AS CHAPTER 65, TITLE 67, IDAHO CODE, PROVIDING A SHORT TITLE, PROVIDING A STATEMENT OF PURPOSE, REQUIRING PARTICIPATION OF EACH CITY AND COUNTY IN A PLANNING PROCESS, PROVIDING THAT A CITY COUNCIL OR BOARD OF COUNTY COMMISSIONERS MAY EXERCISE ALL POWERS CONFERRED BY THIS ACT OR MAY DELEGATE THE AUTHORITY THROUGH THE CREATION OF A PLANNING COMMISSION AND A ZONING COMMISSION OR A SINGLE PLANNING AND ZONING COMMISSION, PROVIDING FOR THE CREATION, MEMBERSHIP, ORGANIZATION, RULES, RECORDS, EXPENDITURES AND STAFF OF A COMMISSION, PROHIBITING CONFLICT OF INTEREST OF ANYONE SERVING AS AN EMPLOYEE OR MEMBER OF A PLANNING AND ZONING COMMISSION AND PROVIDING PENALTY, DELINEATING THE LOCAL PLANNING PROCESS AND STATING RELATED POWERS OF THE COMMISSION, ESTABLISHING PLANNING DUTIES OF THE COMMISSION, PROVIDING FOR THE RECOMMENDATION, ADOPTION, AMENDMENT AND REPEAL PROCESS OF A PLAN BY THE COMMISSION, PROVIDING FOR REVIEW OF PLANS IN EFFECT PRIOR TO THE EFFECTIVE DATE OF THIS ACT, PROVIDING ZONING ORDINANCE POWERS TO LOCAL GOVERNING BOARDS, PROVIDING FOR THE GRANTING OF SPECIAL USE PERMITS AND STATING CONDITIONS AND PROCEDURES FOR ISSUING SPECIAL USE PERMITS, PROVIDING FOR SUBDIVISION ORDINANCES, REQUIRING REVIEW BY LOCAL GOVERNING BOARDS OF EXISTING ZONING AND SUBDIVISION ORDINANCES IN EXISTENCE ON THE EFFECTIVE DATE OF THIS ACT, PROVIDING FOR THE PROCESSING OF PLANNED UNIT DEVELOPMENT PERMITS, PROVIDING A PROCESS FOR THE ISSUING OF VARIANCE PERMITS, PROVIDING FOR A FUTURE ACQUISITIONS MAP, ALLOWING A GOVERNING BOARD TO ADOPT STANDARDS FOR VARIOUS COMPONENTS OF A COMMUNITY, DELINEATING A PERMIT GRANTING PROCESS, PROVIDING FOR HEARING
EXAMINERS, PROVIDING REMEDIES FOR PERSONS ADVERSELY AFFECTED BY THE ISSUANCE OR DENIAL OF A DEVELOPMENT PERMIT, ALLOWING FOR THE COMBINING OF PERMITS, PROVIDING FOR EMERGENCY ORDINANCES OR MORATORIUMS, PROVIDING INTERIM ORDINANCES AND MORATORIUMS, PROVIDING FOR PLAN OR ZONING ORDINANCE CHANGES UPON ANNEXATION OF UNINCORPORATED AREAS, PROVIDING FOR AREAS OF CITY IMPACT AND PROVIDING A NEGOTIATION PROCESS BETWEEN LOCAL ENTITIES, PROVIDING FOR VIOLATIONS, CRIMINAL PENALTIES AND ENFORCEMENT, PROVIDING THAT STATE AGENCIES SHALL COMPLY WITH ALL PLANS AND ORDINANCES, ADOPTED UNDER THIS ACT, PROVIDING FOR APPLICABILITY TO PUBLIC UTILITIES; PROVIDING FOR APPLICABILITY TO AGRICULTURAL LAND; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapters 11 and 12, Title 50, and Chapter 38, Title 31, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new chapter, to be known and designated as Chapter 65, Title 67, Idaho Code, and to read as follows:

CHAPTER 65
LOCAL PLANNING

67-6501. SHORT TITLE. – This act shall be known as the “Local Planning Act of 1975.”

67-6502. PURPOSE. – The purpose of this act shall be to promote the health, safety, and general welfare of the people of the state of Idaho as follows:

(a) To protect property rights and enhance property values.
(b) To ensure that adequate public facilities and services are provided to the people at reasonable cost.
(c) To ensure that the economy of the state and localities is protected and enhanced.
(d) To ensure that the important environmental features of the state and localities are protected and enhanced.
(e) To encourage the protection of prime agricultural, forestry, and mining lands for production of food, fibre, and minerals.
(f) To encourage urban and urban-type development within incorporated cities.
(g) To avoid undue concentration of population and overcrowding of land.
(h) To ensure that the development on land is commensurate with the physical characteristics of the land.
(i) To protect life and property in areas subject to natural hazards and disasters.
(j) To protect fish, wildlife, and recreation resources.
(k) To avoid undue water and air pollution.

67-6503. PARTICIPATION OF LOCAL GOVERNMENTS. – Every city and county shall exercise the powers conferred by this chapter.
67-6504. PLANNING AND ZONING COMMISSION – CREATION – MEMBERSHIP – ORGANIZATION – RULES – RECORDS – EXPENDITURES – STAFF. – A city council or board of county commissioners, hereafter referred to as a governing board, may exercise all of the powers required and authorized by this chapter in accordance with this chapter. If a governing board does not elect to exercise the powers conferred by this chapter, it shall establish by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code, a planning commission and a zoning commission or a planning and zoning commission acting in both capacities, which may act with the full authority of the governing board, excluding the authority to adopt ordinances. The powers of the board of county commissioners conferred by this chapter shall apply to the unincorporated area of the county. Legally authorized planning, zoning, or planning and zoning commissions existing prior to enactment of this chapter shall be considered to be duly constituted under this chapter unless changed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code.

(a) Membership – Each commission shall consist of not less than three (3) nor more than twelve (12) voting members, all appointed by a mayor or chairman of the county board of commissioners and confirmed by majority vote of the governing board. An appointed member of a commission must have resided in the county for five (5) years prior to his appointment, and must remain a resident of the county during his service on the commission. Not more than one-third (1/3) of the members of any commission appointed by the chairman of the board of county commissioners may reside within an incorporated city in the county. The ordinance establishing a commission to exercise the powers under this chapter shall set forth the number of members to be appointed. The term of office for members shall be not less than three (3) years, nor more than six (6) years, and the length of term shall be prescribed by ordinance. Vacancies occurring otherwise than through the expiration of terms shall be filled in the same manner as the original appointment. Members may be removed for cause by a majority vote of the governing board. Members shall be selected without respect to political affiliation and may receive such mileage and per diem compensation as provided by the governing board. If a governing board exercises these powers, its members shall be entitled to no additional mileage or per diem compensation.

(b) Organization – Each commission shall elect a chairman and create and fill any other office that it may deem necessary. A commission may establish subcommittees, advisory committees or neighborhood groups to advise and assist in carrying out the responsibilities under this chapter. A commission may appoint nonvoting ex officio advisors as may be deemed necessary.

(c) Rules, Records, and Meetings – Written organization papers or bylaws consistent with this chapter and other laws of the state for the transaction of business of the commission shall be adopted. A record of meetings, hearings, resolutions, studies,
findings, permits, and actions taken shall be maintained. All meetings and records shall be open to the public. At least one (1) regular meeting shall be held each month for not less than nine (9) months in a year. A majority of voting members of the commission shall constitute a quorum.

(d) Expenditures and Staff – With approval of a governing board, the commission may receive and expend funds, goods, and services from the federal government or agencies and instrumentalities of state or local governments or from civic and private sources and may contract with these entities and provide information and reports as necessary to secure aid. Expenditures by a commission shall be within the amounts appropriated by a governing board. Within such limits, any commission is authorized to hire employees and technical advisors, including but not limited to planners, engineers, architects, and legal assistants.

67-6505. JOINT PLANNING AND ZONING COMMISSION – FORMATION – DUTIES. – The boards of county commissioners of two (2) or more adjoining counties, alone or together with the council of one (1) or more cities therein, or the board of county commissioners of a county together with the council of one (1) or more cities within the county, or the councils of two (2) or more adjoining cities, are empowered to cooperate in the establishment of a joint planning, zoning, or planning and zoning commission, hereafter referred to as a joint commission, and may provide for participation by invitation of other public agencies deemed necessary to exercise the powers conferred in this chapter. The number of members of a joint commission, the method of appointment, and the allocation of costs for activities to be borne by the participating governing boards shall be agreed upon by the governing boards and agencies involved. A joint commission is further authorized and empowered to perform any of the duties for any local member's governing board when the duties have been authorized by that member government.

67-6506. CONFLICT OF INTEREST PROHIBITED. – A governing board creating a planning, zoning, or planning and zoning commission, or joint commission shall provide that the area and interests within its jurisdiction are broadly represented on the commission. A member or employee of a governing board, commission, or joint commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business, associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of this section shall be a misdemeanor.

67-6507. THE PLANNING PROCESS AND RELATED POWERS OF THE COMMISSION. – As part of the planning process, a planning or zoning commission shall provide for citizen meetings, hearings, surveys, or other methods, to obtain advice on the planning process, plan, and implementation. The commission may also conduct informational meetings and consult with public officials and agencies, public utility companies, and civic, educational, professional, or other organizations. As part of the planning process, the
commission shall endeavor to promote a public interest in and understanding of the commission's activities.

The commission may, at any time, make recommendations to the governing board concerning the plan, planning process, or implementation of the plan.

With the consent of the owner, the commission and its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon.

The commission may perform such additional duties as may be assigned by the governing board.

The commission shall have the right to seek judicial process, as may be necessary to enable it to fulfill its functions.

67-6508. PLANNING DUTIES. — It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, hereafter referred to as the plan. The plan shall include all land within the jurisdiction of the governing board. The plan shall consider previous and existing conditions, trends, desirable goals and objectives, or desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components unless the plan specifies reasons why a particular component is unneeded.

(a) Population — A population analysis of past, present, and future trends in population including such characteristics as total population, age, sex, and income.

(b) Economic Development — An analysis of the economic base of the area including employment, industries, economies, jobs, and income levels.

(c) Land Use — An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. A map shall be prepared indicating suitable projected land uses for the jurisdiction.

(d) Natural Resource — An analysis of the uses of rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.

(e) Hazardous Areas — An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in the known or probable path of snowslides and avalanches, and floodplain hazards.

(f) Public Services, Facilities, and Utilities — An analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and fire fighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. The plan may also show locations of civic centers and public buildings.
(g) Transportation — An analysis showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public or other transit lines and related facilities including rights-of-way, terminals, viaducts and grade separations. The component may also include port, harbor, aviation, and other related transportation facilities.

(h) Recreation — An analysis showing a system of recreation areas, including parks, parkways, trailways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs.

(i) Special Areas or Sites — An analysis of areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance.

(j) Housing — An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing.

(k) Community Design — An analysis of needs for governing landscaping, building design, tree planting, signs, and suggested patterns and standards for community design, development, and beautification.

(l) Implementation — An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.

Nothing herein shall preclude the consideration of additional planning components or subject matter.

67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN. — (a) The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Following the commission hearing, if the commission makes a material change in the plan, further notice and hearing shall be provided before the commission forwards the plan with its recommendation to the governing board. A record of the hearings, findings made, and actions taken shall be maintained.

(b) The governing board, prior to adoption, amendment, or repeal of the plan, shall conduct at least one (1) public hearing using the same notice and hearing procedures as the commission. The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission. Following the hearing of the governing board, if the governing board makes a material change in the plan, further notice and hearing shall be provided before the governing board adopts the plan.
(c) No plan shall be effective unless adopted by resolution or ordinance by the governing board. An ordinance enacting a plan or part of a plan may be adopted, amended, or repealed by reference as provided for in sections 31-715 and 50-901, Idaho Code, three (3) copies of which shall be on file with the city clerk or county clerk.

(d) Any person may petition the commission or, in absence of a commission, the governing board, for a plan amendment at any time. The commission may recommend amendments to the plan to the governing board not more frequently than every six (6) months to correct errors in the original plan or to recognize substantial changes in the actual conditions in the area. The commission may recommend amendments to other ordinances authorized by this chapter to the governing board at any time.

67-6510. EXISTING COMPREHENSIVE PLANS. — A governing board using any plan in existence on the effective date of this chapter shall conduct a review of that plan and shall make necessary amendments in accordance with this chapter prior to January 1, 1977, providing for recommendation, notice and hearing pursuant to section 67-6509, Idaho Code.

67-6511. ZONING ORDINANCE. — Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the adopted plan.

Within a zoning district, the governing board shall where appropriate, establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one district may differ from those in another district.

Ordinances establishing zoning districts shall be amended as follows:

(a) Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested.

(b) If the request is in accordance with the adopted plan, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject the ordinance amendment under the notice and hearing procedures provided in section 67-6509, Idaho Code, provided that in the case of a zoning district boundary change, additional notice shall be provided by mail to property owners and residents within the land being considered; three hundred (300) feet of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the commission. When notice is required to two hundred (200) or more property owners or residents, alternate forms of procedures which
would provide adequate notice may be provided by local ordinance in lieu of mailed notice.

(c) If the request is not in accordance with the adopted plan, the request shall be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board, which shall recommend and the governing board may adopt or reject an amendment to the plan under the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be amended as provided for under section 67-6511(b), Idaho Code.

67-6512. SPECIAL USE PERMITS, CONDITIONS, AND PROCEDURES. – As part of a zoning ordinance each governing board may provide by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, for the processing of applications for special or conditional use permits. A special use permit may be granted to an applicant if the proposed use is otherwise prohibited by the terms of the ordinance, but may be allowed with conditions under specific provisions of the ordinance and when it is not in conflict with the plan.

Prior to granting a special use permit, at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place, and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice shall also be provided to property owners and residents within the land being considered, three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission. When notice is required to two hundred (200) or more property owners or residents, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of mailed notice.

Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those:

(a) Minimizing adverse impact on other development;
(b) Controlling the sequence and timing of development;
(c) Controlling the duration of development;
(d) Assuring that development is maintained properly;
(e) Designating the exact location and nature of development;
(f) Requiring the provision for on-site or off-site public facilities or services;
(g) Requiring more restrictive standards than those generally required in an ordinance.

Prior to granting a special use permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferrable from one parcel of land to another.
67-6513. SUBDIVISION ORDINANCE. — Each governing board shall provide, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, for standards and for the processing of applications for subdivision permits under sections 50-1301 through 50-1329, Idaho Code.

67-6514. EXISTING ZONING OR SUBDIVISION ORDINANCES. — A governing board, using any zoning or subdivision ordinance in existence on the effective date of this chapter, shall conduct a review of those ordinances and shall make necessary amendments in accordance with this chapter prior to January 1, 1978, following notice and hearing pursuant to section 67-6509, Idaho Code.

67-6515. PLANNED UNIT DEVELOPMENTS. — As part of or separate from the zoning ordinance, each governing board may provide, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, for the processing of applications for planned unit development permits.

A planned unit development may be defined in a local ordinance as an area of land in which a variety of residential, commercial, industrial, and other land uses are provided for under single ownership or control. Planned unit development ordinances may include, but are not limited to, requirements for minimum area, permitted uses, ownership, common open space, utilities, density, arrangements of land uses on a site, and permit processing. Planned unit developments may be permitted under processing for special use permits as defined in this chapter. Permits for planned unit developments may be granted following the notice and hearing procedures provided in section 67-6512, Idaho Code.

67-6516. VARIANCE. — Each governing board shall provide as part of the zoning ordinance for the processing of applications for variance permits. A variance is a modification of the requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration.

67-6517. FUTURE ACQUISITIONS MAP. — Upon the recommendation of the planning or planning and zoning commission each governing board may adopt, amend, or repeal a future acquisitions map in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code. The map shall designate land proposed for acquisition by a public agency for a maximum six (6) year period. Lands designated for acquisition may include land for:

(a) Streets, roads, other public ways, or transportation facilities proposed for construction or alteration;
(b) Proposed schools, airports, or other public buildings;
(c) Proposed parks or other open spaces; or
(d) Lands for other public purposes.

Upon receipt of a request for a permit as defined in this chapter, or a building permit as defined in a local ordinance, for a development on any lands designated upon the future acquisitions map, the zoning or planning and zoning commission or the governing board shall notify the public agency proposing to acquire the land. Within thirty (30) days of the date of that notice, the public agency may, in writing, request the commission or governing board to suspend consideration of the permit for sixty (60) days from the date of the request to allow the public agency to negotiate with the land owner to obtain an option to purchase the land, acquire the land, or institute condemnation proceedings as may be authorized in the Idaho Code. If the public agency fails to do so within the sixty (60) days, the commission or governing board shall resume consideration of the permit. Nothing in this chapter shall limit a governing board from adopting local ordinances as required or authorized which include lands on the future acquisitions map.

67-6518. STANDARDS. — Each governing board may adopt standards for such things as: building design; blocks, lots, and tracts of land; yards, courts, greenbelts, planting strips, parks, and other open spaces; trees; signs; parking spaces; roadways, streets, lanes, bicycleways, pedestrian walkways, rights-of-way, grades, alignments, and intersections; lighting; easements for public utilities; access to streams, lakes, and viewpoints; water systems; sewer systems; storm drainage systems; street numbers and names; house numbers; schools, hospitals, and other public and private development.

Standards may be provided as part of zoning, subdivision, planned unit development, or separate ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code.

Whenever the ordinances made under this chapter impose higher standards than are required by any other statute or local ordinance, the provisions of ordinances made pursuant to this chapter shall govern.

67-6519. PERMIT GRANTING PROCESS. — As part of ordinances required or authorized under this chapter, a procedure shall be established for processing in a timely manner applications for permits for which a reasonable fee may be charged. Each application for a permit required or authorized under this chapter shall first be submitted to the zoning or planning and zoning commission for its recommendation or decision. The commission shall have a reasonable time fixed by the governing board to examine the application before the commission makes its decision on the permit or makes its recommendation to the governing board. Each commission or governing board shall establish by rule and regulation a time period within which a recommendation or decision must be made. Whenever a governing board or zoning or planning and zoning commission grants or denies a permit, it shall specify:
(a) the ordinance and standards used in evaluating the application;
(b) the reasons for approval or denial; and
(c) the actions, if any, that the applicant could take to obtain a permit.

An applicant denied a permit or aggrieved by a decision may within sixty (60) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by sections 67-5215(b) through (g) and 67-5216, Idaho Code.

67-6520. HEARING EXAMINERS. – Hearing examiners include professionally trained or licensed staff planners, engineers, or architects. If authorized by local ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code, hearing examiners may be appointed by a governing board or zoning or planning and zoning commission for hearing applications for subdivision and variance permits and requests for zoning district boundary changes which are in accordance with the plan. Notice, hearing, and records before the examiner shall be as provided in this chapter for the zoning or planning and zoning commission. Whenever a hearing examiner hears an application, he shall recommend to the governing board or zoning or planning and zoning commission that the application be granted or denied and shall specify:

(a) the ordinance and standards used in evaluating the application;
(b) the reasons for recommendation; and
(c) the actions, if any, that the applicant could take to obtain a permit or zoning district boundary change in accordance with the plan.

An applicant denied a permit or aggrieved by a decision may within sixty (60) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by sections 67-5215(b) through (g) and 67-5216, Idaho Code.

67-6521. ACTIONS BY AFFECTED PERSONS. – (a) As used herein, an affected person shall mean one having an interest in real property which may be adversely affected by the issuance or denial of a permit authorizing the development.

(b) Any affected person may at any time prior to final action on a permit required or authorized under this chapter, if no hearing has been held on the application, petition the commission or governing board in writing to hold a hearing pursuant to section 67-6512, Idaho Code; provided, however, that if twenty (20) affected persons petition for a hearing, the hearing shall be held.

(c) After a hearing, the commission or governing board may:

(1) Grant or deny a permit; or
(2) Delay such a decision for a definite period of time for further study or hearing. Each commission of governing board shall establish by rule and regulation a time period within which a recommendation or decision must be made.

(d) An affected person aggrieved by a decision may within sixty (60) days after all remedies have been exhausted under local ordinances seek judicial review under the procedures provided by sections 67-5215(b) through (g) and 67-5216, Idaho Code.

67-6522. COMBINING OF PERMITS – PERMITS TO ASSESSOR. – Where practical, the governing board or zoning or planning and zoning commission may combine related permits for the convenience of applicants. State and federal agencies should make
every effort to combine or coordinate related permits with the local governing board or commission. Appropriate permits as defined by local ordinance shall be forwarded to the county assessor.

67-6523. EMERGENCY ORDINANCES AND MORATORIUMS. — If a governing board finds that an imminent peril to the public health, safety, or welfare requires adoption of ordinances as required or authorized under this chapter, or adoption of a moratorium upon the issuance of selected classes of permits, or both, it shall state in writing its reasons for that finding. The governing board may then proceed without recommendation of a commission, upon any abbreviated notice of hearing that it finds practical, to adopt the ordinance or moratorium. An emergency ordinance or moratorium may be effective for a period of not longer than one hundred and twenty (120) days.

67-6524. INTERIM ORDINANCES AND MORATORIUMS. — If a governing board finds that a plan, a plan component, or an amendment to a plan is being prepared for its jurisdiction, it may adopt interim ordinances as required or authorized under this chapter, following the notice and hearing procedures provided in section 67-6509, Idaho Code. The governing board may also adopt an interim moratorium upon the issuance of selected classes of permits if, in addition to the foregoing, the governing board finds and states in writing that an imminent peril to the public health, safety, or welfare requires the adoption of an interim moratorium. An interim ordinance or moratorium shall state a definite period of time when it shall be in full force and effect.

67-6525. PLAN AND ZONING ORDINANCE CHANGES UPON ANNEXATION OF UNINCORPORATED AREA. — Prior to annexation of an unincorporated area, a city council shall request and receive a recommendation from the planning and zoning commission, or the planning commission and the zoning commission, on the proposed plan and zoning ordinance changes for the unincorporated area. Each commission and the city council shall follow the notice and hearing procedures provided in section 67-6509, Idaho Code. Concurrently or immediately following the adoption of an ordinance of annexation, the city council shall amend the plan and zoning ordinance.

67-6526. AREAS OF CITY IMPACT — NEGOTIATION PROCEDURE. — (a) The governing board of each county and each city therein shall, prior to January 1, 1977, adopt by ordinance following the notice and hearing procedures provided in section 67-6509, Idaho Code, a map identifying an area of city impact within the unincorporated area of the county. By mutual agreement, this date may be extended to January 1, 1978. The ordinance identifying an area of city impact shall also provide for one of the following:

1. Application of the city plan and ordinances adopted under this chapter to the area of city impact; or
2. Application of the county plan and ordinances adopted under this chapter to the area of city impact; or
3. Application of any mutually agreed upon plan and ordinances adopted under this chapter to the area of city impact.
Areas of city impact, together with plan and ordinance requirements, may cross county boundaries by agreement of the city and county concerned if the city is within three (3) miles of the adjoining county.

(b) If the requirements of section 67-6526(a), Idaho Code, are not met, the county commissioners for the county concerned, together with three (3) elected city officials designated by the mayor of the city and confirmed by the council, shall, within thirty (30) days, select three (3) city or county residents. These nine (9) persons shall, by majority vote, recommend to the city and county governing boards an area of city impact together with plan and ordinance requirements. The recommendations shall be acted upon by the governing boards within sixty (60) days of receipt. If the city or county fails to enact ordinances providing for an area of city impact, plan, and ordinance requirements, the city or county may seek a declaratory judgment from the district court identifying the area of city impact, and plan and ordinances requirements. In defining an area of city impact, the following factors shall be considered: (1) trade area; (2) geographic factors; and (3) areas that can reasonably be expected to be annexed to the city in the future.

(c) If areas of city impact overlap, the cities involved shall negotiate boundary adjustments to be recommended to the respective city councils. If the cities cannot reach agreement, the board of county commissioners shall, upon a request from either city, within thirty (30) days, recommend adjustments to the areas of city impact which shall be adopted by ordinance by the cities following the notice and hearing procedures provided in section 67-6509, Idaho Code. If any city objects to the recommendation of the board of county commissioners, the city shall, within sixty (60) days from receipt of the recommendation, seek a declaratory judgment from the district court adjusting the areas of city impact.

(d) Areas of city impact, plan, and ordinance requirements shall remain fixed until both governing boards agree to renegotiate. In the event the city and county cannot agree, the judicial review process of subsection (b) shall apply. Renegotiations shall begin within thirty (30) days after written request by the city or county and shall follow the procedures for original negotiation provided in this section.

(e) Prior to negotiation or renegotiation of areas of city impact, plan, and ordinance requirements, the governing boards shall submit the questions to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by the governing board to make its recommendations to the governing board.

(f) This section shall not preclude growth and development in areas of any county within the state of Idaho which are not within the areas of city impact provided for herein.

67-6527. VIOLATIONS – CRIMINAL PENALTIES – ENFORCEMENT. – A governing board may provide by ordinance for the enforcement of this chapter or any ordinance or regulation made pursuant to this chapter. A violation of any such ordinance or regulation is hereby declared a misdemeanor and the governing board may provide by ordinance for punishment thereof by fine or imprisonment or by both, and may seek civil
penalties for such violation. Except that where property has been made non-conforming by the exercise of eminent domain it shall not be a violation and no penalty, either civil or criminal, shall result. In addition, whenever it appears to a governing board that any person has engaged or is about to engage in any act or practice violating any provision of this chapter or an ordinance or regulation enacted pursuant to this chapter, the governing board may institute a civil action in the district court to enforce compliance with this chapter or any ordinance or regulation enacted hereunder. Upon a showing that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter or ordinance or regulation enacted hereunder, a permanent or temporary injunction, restraining order, or such other relief as the court deems appropriate shall be granted. The governing board shall not be required to furnish bond.

67-6528. APPLICABILITY OF ORDINANCES. - The state of Idaho, and all its agencies, boards, departments, institutions, and local special purpose districts, shall comply with all plans and ordinances adopted under this chapter unless otherwise provided by law. In adoption and implementation of the plan and ordinances, the governing board or commission shall take into account the plans and needs of the state of Idaho and all agencies, boards, departments, institutions, and local special purpose districts. The provisions of plans and ordinances enacted pursuant to this chapter shall not apply to transportation systems of statewide importance as may be determined by the Idaho transportation board. The Idaho transportation board shall consult with the local agencies affected specifically on site plans and design of transportation systems within local jurisdictions. If a public utility has been ordered or permitted by specific order, pursuant to title 61, Idaho Code, to do or refrain from doing an act by the public utilities commission, any action or order of a governmental agency pursuant to titles 31, 50 or 67, Idaho Code, in conflict with said public utilities commission order, shall be insofar as it is in conflict, null and void if prior to entering said order, the public utilities commission has given the affected governmental agency an opportunity to appear before or consult with the public utilities commission with respect to such conflict.

67-6529. APPLICABILITY TO AGRICULTURAL LAND. - No power granted hereby shall be construed to empower a board of county commissioners to enact any ordinance or resolution which deprives any owner of full and complete use of agricultural land for production of any agricultural product. Agricultural land shall be defined by local ordinance or resolution.

SECTION 3. 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 4. This act shall be in full force and effect on and after July 1, 1975.
Approved March 28, 1975.
CHAPTER 189  
(S.B.No. 1224, As Amended in the House)

AN ACT
RELATING TO WATER AND SEWER DISTRICTS; AMENDING SECTION 42-3202, IDAHO CODE, BY STRIKING THE AUTHORITY FOR RECREATIONAL WATER AND/OR SEWER DISTRICTS; AMENDING CHAPTER 32, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3202A, IDAHO CODE, TO DEFINE A RECREATIONAL WATER AND/OR SEWER DISTRICT AS ONE IN WHICH LESS THAN A MAJORITY OF THE LANDOWNERS IN THE PROPOSED DISTRICT ARE RESIDENTS OF THE DISTRICT SOUGHT TO BE CREATED, BY PROVIDING THAT QUALIFIED ELECTORS OF RECREATIONAL WATER AND/OR SEWER DISTRICT SHALL INCLUDE NONRESIDENT LANDOWNERS AND BY PROVIDING PROCEDURES FOR ELECTIONS WITHIN THE DISTRICT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-3202, Idaho Code, be, and the same is hereby amended to read as follows:

42-3202. DEFINITION OF TERMS. — A water district is one to supply water for domestic, commercial, and/or industrial purposes by any available means, and for that purpose any such district shall have power to extend its water lines to the source of water supply.

A sewer district is one to provide for sewage disposal and for that purpose any such district shall have power to extend its sewer lines to an appropriate outlet.

A district may be created for a combination of water and sewer purposes, or either of said purposes. A district may be entirely within or entirely without, or partly within and partly without one (1) or more municipalities or counties, and the district may consist of noncontiguous tracts or parcels of property.

A recreational water and/or sewer district is a water district, or a sewer district, or a district created for a combination of water and sewer purposes, in which a majority of the property owners do not declare that property as their prime residence. As used in this act, the term "district" includes a "recreational water and/or sewer district," unless otherwise specifically provided.

The word "board" as used in this act shall mean the board of directors of a district.

A "qualified elector" of a district, within the meaning of and entitled to vote under
this act, unless otherwise specifically provided herein, is a person qualified to vote at general elections in this state, and who has been a bona fide resident of the district for at least thirty (30) days prior to any election in the district. No registration shall be required at any election held pursuant to this act, but each voter shall be required to execute an oath of election attesting his qualification.

A "qualified elector" of a recreational water and/or sewer district, within the meaning of and entitled to vote under this act, unless otherwise specifically provided herein, is a person qualified to vote at general elections in this state and who has been a bona fide resident of the district for at least thirty (30) days prior to any election or who is an owner of land situated in the district. No registration shall be required at any election held pursuant to this act, but each voter shall be required to execute an oath of election attesting his qualification.

The holder or holders of a bona fide contract to purchase any land within the proposed district and whose names appear on the next preceding county assessment roll for the payments of taxes on the land shall be deemed an owner of land for all the purposes of this chapter.

Wherever the term "publication" is used in this act and no manner specified therefor, it shall be taken to mean once a week for three (3) consecutive weeks in at least one (1) newspaper of general circulation in the district. It shall not be necessary that publication be made on the same day of the week in each of the three (3) weeks, but not less than fourteen (14) days (excluding the day of first publication), shall intervene between the first publication and the last publication, and publication shall be complete on the date of the last publication.

SECTION 2. That Chapter 32, 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 42-3202A, Idaho Code, and to read as follows:

42-3202A. RECREATIONAL WATER AND/OR SEWER DISTRICT. – A recreational water and/or sewer district is one in which less than a majority of the landowners in the district sought to be created reside within the district and at least fifty per cent (50%) of the land area of which is in a natural state, used for agricultural purposes and with residences located thereon, if any, occupied by the owners of such residences for less than six (6) months per annum. Each petition filed with the clerk of the district court pursuant to the provisions of this chapter shall be verified and the petitioners shall certify to the fact that a majority of the landowners do or do not reside within the district sought to be created and the court decree determining the nature of such district pursuant to the provisions of section 42-3207, Idaho Code, shall be conclusive for all purposes. If the water and/or sewer district sought to be created is a recreational water and/or sewer district as defined in this section, such recreational water or sewer district shall be created in the manner provided in chapter 32, title 42, Idaho Code, except that the term "qualified elector” shall mean any person qualified to vote in a general election, who has been a
residents of the district for at least thirty (30) days prior to any election or who is an owner of land situated in the proposed district. No registration shall be required of qualified electors at any election held pursuant to this act, but each voter shall be required to execute an oath of election attesting his qualifications. The holder or holders of a bona fide contract to purchase any land within the proposed district and whose names appear upon the next preceding county assessment roll for the payment of taxes on the land shall be deemed an owner of land for all the purposes of this section.

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 28, 1975.
CHAPTER 190
(S.B.No. 1232)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE
DEPARTMENT OF FINANCE; AND APPROPRIATING MONEYS FROM THE
FUNDS ENUMERATED TO THE DEPARTMENT OF FINANCE TO BE
EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED
EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1,

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

SECTION 1. It is legislative intent that the expenditures of the Department of
Finance not exceed the following amounts for the period July 1, 1975 through June 30,
1976:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT OF FINANCE:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$382,500</td>
<td>$105,900</td>
<td>$6,200</td>
</tr>
<tr>
<td>Credit Union Examination Fund</td>
<td>34,000</td>
<td>12,000</td>
<td>5,100</td>
</tr>
<tr>
<td>Cemetery Fund</td>
<td>200</td>
<td>500</td>
<td>700</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>5,200</td>
<td>1,100</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$421,900</td>
<td>$119,500</td>
<td>$11,300</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Finance the
following amounts, to be expended for designated programs, according to expense classes
designated therein from the listed funds for the period July 1, 1975 through June 30, 1976:

A. ADMINISTRATION PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$91,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$91,300</td>
</tr>
</tbody>
</table>

B. SUPPORTING SERVICES PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$71,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$71,600</td>
</tr>
<tr>
<td></td>
<td>FOR PERSONNEL COSTS</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td><strong>C. BANKS PROGRAM:</strong></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$90,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$90,900</td>
</tr>
<tr>
<td><strong>D. SAVINGS AND LOAN ASSOCIATIONS PROGRAM:</strong></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$10,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$10,200</td>
</tr>
<tr>
<td><strong>E. CREDIT UNIONS PROGRAM:</strong></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>Credit Union Examination Fund</td>
<td>$34,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$34,000</td>
</tr>
<tr>
<td><strong>F. UNIFORM CONSUMER CREDIT CODE PROGRAM:</strong></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$47,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$47,000</td>
</tr>
<tr>
<td><strong>G. SECURITIES PROGRAM:</strong></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$63,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$63,900</td>
</tr>
<tr>
<td><strong>H. STATE INSURANCE FUND PROGRAM:</strong></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>$5,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$5,200</td>
</tr>
<tr>
<td><strong>I. COLLECTION AGENCIES PROGRAM:</strong></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$7,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$7,600</td>
</tr>
<tr>
<td><strong>J. ENDOWED CARE CEMETERIES PROGRAM:</strong></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>Cemetery Fund</td>
<td>$200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$200</td>
</tr>
<tr>
<td><strong>GRAND TOTALS</strong></td>
<td><strong>$421,900</strong></td>
</tr>
</tbody>
</table>

Approved March 28, 1975.
CHAPTER 191
(S.B.No. 1225)

AN ACT
AMENDING SECTION 26-802, IDAHO CODE, RELATING TO THE EXAMINATION OF BANKS BY PROVIDING THAT EACH STATE CHARTERED BANK MAY BE EXAMINED ONCE DURING EACH STATE FISCAL YEAR BUT SHALL BE EXAMINED AT LEAST ONCE EACH EIGHTEEN MONTHS; AND AMENDING SECTION 26-803, IDAHO CODE, TO PRESCRIBE FEES WHICH THE DIRECTOR OF THE DEPARTMENT OF FINANCE SHALL CHARGE EACH BANK, AND STRIKING THE SPECIFIC FEE FOR EXAMINATION OF BANKS.

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

SECTION 1. That Section 26-802, Idaho Code, be, and the same is hereby amended to read as follows:

26-802. EXAMINATION BY DEPARTMENT. — Every bank shall be subject to the inspection and supervision of the commissioner director, as provided in this act. It shall be the duty of the commissioner director and he shall have the power to examine twice each year. The director may examine at least once during each state fiscal year, but in any event no less often than once in eighteen (18) months, or whenever he shall deem it necessary, without previous notice, the cash, bills, collateral or securities, books of accounts, condition and affairs of each bank under the law. For this purpose, the commissioner director shall have authority to demand and inspect all books, papers, moneys, notes, bonds, or evidences of debt of such bank and may examine on oath any of the officers, agents, clerks, customers, or depositors of such bank. Any wilful false swearing in any examination shall be deemed perjury. The commissioner director shall also ascertain whether each bank is conducting its business in the manner prescribed by law. In examination, the officers and clerks shall give any assistance required by the commissioner director, but no examiner shall interfere with the routine duty of such officers and clerks.

Whenever it shall come to the notice of the commissioner director that any bank has failed or refused to comply with any of the provisions of this chapter, the commissioner director is authorized as a penalty for such failure or refusal to make a special examination of said bank and to charge and collect for such special examination; and to continue such examinations and charges at intervals of not less than thirty (30) days until such provisions are complied with.

Provided, that the commissioner director of the department of finance may in his discretion at any time omit his examination of any bank as above required and accept in lieu
thereof the findings or result of an examination of such bank made by any agency of the United States authorized or required by the laws of the United States to make such examination.

SECTION 2. That Section 26-803, Idaho Code, be, and the same is hereby amended to read as follows:

26-803. FEES FOR EXAMINATION. — The commissioner shall collect from each bank for each complete examination of its condition the following assessment fees: A flat fee of fifty dollars ($50.00) for each examination and an additional fee based upon the amount of the total assets of the bank, such additional fee to be fixed by the commissioner director of the department of finance, provided, that the maximum of such additional fee shall not exceed ten cents (10c), fifteen cents (15c) for each one thousand dollars ($1000) of the total assets of the bank as shown at the time of the examination. Provided, however, that no bank shall be required to pay for more than two (2) regular examinations during any year of June 30. In addition to the foregoing each bank shall pay to the director at the time of its regular examination the additional sum of one hundred dollars ($100) for each office and branch office maintained by said bank. Provided further, each bank shall pay to the director the aggregate of the flat fee, the asset charge, and the banking office fees above specified, or the sum of fifteen hundred dollars ($1500), whichever sum is the greater. The commissioner director shall collect from each bank for each special examination of its condition which in his opinion is necessary, an amount sufficient to reimburse the commissioner director for the actual expenses incurred in connection therewith.

Approved March 28, 1975.
CHAPTER 192
(S.B.No. 1217)

AN ACT
APPROPRIATING $1,500,000 FROM THE GENERAL FUND TO THE IDAHO TRANSPORTATION DEPARTMENT FOR APPORTIONMENT TO THE VARIOUS COUNTIES; APPROPRIATING $1,000,000 FROM THE GENERAL FUND TO THE IDAHO TRANSPORTATION DEPARTMENT FOR APPORTIONMENT TO THE VARIOUS CITIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Idaho Transportation Department the sum of $1,500,000 from the general fund, which shall be apportioned to the various counties for deposit in the county road fund. Each county road fund shall be entitled to an amount from such apportionment, and such amount shall be calculated and determined in the manner provided by section 40-405, Idaho Code, as if the apportionment made herein were from the state highway fund.

SECTION 2. There is hereby appropriated to the Idaho Transportation Department the sum of $1,000,000 from the general fund, which shall be apportioned to the various cities. Each city shall be entitled to an amount from such apportionment, and such amount shall be calculated and determined in the manner provided by section 63-2432 (1)(c)(3), Idaho Code, as if the apportionment made herein were from motor fuel taxes.

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 28, 1975.
CHAPTER 193
(S.B.No. 1210)

AN ACT
AMENDING TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 15, TITLE 59, IDAHO CODE, TO PROVIDE FOR A SUPPLEMENTAL RETIREMENT SYSTEM; TO PROVIDE FOR ELIGIBILITY AND RETIREMENT ALLOWANCES; TO PROVIDE FOR A SUPPLEMENTAL RETIREMENT FUND; TO PROVIDE FOR PAYMENT OF MONEYS INTO THE FUND AND EXPENDITURES OUT OF THE FUND; TO PROVIDE FOR APPLICATION OF THE PROVISIONS OF THIS CHAPTER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a new Chapter 15, Title 59, Idaho Code, and to read as follows:

CHAPTER 15
SUPPLEMENTAL RETIREMENT SYSTEM

59-1501. SUPPLEMENTAL RETIREMENT SYSTEM. — (1) A supplemental retirement system is hereby created under the management and control of the public employee retirement board, as provided in chapter 13, title 59, Idaho Code, to provide retirement allowance to widows of governors of this state and to widows of United States senators or congressmen of this state, provided the spouse of such widow completed at least four (4) years in one or more of the offices named.

(2) Such widows shall qualify for a retirement allowance upon attaining the age of sixty-five (65) years, and such retirement allowance shall be an annual amount equal to two and one-half per cent (2 1/2%) of the current annual compensation of the office last held by her spouse, multiplied by the number of years he served, payable in equal monthly installments. Provided, however, the annual amount of retirement allowance shall not be less than four thousand eight hundred dollars ($4,800) or more than ten thousand eight hundred dollars ($10,800).

(3) The amount of the retirement allowance herein prescribed shall be reduced by the amount of retirement allowance received from any other retirement system operated by the state or federal government, except social security benefits. The retirement board is also authorized to pay the reasonable expenses incurred as a result of a last illness, including funeral expenses, not otherwise paid from any other source.

59-1502. SUPPLEMENTAL RETIREMENT FUND. — (1) There is hereby established
in the state treasury a fund to be known as the supplemental retirement fund. The supplemental retirement fund shall be funded by general fund appropriations, and by income from any other source. All moneys coming into the supplemental retirement fund are hereby perpetually appropriated to the public employee retirement board for disbursement and expenditure as authorized by this chapter, and shall not be considered expenses of the board nor included in its regular departmental budget.

(2) An amount not to exceed five per cent (5%) of the amounts appropriated may be deducted by the public employee retirement board for expenses and deposited to the administrative account of the public employee retirement fund. Moneys in the supplemental retirement fund may be invested at the sole discretion of the public employee retirement board and the earnings therefrom shall be deposited to the credit of the supplemental retirement fund.

59-1503. APPLICABILITY. — The provisions of this chapter shall be retroactive with respect to eligibility for benefits, but shall be prospective with respect to payment of benefits.

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 28, 1975.
CHAPTER 194
(S.B.No. 1187)

AN ACT
RELATING TO LEGISLATIVE SESSIONS; AMENDING SECTION 67-404, IDAHO CODE, TO PROVIDE THAT THE LEGISLATURE SHALL CONVENE EACH SESSION ON THE FIRST MONDAY AFTER THE FIRST DAY IN JANUARY.

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. SESSIONS OF LEGISLATURE. — At the hour of twelve (12) o’clock M. on the second Monday after the first day in January the regular session of the legislature shall be convened. The presiding officer must call the same to order and preside. Neither house must 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.

Approved March 28, 1975.
CHAPTER 195
(S.B.No. 1171, As Amended in the House)

AN ACT
AMENDING SECTIONS 67-5753, 67-5754, AND 67-5755, IDAHO CODE, TO PROVIDE SEQUENTIAL RENUMBERING; AMENDING SECTION 67-5756, IDAHO CODE, RELATING TO A RETAINED RISK FUND, BY RENUMBERING THE SECTION, BY CHANGING CODE REFERENCES, BY PROVIDING ADDITIONAL USES FOR WHICH THE FUND MAY BE USED, BY PROVIDING FOR PREMIUMS AND SURCHARGES RECEIVED, BY ESTABLISHING ACCOUNTS WITHIN THE FUND, AND PRESCRIBING THE PURPOSES FOR WHICH THE ACCOUNTS ARE TO BE UTILIZED; AMENDING SECTION 67-5757, IDAHO CODE, RELATING TO INTERDEPARTMENTAL TRANSACTIONS, BY RENUMBERING THE SECTION, BY REQUIRING THAT AN ESTIMATE OF COST OF INSURANCE OR COVERAGE BE PROVIDED TO EACH DEPARTMENT, AND BY REQUIRING THAT FUNDS RECEIVED BE DEPOSITED TO THE RETAINED RISK FUND; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5759, IDAHO CODE, TO PROVIDE FOR THE COLLECTION OF DELINQUENT PAYMENTS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5753, Idaho Code, be, and the same is hereby amended to read as follows:

67-5753. POSITION OF RISK MANAGER CREATED — APPOINTMENT — EMPLOYMENT OF PERSONNEL. — There is hereby created the position of risk manager in the division of purchasing in the department of administration. The risk manager shall be selected and retained subject to the provision of chapter 53, title 67, Idaho Code. The risk manager shall be directly responsible to the director of the department of administration. The risk manager may, with the agreement of the director, employ and fix the compensation of such additional personnel, and contract for such professional or technical services or assistance, as the manager may deem necessary or desirable for the performance of the duties of the position.

SECTION 2. That Section 67-5754, Idaho Code, be, and the same is hereby amended to read as follows:

67-5754. POWERS AND DUTIES. — (1) The risk manager shall:

(a) Determine the nature and extent of needs for insurance coverages of all kinds, other than life and disability insurances, as to risks and property of all offices,
departments, divisions, boards, commissions, institutions, agencies and
operations of the government of the state of Idaho, the premiums on which are
payable in whole or in part from funds of the state.

(b) Determine the character, terms, and amounts of insurance coverages required
by such needs.

(c) Within funds available therefor from each respective office, department,
division, board, commission, institution, agency or operation with respect to
coverage to be provided to it, negotiate for, procure, purchase, and have placed
or continued in effect all such insurance coverages as may reasonably be
obtainable, whether from insurers duly authorized to transact insurance in this
state or under the surplus line law.

(d) Administer all such coverages on behalf of the insured, including making and
settlement of loss claims arising thereunder. The risk manager, with the advice
of the attorney general, may cause suit to be brought with respect to any such
coverage or loss.

(e) Within available funds and personnel, make periodic inspection or appraisal of
premises, property and risks as to conditions affecting insurability, risk, and
premium rate, and submit a written report of each such inspection or appraisal
together with recommendations, if any, to the officer, department, or agency
in direct charge of such premises, property or risks, and to the director of the
department of administration.

(f) Perform such other duties and exercise such other powers as are provided by
law.

(2) As to all such needs and coverages, the risk manager shall give due consideration
to information furnished by and recommendations of any office, department, division,
board, commission, institution or agency.

SECTION 3. That Section 67-5755, Idaho Code, be, and the same is hereby amended
to read as follows:

-67-5755-67-5756 RISK MANAGEMENT GUIDELINES. — In determining need for,
form and amount of, procuring and administering insurance coverages, the risk manager
shall give due consideration to:

(1) omission of insurance policy coverage as to property and risks as to which
insurance and claim administration costs may be disproportionately great in reference to the
amount of risk;

(2) ultimate economies possible through use of reasonable deductions;

(3) use of comprehensive coverages and blanket coverages insuring property and risks
of two (2) or more offices, departments, divisions, boards, commissions, institutions and
agencies;

(4) reliability of and service provided by insurers to be selected as insurance carriers,
as well as financial condition and competitive premium rate;
(5) means through which risks may be improved with ultimate savings to the state through reduction in insurance losses and costs.

SECTION 4. That Section 67-5756, Idaho Code, be, and the same is hereby amended to read as follows:

-67-5756-67-5757. RETAINED RISKS FUND - PURPOSES - AMOUNT - LIMIT - APPROPRIATION - INVESTMENT. - (1) There is hereby created a fund within the state treasury to be designated the "retained risk fund." The fund shall be used solely for payment of premiums, costs of maintaining the operation of risk manager, or upon losses not otherwise insured and suffered by the state as to property and risks which at the time of the loss were eligible for such payment under regulations theretofore issued by the risk manager.

(2) In addition to funds, if any, appropriated to the fund by the legislature, the risk manager shall deposit with the state treasurer for credit to the retained risk fund:

(a) the gross amount of all retained risk fund premiums and surcharges paid received under section 69-9-67-5758, Idaho Code;

(b) all refunds received on account of insurance policies cancelled before expiration;

(c) all refunds or returns under experience rating arrangements with insurers;

(d) savings from amounts otherwise appropriated for the purchase of insurance or conduct of the operation of the risk manager;

(e) all net proceeds of the sale of salvage resulting from losses paid out of the retained risk fund.

(3) The risk manager shall from time to time promulgate regulations as to properties, risks and amount limits eligible for payment out of the retained risk fund, and as to making of claim and proof of loss. Before the effective date of any regulation, the risk manager shall furnish a copy of all regulations to each office, department, division, board, commission, institution and agency to be affected by the regulation.

(4) If at any time the net balance remaining to the credit of the retained risk fund loss reserve account, after deduction of incurred losses payable therefrom as determined or reasonably estimated, is in excess of fifty percent (50%) of the aggregate amount of premiums paid through the risk manager to all insurers during the next preceding calendar year, the risk manager shall make such adjustments in retained risk fund surcharges or coverages for the future as may be necessary to bring and maintain the fund within the net balance amount limit standard, as currently computed.

(5) All moneys placed in the fund are hereby perpetually appropriated to the risk manager for the purposes of this section. All expenditures from the fund shall be paid out in warrants drawn by the state auditor upon presentation of proper vouchers from the risk manager.

(6) Pending such use, surplus moneys in the fund shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect
to other surplus or idle funds in the state treasury. Interest earned on the investments shall be returned to the fund.

(7) Within the retained risk fund, the state auditor shall maintain three (3) separate accounts: (a) a clearing account, (b) an administration account, and (c) a loss reserve account. All moneys payable to the fund, upon receipt by the risk manager, shall be forwarded to the state treasurer and initially deposited in the clearing account. At the direction of the risk manager, all administrative surcharges deposited since the previous transfer shall be transferred to the administration account. Immediately after each transfer from the clearing account to the administration account, the remaining balance in the clearing account which is not required for payment of premiums, shall be transferred to the loss reserve account.

(8) All premiums shall be payable directly from the clearing account as they come due.

SECTION 5. That Section 67-5757, Idaho Code, be, and the same is hereby amended to read as follows:

67-5757. INTERDEPARTMENTAL TRANSACTIONS – PURPOSES – APPROPRIATION. – (1) The risk manager shall charge each office, department, division, board, commission, institution, agency and operation for which the risk manager provides insurance coverage and receive payment in advance for the reasonably apportioned share of the cost incurred. To the amount otherwise so found due for payment of premium to the insurer, the risk manager shall add separately stated surcharges of such percentages, rates, or amounts as may reasonably be required:

(a) to pay the costs of maintaining the operation of the risk manager, including salaries, wages, travel and other current expenses;

(b) to provide for initial funding and maintenance thereafter of the retained risk fund, as reasonably apportioned from time to time among those offices, departments, divisions, boards, commissions, institutions, agencies and operations sharing risk coverage by such fund. The amount of this surcharge is subject to adjustment as required by subsection (4) of the preceding section.

(2) All such charges and payments shall not exceed the current appropriation or funds available for the purpose of the affected office, department, division, board, commission, institution, agency or operation. On or before the first day of August of each year, the administrator shall furnish each department with an estimate of the cost of insurance or coverage for the upcoming fiscal year.

(3) Funds received by the risk manager under subsection (1)(e) of this section shall be deposited to the retained risk fund and are hereby continually appropriated to the risk manager for payment of such salaries, wages, travel, premiums, losses, and other expenses.

SECTION 6. 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 67-5759, Idaho Code, and to read as follows:

67-5759. COLLECTION OF DELINQUENT PAYMENTS. – (1) If any office, department, division, board, commission, institution, agency, or operation of the government of the state of Idaho shall fail or refuse to remit any such payment as charged by the risk manager within thirty (30) days after the date due when funds have been appropriated, the risk manager may certify to the state treasurer the fact of such failure or refusal and the amount of the delinquent payment, together with the request that such amount be set over from funds of the delinquent department to the credit of the retained risk fund. A copy of such certification and request shall be furnished the delinquent department.

(2) Within ten (10) days after receipt of such request, the state auditor shall draw his warrant for payment of such amount out of moneys in the state treasury allocated to the use of such department during the current fiscal year. If such moneys are not so available, the director, department of administration shall take any legal steps necessary to collect such amount.

SECTION 8. This act shall be in full force and effect on and after July 1, 1975.
Approved March 28, 1975.
CHAPTER 196
(S.B.No. 1162)

AN ACT
AMENDING SECTION 37-2701, IDAHO CODE, TO STRIKE THEREFROM ANY REFERENCE TO SPECIES OF THE PLANT OF THE GENUS CANNABIS IN DEFINING THE CONTROLLED SUBSTANCE "MARIHUANA"; TO INCLUDE IN SUCH DEFINITION THE MATURE STALKS OF SUCH PLANT IF THE SAME ARE INTERMIXED WITH PROHIBITED PORTIONS OF SAID PLANT; CREATING A PRESUMPTION IF SUCH PLANT MATERIALS CONTAIN TETRAHYROCANNABINOLS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 37-2701, Idaho Code, be, and the same is hereby amended to read as follows:

37-2701. DEFINITIONS. — As used in this act:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:
   (1) a practitioner (or, in his presence, by his authorized agent), or
   (2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Bureau" means the bureau of narcotic and dangerous drugs, United States department of justice, or its successor agency.

(d) "Controlled substance" means a drug, substance, or immediate precursor in schedules I through V of article II of this act.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one (1) person to another of a controlled substance, whether or not there is an agency relationship.
(g) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(h) "Dispenser" means a practitioner who dispenses.

(i) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(j) "Distributor" means a person who distributes.

(k) "Drug" means (1) substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(l) "Immediate precursor" means a substance which the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(m) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for delivery.

(n) "Marihuana" means all parts of the plant of the genus Cannabis, regardless of species, and whether growing or not; the seeds thereof; the resin extracted from any part of the such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the such plant, its seeds or resin. It does not include the mature stalks of the plant unless the same are intermixed with prohibited parts thereof, fiber
produced from the stalks, oil or cake made from the seeds or the achene of the such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom or where the same are intermixed with prohibited parts of such plant), fiber, oil, or cake, or the sterilized seed of the such plant which is incapable of germination. Evidence that any plant material or the resin or any derivative thereof, regardless of form, contains any of the chemical substances classified as tetrahydrocannabinols shall create a presumption that such material is "marihuaha" as defined and prohibited herein.

(o) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(p) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section 37-2702, Idaho Code, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its sales (dextromethorphan). It does include its racemic and levorotatory forms.

(q) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(r) "Person" means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(s) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(t) "Practitioner" means:

(1) a physician, dentist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of his professional practice or research in this state;

(2) a pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to
administer a controlled substance in the course of their professional practice or research in this state.

(u) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(v) "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(w) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(x) "Board" means the state board of pharmacy created in chapter 17, title 54, Idaho Code, or its successor agency.

(y) "Director" means the director of the department of law enforcement of the state of Idaho.

(z) "Law enforcement agency" means a governmental unit of one (1) or more persons employed full time or part time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

(aa) "Peace officer" means any duly appointed officer or agent of a law enforcement agency, as defined herein, including but not limited to a duly appointed investigator or agent of the department of law enforcement, an officer or employee of the board of pharmacy, who is authorized by the board to enforce this act, an officer of the Idaho state police or department of law enforcement, a sheriff or deputy sheriff of a county, or a marshal or policeman of any city.

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 28, 1975.
CHAPTER 197  
(S.B.No. 1109, As Amended)

AN ACT
AMENDING SECTION 57-720, IDAHO CODE, RELATING TO THE PERMANENT ENDOWMENT FUNDS, TO STRIKE REFERENCES TO CONDUCTING AN AUDIT OF ANY STATE GOVERNMENTAL ENTITY WHICH IS A SOURCE OF ENDOWMENT FUNDS; AMENDING SECTION 57-722, IDAHO CODE, RELATING TO INVESTMENT POWERS, TO STRIKE REFERENCES TO COMMON OR PREFERRED STOCKS OF CORPORATIONS, AND TO PROVIDE THAT TIME CERTIFICATES OF DEPOSIT ARE AUTHORIZED INVESTMENTS; AMENDING SECTION 57-724, IDAHO CODE, RELATING TO DISTRIBUTION OF INCOME AND DETERMINATION OF CAPITAL GAINS OR LOSSES, TO PROVIDE A PROCESS FOR DETERMINING CAPITAL GAINS OR LOSSES OVER A TIME PERIOD; AND AMENDING SECTION 57-725, IDAHO CODE, RELATING TO REPORTS TO THE LEGISLATURE, TO PROVIDE THAT REPORTS TO THE LEGISLATURE SHALL INCLUDE SUMMARY REPORTS, STATUS REPORTS, AND PERFORMANCE REPORTS.

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

SECTION 1. That Section 57-720, Idaho Code, be, and the same is hereby amended to read as follows:

57-720. PERMANENT ENDOWMENT FUNDS – INVESTMENT POLICY REGULATIONS – ANNUAL AUDIT. – The board shall formulate investment policy regulations governing the investment of permanent endowment funds. The regulations shall pertain to the types, kinds or nature of investment of any of the funds, and any limitations, conditions or restrictions upon the methods, practices or procedures for investment, reinvestments, purchases, sales or exchange transactions, provided such regulations shall not conflict with nor be in derogation of any Idaho constitutional provision or of the provisions of this act.

Annually, the board shall cause an audit to be conducted of the investment of permanent endowment funds and of any state governmental entity which is a source of such funds, such audit to be conducted by a recognized certified public accountant. The certified public accountant conducting the audit shall not be an employee of the state. The expense of such audit shall be paid from the appropriation to the board.

SECTION 2. That Section 57-722, Idaho Code, be, and the same is hereby amended
to read as follows:

57-722. INVESTMENT POWERS OF INVESTMENT MANAGER(S) — LIMITATIONS. — The board or its investment manager(s) 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, at the time of their purchase, an AAA rating or higher by a commonly known rating service.

(5) Bonds, debentures or notes of any corporation organized, controlled and operating within the United States which have, at the time of their purchase, 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 which have, at the time of their purchase, a BBB rating or higher by a commonly known rating service, 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. Time certificates of deposit.
SECTION 3. 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 board shall distribute the income from the investments or securities in accordance with this act. For the purposes of this act, income shall not include capital gains derived from the sale of investments or securities. In computing the 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) years. The difference between acquisition cost of securities and actual proceeds received from the sale of securities as the determinant of the gain or loss. Gains or losses shall be determined for four (4) year periods, commencing on July 1, 1975. At the end of each such four (4) year period, the net amount of losses on the sale of securities, not offset by gains on the sale of securities during such period shall be computed and such 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 rates as each fund’s average daily balance bears to the total average daily balance of all participating funds, provided, losses of the public school fund shall be maintained separate from all other funds as required by section 3 of article 9 of the Idaho constitution.

SECTION 4. That Section 57-725, Idaho Code, be, and the same is hereby amended to read as follows:

57-725. REPORT TO LEGISLATURE. — The board shall, on the fourth Monday of each regular session of the legislature, make a complete summary report to the legislature of all securities and investments sold, purchased or acquired by the permanent endowment funds of the state since the previous regular legislative session. The report shall include each sale and purchase of any security or investment, the price at which sold or purchased, the permanent endowment fund to which such security or investment belongs and the particular securities or investments sold or purchased report. The report shall further include the net profit or loss, if any, as a result of all sales or purchases of such securities and investments. The summary report shall include a status report of the investments held at the end of the last fiscal year of the state, and shall further report on the overall performance of the funds under the control of the board, compared to the overall market and/or comparable selected funds or investment portfolios, including a comparison of the performance of the outside investment manager and the performance of the staff investment trustee.

Approved March 28, 1975.
CHAPTER 198
(S.B.No. 1233)

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF HEALTH AND WELFARE TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED STANDARD EXPENDITURE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975 THROUGH JUNE 30, 1976; APPROPRIATING $17,100 FROM FISCAL YEAR 1975 GENERAL FUND MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE, TO BE EXPENDED FOR DESIGNATED PURPOSES, FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1976; APPROPRIATING $520,100 FROM FISCAL YEAR 1975 GENERAL FUND MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE TO BE EXPENDED FOR DESIGNATED PURPOSES, FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH DECEMBER 31, 1975; PROVIDING THAT THE STATE AUDITOR SHALL MAKE TRANSFERS FROM THE GENERAL FUND TO THE COOPERATIVE WELFARE FUND AS REQUESTED BY THE ADMINISTRATOR OF THE DEPARTMENT OF HEALTH AND WELFARE AND APPROVED BY THE BOARD OF EXAMINERS; PROVIDING AN EFFECTIVE DATE FOR CERTAIN SECTIONS OF THIS ACT AND DECLARING AN EMERGENCY FOR SECTIONS 3 AND 4 OF THIS ACT.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Health and Welfare made in section 2 of this act not exceed the following amounts for the period July 1, 1975 through June 30, 1976:

FOR:
Personnel Costs $36,812,600
Operating Expenditures 13,462,000
Capital Outlay 111,400
Trustee and Benefit Payments 51,472,000
TOTAL $101,858,000

FROM:
General Fund $36,533,600
Cooperative Welfare Fund 59,836,800  
Endowment Income Funds 776,800  
Water Pollution Control Fund 2,000,000  
Central Tumor Registry Fund 55,000  
Miscellaneous Receipts Fund 2,005,800  
Liquor Fund 650,000  
**TOTAL** 101,858,000  

SECTION 2. There is hereby appropriated to the Department of Health and Welfare the following amounts, to be expended for designated programs according to standard expenditure classes therein from the listed funds for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. ADMINISTRATION PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) General Fund</td>
<td>$1,165,000</td>
<td></td>
<td></td>
<td>$1,609,000</td>
</tr>
<tr>
<td>2) Cooperative Welfare Fund</td>
<td>605,600</td>
<td>236,500</td>
<td></td>
<td>842,100</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$1,770,600</td>
<td>$680,500</td>
<td></td>
<td>$2,451,100</td>
</tr>
<tr>
<td><strong>B. WELFARE PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) General Fund</td>
<td>$4,193,300</td>
<td>$1,397,900</td>
<td></td>
<td>$16,091,700</td>
</tr>
<tr>
<td>2) State Youth Services Center Income Fund</td>
<td></td>
<td></td>
<td>177,900</td>
<td>177,900</td>
</tr>
<tr>
<td>3) Miscellaneous Receipts Fund</td>
<td></td>
<td></td>
<td>500,000</td>
<td>669,300</td>
</tr>
<tr>
<td>4) Liquor Fund</td>
<td></td>
<td></td>
<td>650,000</td>
<td>650,000</td>
</tr>
<tr>
<td>5) Cooperative Welfare Fund</td>
<td>7,327,200</td>
<td>2,385,600</td>
<td>29,405,900</td>
<td>39,118,700</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$11,520,500</td>
<td>$4,130,700</td>
<td>$46,647,600</td>
<td>$62,298,800</td>
</tr>
<tr>
<td><strong>C. REHABILITATION PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) General Fund</td>
<td>$5,790,800</td>
<td>$2,008,900</td>
<td></td>
<td>$97,100</td>
</tr>
<tr>
<td>2) State Hospital North Income Fund</td>
<td></td>
<td></td>
<td></td>
<td>128,200</td>
</tr>
<tr>
<td>3) State Hospital South Income Fund</td>
<td></td>
<td></td>
<td></td>
<td>385,700</td>
</tr>
<tr>
<td>4) Miscellaneous Receipts Fund</td>
<td>826,400</td>
<td>344,600</td>
<td>9,300</td>
<td>1,184,200</td>
</tr>
<tr>
<td>5) Cooperative Welfare Fund</td>
<td>9,098,000</td>
<td>3,041,900</td>
<td></td>
<td>12,289,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$15,715,200</td>
<td>$5,909,300</td>
<td>$9,300</td>
<td>$21,883,900</td>
</tr>
</tbody>
</table>
D. HEALTH PROGRAM:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) General Fund</td>
<td>$1,208,800</td>
<td>$728,300</td>
<td>$1,800</td>
<td>$845,700</td>
</tr>
<tr>
<td>2) Central Tumor</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Registry Fund</td>
<td></td>
<td></td>
<td></td>
<td>55,000</td>
</tr>
<tr>
<td>3) Miscellaneous</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts Fund</td>
<td></td>
<td></td>
<td></td>
<td>152,300</td>
</tr>
<tr>
<td>4) Cooperative</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Welfare Fund</td>
<td>991,900</td>
<td>319,200</td>
<td>14,000</td>
<td>1,454,100</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$2,200,700</td>
<td>$1,254,800</td>
<td>$15,800</td>
<td>$2,299,800</td>
</tr>
</tbody>
</table>

E. ENVIRONMENTAL PROGRAM:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) General Fund</td>
<td>$1,067,100</td>
<td>$254,800</td>
<td>$1,700</td>
<td></td>
</tr>
<tr>
<td>2) Water Pollution</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Control Fund</td>
<td></td>
<td></td>
<td></td>
<td>2,000,000</td>
</tr>
<tr>
<td>3) Cooperative</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Welfare Fund</td>
<td>395,100</td>
<td>97,300</td>
<td>700</td>
<td>493,100</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$1,462,200</td>
<td>$352,100</td>
<td>$2,400</td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>

F. VETERANS SERVICES PROGRAM:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) General Fund</td>
<td>$ 97,400</td>
<td>$12,800</td>
<td>$4,000</td>
<td>$ 29,800</td>
</tr>
<tr>
<td>2) Veterans Home</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income Fund</td>
<td></td>
<td></td>
<td></td>
<td>85,000</td>
</tr>
<tr>
<td>3) Cooperative</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Welfare Fund</td>
<td>143,100</td>
<td>19,500</td>
<td>6,000</td>
<td>45,700</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$240,500</td>
<td>$117,300</td>
<td>$10,000</td>
<td>$ 75,500</td>
</tr>
</tbody>
</table>

G. DISTRICT HEALTH DEPARTMENTS PROGRAM:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) General Fund</td>
<td>$ 848,000</td>
<td>$205,500</td>
<td>$10,700</td>
<td>$ 28,500</td>
</tr>
<tr>
<td>2) Cooperative</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Welfare Fund</td>
<td>3,054,900</td>
<td>811,800</td>
<td>63,200</td>
<td>170,500</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$3,902,900</td>
<td>$1,017,300</td>
<td>$117,900</td>
<td>$199,000</td>
</tr>
<tr>
<td>GRAND TOTALS</td>
<td>$36,812,600</td>
<td>$13,462,000</td>
<td>$111,400</td>
<td>$51,472,000</td>
</tr>
</tbody>
</table>

SECTION 3. There is hereby appropriated to the Department of Health and Welfare the sum of $17,100 from fiscal year 1975 general fund moneys, to be expended for the designated purpose for the period from the effective date of this act through June 30, 1976:

FOR:
Roof repairs, coatings, and/or roof replacements $17,100

FROM:
Fiscal year 1975 general fund moneys $17,100

SECTION 4. There is hereby appropriated to the Department of Health and Welfare the sum of $520,100 from fiscal year 1975 general fund moneys, to be expended for the
designated purpose for the period from the effective date of this act through December 31, 1975:

FOR:
Provision of room and board rates for adult assistance recipients of not less than $210 per month, retroactive to January 1, 1975, and through December 31, 1975 $520,100

FROM:
Fiscal year 1975 general fund moneys $520,100

SECTION 5. The state auditor shall make transfers of the enumerated state general funds to the cooperative welfare fund periodically as requested by the direction of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

SECTION 6. This act shall be in full force and effect on and after July 1, 1975, except for sections 3 and 4 hereof. An emergency existing therefor, which emergency is hereby declared to exist, sections 3 and 4 shall be in full force and effect on and after passage and approval of this act.

Approved March 28, 1975.
AN ACT


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

SECTION 1. There is hereby appropriated to the Department of Revenue and Taxation from the General Fund, the sum of $1,948,900, for the period July 1, 1975 through June 30, 1976, for the purposes enumerated in sections 63-117 through and including 63-125, Idaho Code, for the tax year 1975.

Approved March 28, 1975.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE IDAHO TRANSPORTATION DEPARTMENT; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE IDAHO TRANSPORTATION DEPARTMENT TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976 AND APPROPRIATING MONEYS FROM THE MOTOR VEHICLE FUND TO THE TRAFFIC SAFETY COMMISSION FUND.

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

SECTION 1. It is legislative intent that the expenditures for the Idaho Transportation Department as appropriated in section 2, not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

FOR:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$24,067,100</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>13,087,600</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>52,218,800</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>806,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$90,180,300</td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Dedicated Funds:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Aeronautics Fund</td>
<td>$676,300</td>
</tr>
<tr>
<td>State Highway Fund</td>
<td>87,295,500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Federal Funds:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol Safety Action Project Fund</td>
<td>616,800</td>
</tr>
<tr>
<td>Idaho Traffic Safety Commission Fund</td>
<td>680,600</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Funds:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Interaccount Fund</td>
<td>911,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$90,180,300</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Idaho Transportation Department for the functions heretofore performed by the Department of Highways the following amounts to be expended for designated programs according to expense classes designated...
therein from the listed funds for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>TRUSTEE AND</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL</td>
<td>OPERATING</td>
<td>CAPITAL</td>
<td>BENEFIT</td>
</tr>
<tr>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
<td>PAYMENTS</td>
</tr>
</tbody>
</table>

A. GENERAL SUPPORT PROGRAM:
FROM:

<table>
<thead>
<tr>
<th>Highway Fund</th>
<th>General Interaccount Fund</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,244,100</td>
<td>$693,900</td>
<td>$60,200</td>
</tr>
<tr>
<td>77,700</td>
<td>312,000</td>
<td></td>
</tr>
</tbody>
</table>

TOTALS | $2,321,800 | $1,005,900 | $60,200 | $3,387,900 |

B. HIGHWAY CONSTRUCTION PROGRAM:
FROM:

<table>
<thead>
<tr>
<th>Highway Fund</th>
<th>General Interaccount Fund</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>$11,610,300</td>
<td>$2,336,400</td>
<td>$49,077,900</td>
</tr>
<tr>
<td>13,900</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTALS | $11,610,300 | $2,350,300 | $49,077,900 | $63,038,500 |

C. HIGHWAY MAINTENANCE PROGRAM:
FROM:

<table>
<thead>
<tr>
<th>Highway Fund</th>
<th>General Interaccount Fund</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>$9,749,200</td>
<td>$8,560,700</td>
<td>$2,962,800</td>
</tr>
<tr>
<td>507,500</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTALS | $9,749,200 | $9,068,200 | $2,962,800 | $21,780,200 |

D. AIR TRANSPORTATION AND PUBLIC TRANSPORTATION PROGRAM:
FROM:

<table>
<thead>
<tr>
<th>State Aeronautics Fund</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>$182,500</td>
<td>$126,900</td>
</tr>
</tbody>
</table>

TOTALS | $182,500 | $126,900 | $117,000 | $249,900 | $676,300 |

E. TRAFFIC SAFETY PLANNING & ADMINISTRATION:
FROM:

<table>
<thead>
<tr>
<th>Idaho Traffic Safety Commission Fund</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>$94,800</td>
<td>$28,400</td>
</tr>
</tbody>
</table>

TOTALS | $94,800 | $28,400 | $500 | $556,900 | $680,600 |

F. ALCOHOL SAFETY ACTION PROJECT:
FROM:

<table>
<thead>
<tr>
<th>Alcohol Safety Action Project Fund</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>$108,500</td>
<td>$507,900</td>
</tr>
</tbody>
</table>

TOTALS | $108,500 | $507,900 | $400 | $616,800 |


Approved March 28, 1975.
AN ACT
AMENDING SECTION 18-309, IDAHO CODE, RELATING TO THE COMPUTATION OF
A TERM OF IMPRISONMENT, BY PROVIDING THAT A PERSON'S TERM OF
CONFINEMENT SHALL INCLUDE INCARCERATION PRIOR TO SENTENCING
AND THE REMAINDER OF THE TERM OF IMPRISONMENT SHALL COMMENCE
UPON SENTENCING; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-309, Idaho Code, be, and the same is hereby amended to
read as follows:

18-309. COMPUTATION OF TERM OF IMPRISONMENT.— In computing the term of
imprisonment, the person against whom the judgment was entered, shall receive credit for
any period of incarceration prior to entry of judgment, if such incarceration was for the
offense or an included offense for which the judgment was entered. The remainder of the
term commences to run only upon the return delivery of the defendant at the place of
imprisonment, upon the pronouncement of sentence and if thereafter, during such term, the
defendant by any legal means is temporarily released from such imprisonment and
subsequently returned thereto, the time during which he was at large must not be computed
as part of such term.

SECTION 2. This act shall be in full force and effect on and after July 1, 1975.
Approved March 28, 1975.
CHAPTER 202
(S.B.No. 1234)

AN ACT
AMENDING SECTION 1, CHAPTER 316, LAWS OF 1974, RELATING TO LEGISLA-
TIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT
OF ADMINISTRATION; AMENDING SECTION 3, CHAPTER 316, LAWS OF 1974,
REVISING THE APPROPRIATION TO THE IDAHO STATE PERSONNEL
COMMISSION; AMENDING SECTION 4, CHAPTER 316, LAWS OF 1974,
REVISING THE APPROPRIATION TO THE DEPARTMENT OF ADMINIS-
TRATION; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE
DEPARTMENT OF ADMINISTRATION FOR THE DESIGNATED PURPOSE FOR
THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30,
1975, AND AUTHORIZING AND DIRECTING THE DEPARTMENT OF ADMINIS-
TRATION TO DEVELOP AND IMPLEMENT A PLAN FOR CHARGING FUNDS
OTHER THAN THE GENERAL FUND FOR THE GROUP INSURANCE
PROGRAM AND PROVIDING WHEN PAYMENT SHALL BE MADE; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 316, Laws of 1974, be, and the same is hereby
amended to read as follows:

SECTION 1. It is legislative intent that the expenditures for the Department of
Administration made in sections 2 through 4 of this act not exceed the following amounts
for the period July 1, 1974, through June 30, 1975:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Fund</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>Dedicated Funds:</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Personnel Commission Fund</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td></td>
</tr>
<tr>
<td>Educational Television</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,744,702,1,803,702</td>
</tr>
<tr>
<td></td>
<td>$1,799,800,1,909,200</td>
</tr>
<tr>
<td></td>
<td>$1,744,247,1,244,847</td>
</tr>
<tr>
<td></td>
<td>361,251,420,451</td>
</tr>
<tr>
<td></td>
<td>3,400,000,3,480,200</td>
</tr>
<tr>
<td></td>
<td>685,600</td>
</tr>
<tr>
<td></td>
<td>$7,369,900,7,634,800</td>
</tr>
</tbody>
</table>
Federal Funds:
- Public Service Careers Fund: 125,900
- Intergovernmental Personnel Act Fund: 25,000
- Emergency Medical Services Fund: 25,000
- Educational Television Fund: 180,000

Other Funds:
- Interaccount Billings & Receipts to Appropriations: 4,448,600
- Wood Foundation Grant: 260,000

TOTALS: $7,368,800

SECTION 2. That Section 3, Chapter 316, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 3. There is hereby appropriated to the Idaho State Personnel Commission, the following amounts to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1974, through June 30, 1975:

<table>
<thead>
<tr>
<th>FROM</th>
<th>FROM</th>
<th>FROM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Commission Fund</td>
<td>Public Service Careers Fund</td>
<td>Intergovernmental Personnel Act Fund</td>
</tr>
<tr>
<td>A. PERSONNEL SERVICES PROGRAM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$358,812</td>
<td>$358,812</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>119,988</td>
<td>119,988</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>2,600</td>
<td>2,600</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$481,400</td>
<td>$481,400</td>
</tr>
<tr>
<td>B. PUBLIC SERVICE CAREERS PROGRAM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>98,163</td>
<td>98,163</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>23,737</td>
<td>23,737</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$121,900</td>
<td>$121,900</td>
</tr>
<tr>
<td>C. INTERGOVERNMENTAL PERSONNEL ACT PROGRAM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>12,913</td>
<td>25,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>9,428</td>
<td>9,428</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>1,559</td>
<td>1,559</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$23,900</td>
<td>$25,000</td>
</tr>
<tr>
<td>GRAND TOTALS</td>
<td>$509,300</td>
<td>$504,700</td>
</tr>
</tbody>
</table>

SECTION 3. That Section 4, Chapter 316, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 4. There is hereby appropriated to the Department of Administration for the functions heretofore performed by the Department of Administrative Services, the
following amounts to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1974, through June 30, 1975:

<table>
<thead>
<tr>
<th>Program</th>
<th>FROM GENERAL FUND</th>
<th>FROM FEDERAL FUNDS</th>
<th>FROM OTHER FUNDS</th>
<th>FROM PERSONNEL COMMISSION FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$129,750</td>
<td></td>
<td></td>
<td></td>
<td>$129,750</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$48,860</td>
<td>45,350</td>
<td></td>
<td></td>
<td>$48,860</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$178,600</td>
<td>175,100</td>
<td></td>
<td></td>
<td>$178,600</td>
</tr>
<tr>
<td>B. GENERAL SERVICES PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$49,700</td>
<td>49,700</td>
<td></td>
<td></td>
<td>$49,700</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>8,700</td>
<td></td>
<td></td>
<td></td>
<td>8,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>80,200</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$58,400</td>
<td>58,400</td>
<td></td>
<td></td>
<td>$58,400</td>
</tr>
<tr>
<td>C. BUILDING SERVICES PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$490,245</td>
<td></td>
<td></td>
<td></td>
<td>$490,245</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>249,475</td>
<td>242,175</td>
<td>130,300</td>
<td></td>
<td>249,475</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>26,380</td>
<td></td>
<td></td>
<td></td>
<td>26,380</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$766,000</td>
<td>758,800</td>
<td>130,300</td>
<td></td>
<td>$766,000</td>
</tr>
<tr>
<td>D. COMMUNICATIONS PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$107,202</td>
<td></td>
<td></td>
<td></td>
<td>$107,202</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>23,261</td>
<td>5,000</td>
<td></td>
<td></td>
<td>23,261</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>19,137</td>
<td>95,137</td>
<td>20,000</td>
<td></td>
<td>32,400</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,400</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$207,600</td>
<td>228,600</td>
<td>25,000</td>
<td></td>
<td>$207,600</td>
</tr>
<tr>
<td>E. EDUCATIONAL TELEVISION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Educational Television</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Programs</td>
<td>$471,000</td>
<td>$180,000</td>
<td></td>
<td></td>
<td>$651,000</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$471,000</td>
<td>$180,000</td>
<td></td>
<td></td>
<td>$471,000</td>
</tr>
<tr>
<td>F. EDUCATIONAL TELEVISION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legislative Educational</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Television Programs</td>
<td>$34,600</td>
<td></td>
<td></td>
<td></td>
<td>$34,600</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$34,600</td>
<td></td>
<td></td>
<td></td>
<td>$34,600</td>
</tr>
</tbody>
</table>
G. FISCAL PROGRAM:

<table>
<thead>
<tr>
<th>From General Fund</th>
<th>From Federal Funds</th>
<th>From Other Funds</th>
<th>From Personnel Commission Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$10,800</td>
<td>$800</td>
<td>$1,600</td>
<td>$600</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$10,800</td>
<td>$800</td>
<td>$1,600</td>
<td>$600</td>
</tr>
</tbody>
</table>

H. PENITENTIARY DEVELOPMENT PROGRAM:

<table>
<thead>
<tr>
<th>From Personnel Commission Fund Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
</tr>
<tr>
<td>$10,600</td>
</tr>
<tr>
<td>Operating Expenses</td>
</tr>
<tr>
<td>$36,100</td>
</tr>
<tr>
<td>TOTALS</td>
</tr>
<tr>
<td>$46,700</td>
</tr>
<tr>
<td>GRAND TOTALS</td>
</tr>
<tr>
<td>$46,700</td>
</tr>
<tr>
<td>$325,000 $146,200 $178,800 $600 $6,851,800</td>
</tr>
</tbody>
</table>

SECTION 4. (1) There is hereby appropriated to the Department of Administration the following amount from the funds enumerated, to be expended for the designated purpose for the period from the effective date of this act through June 30, 1975:

<table>
<thead>
<tr>
<th>From:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee health insurance cost increase</td>
<td>$325,000</td>
</tr>
<tr>
<td>Fiscal year 1975 general fund moneys</td>
<td>$146,200</td>
</tr>
<tr>
<td>General Interaccount Fund and/or Miscellaneous Receipts Fund</td>
<td>$178,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$325,000</td>
</tr>
</tbody>
</table>

(2) For purposes of implementing the appropriation made in this section, the Department of Administration is authorized and directed to develop and implement a reasonable plan for charging funds other than the general fund for the group insurance program for the amounts appropriated from the General Interaccount and/or the Miscellaneous Receipts funds; and, further, funds so charged shall make payment prior to June 30, 1975.

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 28, 1975.
AN ACT
AMENDING SECTION 50-809, IDAHO CODE, RELATING TO THE MAYOR UNDER
THE CITY MANAGER PLAN, BY PROVIDING THAT VOTERS MAY DIRECTLY
ELECT THE MAYOR WHEN PROVIDED FOR BY ORDINANCE.

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

SECTION 1. That Section 50-809, Idaho Code, be, and the same is hereby amended to
read as follows:

50-809. MAYOR. – (1) At the time of installing and swearing in the councilmen
following each general city election, or special election called for the purpose of electing
officials, the council shall elect one (1) of their members to be designated the mayor. He
shall serve for a period of two (2) years unless sooner removed by the council or becomes
disqualified.

(2) By ordinance, a city may provide for the direct election of the mayor by the
voters. When direct election is permitted, the mayor’s position on the ballot shall replace
that of one (1) councilman. Prior to the opening of the filing for candidacy for mayor, the
term of the direct elected mayor shall be designated, by ordinance, as two (2) years or four
(4) years. The direct elected mayor shall have no changes in his powers as defined in section
50-810, Idaho Code.

Approved March 28, 1975.
CHAPTER 204
(H.B.No. 23)

AN ACT
RELATING TO COVERAGE UNDER GROUP INSURANCE PLANS; PROVIDING INTENT AND PURPOSE; PROVIDING THE SCOPE OF THE ACT TO INCLUDE ALL GROUP DISABILITY INSURANCE POLICIES, HEALTH MAINTENANCE ORGANIZATIONS, GROUP NONPROFIT HOSPITAL AND MEDICAL SERVICE CONTRACTS; PROVIDING DEFINITIONS; PROVIDING THAT AN INSURER REPLACING GROUP INSURANCE CONTRACTS SHALL PROVIDE BENEFITS EQUAL TO PRIOR BENEFITS AFFORDED DISABLED INDIVIDUALS; PROVIDING THAT AN INSURER REPLACING GROUP INSURANCE CONTRACTS SHALL PROVIDE BENEFITS EQUAL TO THE PRIOR MATERNITY; PROVIDING THAT AN INSURER REPLACING GROUP INSURANCE CONTRACTS SHALL PROVIDE THE COVERAGE TO ALL ELIGIBLE GROUP MEMBERS THAT QUALIFY UNDER THE NEW GROUP CONTRACT, ALLOWING THE REPLACING INSURER TO DEDUCT FROM ANY BENEFITS THE AMOUNT PAYABLE BY THE PRIOR CARRIER FOR TOTALLY DISABLED PERSONS, PROVIDING A MINIMUM LENGTH OF TIME FOR THE CONTINUATION OF PRIOR COVERAGE, PROVIDING THAT BENEFITS OF A POLICY CANNOT LIMIT A SUCCEEDING GROUP THE BENEFITS OWED UNDER THE PRIOR POLICY AND MAKING CERTAIN INFORMATION AVAILABLE TO A SUCCEEDING GROUP CARRIER FROM THE PRECEDING INSURER; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. INTENT AND PURPOSE. – The purpose of this act is to provide reasonable standards of benefits for covered individuals when the group disability policies, contracts or plans under which they are covered are replaced.

SECTION 2. SCOPE OF ACT – REPLACEMENT OF GROUP DISABILITY INSURANCE, GROUP NONPROFIT HOSPITAL AND MEDICAL SERVICE CONTRACTS AND HEALTH CARE SERVICE PLANS. – The provisions of this act shall apply to all policies of group disability insurance issued in this state pursuant to the provisions of chapter 22, title 41, Idaho Code, and any group nonprofit hospital and medical service contract issued in this state pursuant to the provisions of chapter 34, title 41, Idaho Code, and all group health care service plans issued in this state pursuant to chapter 39, title 41, Idaho Code.
SECTION 3. DEFINITIONS. — In this act, unless the context otherwise requires:

(1) "Carrier" shall mean the insurance company, nonprofit hospital and medical service corporation, or other entity responsible for the payment of benefits or provision of services under a policy.

(2) "Dependent" shall have the meaning set forth in a policy.

(3) "Discontinuance" shall mean the termination of a policy by action taken by the policyholder, including failure to pay premium within the period provided by the policy, or by the carrier pursuant to a provision of the policy permitting termination or by mutual agreement of the policyholder and carrier.

(4) "Employee" shall mean all agents, employees, and members of unions or associations to whom benefits are provided under a policy.

(5) "Extension of Benefits" means the continuation of coverage under a particular benefit provided under a policy following discontinuance with respect to an employee or dependent who is totally disabled on the date of discontinuance.

(6) "Policy" shall mean any group insurance policy, group hospital and medical service contract or other plan, contract or policy subject to the provisions of this act.

(7) "Policyholder" shall mean the entity to which a policy is issued as specified in section 4 of this act.

(8) "Premium" shall mean the consideration payable to the carrier.

(9) "Replacement Coverage" shall mean the benefits which are substituted under one carrier's policy by similar benefits under a policy issued by another carrier.

(10) "Totally Disabled" shall have the meaning set forth in a policy and not be inconsistent with the definition of "disability insurance" in section 41-503, Idaho Code.

SECTION 4. POLICY STANDARDS — DISABLED INDIVIDUALS. — Every policy containing the benefits described in subsections (1) and (2) of this section must contain a provision which provides for a reasonable extension of benefits with respect to employees or dependents who become totally disabled after the effective date of this act and continue to be totally disabled at the date of discontinuance of the policy. Such an extension of benefits provision will be deemed a reasonable extension of benefits provision if it complies with the standards set forth in subsections (1) or (2) of this section.

(1) In the case of a policy providing benefits for loss of time or a specific indemnity during hospital confinement, the extension of benefits provision will be deemed reasonable if continuance does not affect the benefit provided.

(2) In the case of a policy providing hospital, medical or surgical expense coverage, the extension of benefits provision will be deemed reasonable if it provides benefits for covered expenses incurred as the result of the disabling condition beyond the date of discontinuance for a period of not less than twelve (12) months.

The benefits payable during any extension of benefits may be subject to all limitations or restrictions contained in the policy. Any extension of benefits may be terminated at such time as the employee or dependent is no longer totally disabled.
SECTION 5. POLICY STANDARDS — MATERNITY BENEFITS. — If a policy provides any benefits for pregnancy, childbirth or miscarriage and if an employee or dependent covered for such benefit is pregnant at the time of discontinuance, the policy must provide that benefits will be payable to the same extent as if discontinuance had not occurred for any covered benefits in connection with such pregnancy, childbirth or miscarriage, but not beyond a period of twelve (12) months following such discontinuance.

SECTION 6. POLICY STANDARDS — REPLACEMENT CONTRACTS. — (1) Any carrier providing replacement coverage with respect to hospital, medical or surgical expense benefits within a period of sixty (60) days from the date of discontinuance of a prior policy providing such hospital, medical or surgical expense benefits shall immediately cover all employees and dependents validly covered under the previous policy at the date of discontinuance who are within the definitions of eligibility and who would otherwise be eligible for coverage under the succeeding carrier's policy, regardless of any limitations or exclusions relating to active employment or nonconfinement.

(2) With respect to an employee or dependent who was totally disabled on the date of discontinuance of the prior carrier’s policy and required to be covered under subsection (1) of this section, the succeeding carrier shall be entitled to deduct from any benefits becoming payable under its policy the amount of benefits payable by the prior carrier pursuant to an extension of benefits provision.

(3) An employee or dependent entitled to coverage under a succeeding carrier’s policy pursuant to subsections (1) or (2) of this section shall continue to be covered by the succeeding carrier until the earlier of the following:

(a) The date coverage would terminate for an employee or dependent in accordance with the provisions of the succeeding carrier’s policy, or

(b) In the case of an employee or dependent who was totally disabled on the date of discontinuance of the prior carrier’s policy and entitled to an extension of benefits pursuant to section 4, subsection (2) of this act, the date the period of extension of benefits terminates or, if the prior carrier’s policy is not subject to this act, the date to which benefits would have been extended had the prior carrier’s policy been subject to this act.

(4) No provision in a succeeding carrier’s policy of replacement coverage which would operate to reduce or exclude benefits on the basis that the condition giving rise to benefits preexisted the effective date of the succeeding carrier’s policy shall be applied with respect to those employees and dependents validly insured under the prior carrier’s policy on the date of discontinuance, if benefits for such condition would have been payable under the prior carrier’s policy.

(5) In a situation where a determination of the prior carrier’s benefit is required by the succeeding carrier, at the succeeding carrier’s request, the prior carrier shall furnish a statement of benefits available or pertinent information, sufficient to permit verification of the benefit determination by the succeeding carrier.
SECTION 7. SEVERABILITY. – 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.

SECTION 8. This act shall be in full force and effect on and after July 1, 1975. Approved March 28, 1975.
C.205 '75  IDAHO SESSION LAWS  569

CHAPTER 205
(H.B.No. 22, As Amended)

AN ACT
RELATING TO INDIVIDUAL ACCIDENT AND HEALTH INSURANCE POLICIES;
STATING PURPOSE; PROVIDING DEFINITIONS; ALLOWING THE DIRECTOR
OF THE DEPARTMENT OF INSURANCE TO PROMULGATE RULES AND
REGULATIONS, LISTING THE POLICY PROVISION STANDARDS FOR WHICH
THE DIRECTOR MAY PROMULGATE RULES AND REGULATIONS; ALLOWING
THE DIRECTOR TO PROMULGATE RULES AND REGULATIONS, LISTING THE
STANDARDS OF BENEFITS FOR WHICH THE DIRECTOR MAY PROMULGATE
RULES AND REGULATIONS; REQUIRING AN OUTLINE OF POLICY
COVERAGE BE SUPPLIED TO THE INSURED, ALLOWING THE DIRECTOR OF
THE DEPARTMENT OF INSURANCE TO PRESCRIBE THE FORMAT OF THE
OUTLINE; ALLOWING A MODIFIED OUTLINE OF COVERAGE IF THE
INSURER WAIVES NOTICE OF PREEXISTING CONDITIONS; REQUIRING
THAT RULES AND REGULATIONS PROMULGATED UNDER THIS ACT SHALL
FOLLOW THE ADMINISTRATIVE PROCEDURE ACT; PROVIDING SEVER-
ABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. PURPOSE. – The purpose of this act shall be to provide reasonable
standardization and simplification of terms and coverages of individual disability insurance
policies, non-group subscriber contracts of nonprofit hospital, medical and dental service
associations, and non-group subscriber contracts of health maintenance organizations to
facilitate public understanding and comparison, to eliminate provisions contained in
individual disability insurance policies, non-group subscriber contracts of nonprofit hospital,
medical and dental service associations, and non-group subscriber contracts of health
maintenance organizations which may be misleading or unreasonably confusing in
connection either with the purchase of such coverages or with the settlement of claims, and
to provide for full disclosure in the sale of disability coverages.

SECTION 2. DEFINITIONS. – (1) “Form” includes but is not limited to policies,
contracts, riders, endorsements, and applications as provided in sections 41-1812 and
41-3419, Idaho Code.

(2) “Disability Insurance” means insurance written under chapter 21, title 41, Idaho
Code, coverages written under chapter 34, title 41, Idaho Code, and coverages written under
chapter 177, Laws of 1974. For purposes of this act, nonprofit hospital, medical and dental service associations, and health maintenance organizations shall be deemed to be engaged in the business of insurance.

(3) "Policy" means the entire contract between the insurer and the insured, including the policy, riders, endorsements, and the application, if attached, and also includes non-group subscriber contracts issued by nonprofit hospital, medical and dental service associations, and non-group subscriber contracts issued by health maintenance organizations.

SECTION 3. STANDARDS FOR POLICY PROVISIONS. — (1) The director shall issue rules and regulations, subject to chapter 52, title 67, Idaho Code, to establish specific standards, including standards of full and fair disclosure, that set forth the manner, content, and required disclosure for the sale of individual policies of disability insurance and non-group subscriber contracts of nonprofit hospital, medical and dental service associations and non-group subscriber contracts of health maintenance organizations which shall be in addition to and in accordance with applicable laws of this state, which may cover but shall not be limited to:

(a) terms or renewability,
(b) initial and subsequent conditions of eligibility,
(c) nonduplication of coverage provisions,
(d) coverage of dependents,
(e) preexisting conditions,
(f) termination of insurance,
(g) probationary periods,
(h) limitations,
(i) exceptions,
(j) reductions,
(k) elimination periods,
(l) requirements for replacement,
(m) recurrent conditions, and
(n) the definition of terms including but not limited to the following: hospital, accident, sickness, injury, physician, accidental means, total disability, partial disability, nervous disorder, guaranteed renewable and noncancellable.

(2) The director may issue rules and regulations that specify prohibited policy provisions not otherwise specifically authorized by statute which in the opinion of the director are unjust, unfair, or unfairly discriminatory to the policyholder, any person insured under the policy, or beneficiary.

SECTION 4. MINIMUM STANDARDS FOR BENEFITS. — (1) The director shall issue rules and regulations, subject to chapter 52, title 67, Idaho Code, to establish minimum standards for benefits under each of the following categories of coverage in individual policies, non-group subscriber contracts of nonprofit hospital, medical and dental
service associations, and non-group subscriber contracts of health maintenance organizations other than conversion policies issued pursuant to a contractual conversion privilege under a group policy of disability insurance:

(a) Basic hospital expense coverage;
(b) Basic medical-surgical and dental expense coverage;
(c) Hospital confinement indemnity coverage;
(d) Major medical expense coverage;
(e) Disability income protection coverage;
(f) Accident only coverage; and
(g) Specified disease or specified accident coverage.

(2) Nothing in this section shall preclude the issuance of any policy or contract which combines two (2) or more of the categories of coverage enumerated in paragraphs (a) through (g) of subsection (1).

(3) No policy or contract shall be delivered or issued for delivery in this state which does not meet the prescribed minimum standards for the categories of coverage listed in paragraphs (a) through (g) of subsection (1) of this section, which are contained within the policy or contract unless the director finds such policy or contract will be in the public interest and such policy or contract meets the requirements set forth in section 41-1813, Idaho Code.

(4) The director shall prescribe the method of identification of policies and contracts based upon coverages provided.

SECTION 5. OUTLINE OF COVERAGE. — (1) In order to provide for full and fair disclosure in the sale of individual disability insurance policies or non-group subscriber contracts of a nonprofit hospital, medical or dental service association, or non-group subscriber contracts of health maintenance organizations, no such policy or contract shall be delivered or issued for delivery in this state unless:

(a) in the case of a direct response insurance product, the outline of coverage described in subsection (2) of this section accompanies the policy;
(b) in all other cases, the outline of coverage described in subsection (2) of this section is delivered to the applicant at the time application is made and an acknowledgment of receipt of certificate of delivery of such outline is provided the insurer with the application. In the event the policy is issued on a basis other than that applied for, the outline of coverage properly describing the policy or contract must accompany the policy or contract when it is delivered and clearly state that it is not the policy or contract for which application was made.

(2) The director shall prescribe the format and content of the outline of coverage required by subsection (1) of this section. “Format” means style, arrangement, and overall appearance, including such items as the size, color, and prominence of type and the arrangement of text and captions. Such outline of coverage shall include:
(a) A statement identifying the applicable category or categories of coverage provided by the policy or contract as prescribed in section 4 of this act;

(b) A description of the principal benefits and coverage provided in the policy or contract;

(c) A statement of the exceptions, reductions and limitations contained in the policy or contract;

(d) A statement of the renewal provisions including any reservation by the insurer or nonprofit hospital, medical or dental service association, or health maintenance organization of a right to change premiums;

(e) A statement that the outline is a summary of the policy or contract issued or applied for and that the policy or contract should be consulted to determine governing contractual provisions.

SECTION 6. PREEXISTING CONDITIONS. – (1) Notwithstanding the provisions of section 41-2104, Idaho Code, if an insurer or a nonprofit hospital, medical or dental service association, or health maintenance organization elects to use a simplified application form, with or without a question as to the applicant's health at the time of application, but without any questions concerning the insured’s health history or medical treatment history, the policy must cover any loss occurring after twelve (12) months from the effective date of the policy, that is due to any preexisting condition not specifically excluded from coverage by terms of the policy. Except as so provided, the policy or contract shall not include wording that would permit defense based upon preexisting conditions.

SECTION 7. ADMINISTRATIVE PROCEDURE. – Rules and regulations promulgated pursuant to this act shall be subject to notice and hearing pursuant to section 41-211, Idaho Code, and chapter 52, title 67, Idaho Code.

SECTION 8. SEVERABILITY. – 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 9. This act shall be in full force and effect on and after July 1, 1975. Approved March 28, 1975.
AMENDING SECTION 41-402, IDAHO CODE, RELATING TO PREMIUM TAX ON INSURANCE, BY ADDING TO SUBSECTION (4) REFERENCE TO THE UNITED STATES INTERNAL REVENUE CODE SECTION 408.

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

SECTION 1. That Section 41-402, Idaho Code, be, and the same is hereby amended to read as follows:

41-402. PREMIUM TAX. — (1) Each authorized insurer and each formerly authorized insurer with respect to insurance transacted while an authorized insurer shall file with the director on or before the first day of March of each year a statement (on forms as prescribed and furnished by the director) under oath showing the amount of all gross premiums received by the insurer on direct risks written in this state, and also, if a domestic insurer, on direct risks situated in any other state or states in which the insurer is not licensed and upon which no premium tax is otherwise paid or payable, during the year ending December 31 next preceding, and pay the director a tax at the rate set forth in subsection (2) below on the amount of such gross premiums collected in excess of premiums and cancelations returned and premium dividends paid to or credited to the accounts of such policyholders; provided that life insurers may in computing the taxable premiums on life insurance also deduct the amount of coupons paid to policyholders, and in computing the tax on annuity considerations may also deduct the amount, not in excess of the considerations actually received on the contract, returned or refunded to the prospective annuitant or to a person designated by him before benefits commence under the contract. As to title insurance “gross premium” means the insurance risk portion of the amount charged for title insurance.

(2) Subject to section 41-403, Idaho Code, the rate of tax shall be as follows:

(a) As to title insurance the rate of tax shall be one per cent (1%).

(b) As to all other kinds of insurance and as to annuity contracts in general, the rate of tax shall be three per cent (3%).

(3) This section shall not apply as to any domestic reciprocal insurer doing exclusively a workmen's compensation business and complying with the provisions of the Workmen's Compensation Law of this state and writing surety bonds for members under that law, if its representatives or agents or the attorney in fact executing such contracts are
not compensated on a commission basis.

(4) This section shall not apply as to life insurance policies or annuity contracts issued under pension plans or profit-sharing plans exempt or qualified under sections 401(a), 403, 404, 408, or 501(a) of the United States Internal Revenue Code, as hereafter amended or renumbered from time to time.

Approved March 28, 1975.
CHAPTER 207
(H.B.No. 39)

AN ACT
RELATING TO EXPENSE OF EXAMINATION OF INSURANCE COMPANIES; AMENDING SECTION 41-228, IDAHO CODE, TO PROVIDE THAT SUCH EXPENSE SHALL INCLUDE THE COST OF PERSONNEL DESIGNATED ON BEHALF OF OTHER STATES PARTICIPATING IN AN EXAMINATION; AMENDING CHAPTER 7, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-735, IDAHO CODE, AUTHORIZING DOMESTIC INSURERS TO INVEST CERTAIN OF ITS ASSETS IN MISCELLANEOUS INVESTMENTS; AND AMENDING SECTION 41-2024, IDAHO CODE, TO PROVIDE THAT ANY GROUP ELIGIBLE FOR GROUP DISABILITY INSURANCE WILL BE ELIGIBLE FOR EMPLOYEE LIFE INSURANCE.

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

SECTION 1. That Section 41-228, Idaho Code, be, and the same is hereby amended to read as follows:

41-228. EXAMINATION EXPENSE. — (1) Every insurer or corporation so examined shall, at the direction of the director, pay to the examiners and other persons assisting in making the examination, the actual travel expenses, reasonable living expense allowance, and compensation, at reasonable rates customary for such examination and as approved by the director, necessarily incurred on account of the examination, upon presentation of a detailed account of such charges and expenses. A consolidated account of all such charges and expenses for the examination shall be certified to in duplicate by the insurer or corporation examined, one (1) copy of which shall be retained by such insurer or corporation and the other copy filed in the department as a public record.

(2) No person shall pay and no examiner shall accept any additional emolument on account of any examination.

(3) A domestic insurer shall be entitled to offset against its premium taxes payable to the state of Idaho in the next succeeding calendar year the examination expense paid by it to or for the account of an examiner, actuary, or other assistant designated by the director for the purpose of the examination, of such personnel as may be so designated on behalf of other states participating in any such examination.

SECTION 2. That Chapter 7, 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
41-735. Idaho Code, and to read as follows:

41-735. MISCELLANEOUS INVESTMENTS. — (1) An insurer may loan or invest its funds in an aggregate amount not exceeding the lesser of the following sums: five per cent (5%) of its assets, or fifty per cent (50%) of its surplus over its capital and other liabilities, or if a mutual or reciprocal insurer fifty per cent (50%) of its surplus over minimum required surplus, in kinds of loans or investments not otherwise specifically made eligible for investment and not specifically prohibited or made ineligible by this or other provisions of this code.

(2) No such loan or investment shall be represented by:

(a) Any loan or investment of a kind specifically made eligible under any other provision of this code; or

(b) Any loan, investment, or asset theretofore acquired or held by the insurer under any other category of loans or investments.

(3) No one such investment or loan shall exceed the amount specified in subsection (1) of this section or one per cent (1%) of the insurer's assets, whichever is the lesser.

(4) The insurer shall keep a separate record of all investments acquired under this section.

SECTION 3. That Section 41-2024, Idaho Code, be, and the same is hereby amended to read as follows:

41-2024. “EMPLOYEE LIFE INSURANCE” DEFINED. — (1) “Employee life insurance” is that plan of life insurance, other than salary savings life insurance or pension trust insurance and annuities, under which individual policies are issued to the employees of any employer and the employer, or to the members of a professional association or its employees and where such policies are issued on the lives of not less than four (4) persons at date of issue. Premiums for such policies shall be paid either wholly from the employer's or member's funds, or funds contributed by him, or partly from such funds and partly from funds contributed by the insured employees.

(2) Any group which is eligible for “group disability insurance” under section 41-2202, Idaho Code, will be eligible for employee life insurance under section 41-2024, Idaho Code.

Approved March 28, 1975.
CHAPTER 208
(H.B.No. 75)

AMENDING SECTION 41-2401, IDAHO CODE, REQUIRING THAT EVERY FIRE INSURANCE POLICY ISSUED SHALL CONTAIN LANGUAGE PROVIDING TWENTY DAYS' NOTICE PRIOR TO CANCELLATION, CHANGING INSURANCE "COMMISSIONER" TO "DIRECTOR"; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 41-2401, Idaho Code, be, and the same is hereby amended to read as follows:

41-2401. STANDARD FIRE POLICY. -- (1) No fire insurer shall issue any fire insurance policy covering on property or interest therein in this state, other than on the form known as the New York standard as revised in 1943, except as follows:

(a) An insurer may print on or in its policy its name, location, date of incorporation, plan of operation, whether stock, mutual, reciprocal or organized under special charter provisions, and if mutual or reciprocal whether on cash premium or assessment plan; and if it be a stock company, the amount of its paid up capital stock, the names of its officers and agents, the number and date of the policy, and, if it is issued by an agent, the words, "This policy shall not be valid until countersigned by the duly authorized agent of the company at__________"; and, if a mutual or reciprocal insurer, the policy must state the contingent liability, if any, of its policyholders, members, or subscribers for payment of losses and expenses not provided for by its cash funds.

(b) An insurer may print or use in its policies printed forms of description and specifications of the property insured.

(c) An insurer insuring against damage by lightning may print in the clause enumerating the perils insured against the additional words, "also any damage by lightning whether fire ensues or not," and in the clause providing for an apportionment of loss in case of other insurance the words, "whether by fire, lightning or both."

(d) A domestic insurer may print in its policies any provisions which it is authorized or required by the law to insert therein, and any foreign insurer may, with the approval of the commissioner, so print any provision
required by its charter or deed of settlement, or by the laws of its own state or
country, not contrary to the laws of this state; but the

commissioner, director

director

shall require any provision which, in his opinion modifies the contract of
insurance in such a way as to affect the question of loss, to be appended to the
policy by an endorsement or rider as hereinafter provided.

(e) The blanks in the standard form may be

filled in completed

in print or in
writing.

(f) An insurer may print upon policies issued in compliance with the preceding
provisions of this section the words, “Idaho standard policy.”

(g) An insurer may write upon the margin or across the face of the policy, or write
or print in type not smaller than nonpareil upon a slip, slips, rider or riders to
be attached thereto, provisions adding to or relating to those contained in the
standard form; and all such slips, riders, endorsements and provisions must be
signed by the officers or agents of the insurer so using them.

(h) If the policy be made by a mutual, reciprocal or other insurer having special
regulations lawfully applicable to its organization, membership, policies or
contracts of insurance such regulations shall apply to and form a part of the
policy as the same may be written or printed upon, attached or appended
thereto.

(i) Every policy shall have legibly inscribed upon its face and filing back suitable
words to designate whether the insurer making such insurance be a stock,
mutual or reciprocal insurer, provided, that any insurer organized under special
charter provisions may so indicate upon its policy and may add a statement of
the plan under which it operates in this state.

(j) Every fire policy shall contain language that provides for a twenty (20) day
written notice to the insured prior to cancellation of the policy.

(2) The word “noon” occurring in the policy shall be construed to be the noon or of
standard time of the place where the property covered by the policy is situated.

(3) An insurer issuing the standard fire policy is authorized to affix thereto or
include therein a written statement that the policy does not cover loss or damage caused by
nuclear reaction, nuclear radiation or radioactive contamination, all whether directly or
indirectly resulting from an insured peril under the policy; but nothing herein contained
shall be construed to prohibit the attachment to any such policy of an endorsement or
endorsements specifically assuming coverage for loss or damage caused by nuclear reaction,
nuclear radiation or radioactive contamination.

(4) The standard fire policy is not mandatory for vehicle insurance, or for marine
insurance, or inland marine insurance as the same is defined pursuant to section 41-1401(2),
Idaho Code, or for insurance on growing crops.

(5) Any policy or contract otherwise subject to the provisions of subsection (1)
hereof, which includes either on an unspecified basis as to the coverage or for a single
premium coverage against the peril of fire and substantial coverage against other perils need not comply with the provisions of subsection (1) hereof, provided:

(a) such policy or contract shall afford coverage, with respect to the peril of fire, not less than the coverage afforded by such standard fire policy,

(b) the provisions in relation to mortgagee interests and obligations in such standard fire policy shall be incorporated therein without change,

(c) such policy or contract is complete as to all of its terms without reference to the standard form of fire insurance policy or any other policy, and

(d) the commissioner director is satisfied that such policy or contract complies with the provisions hereof.

SECTION 2. This act shall be in full force and effect on and after July 1, 1975. Approved March 28, 1975.
CHAPTER 209
(H.B. No. 135)

AN ACT
AMENDING SECTION 41-2711, IDAHO CODE, RELATING TO REQUIREMENTS AND BONDS OF TITLE INSURANCE AGENTS, PROVIDING THAT IT IS A SURETY BOND AND IS FOR THE BENEFIT OF THE PUBLIC SUFFERING A LOSS IN THE CONDUCT OF TITLE INSURANCE RELATED BUSINESS BY FAILURE TO COMPLY WITH THIS ACT OR FRAUD OR DISHONESTY.

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

SECTION 1. That Section 41-2711, Idaho Code, be, and the same is hereby amended to read as follows:

41-2711. REQUIREMENTS FOR ESCROW OFFICERS TITLe INSURANCE RELATED BUSINESS – BONDS. – An escrow officer is an individual licensed as a title insurer or title insurance agent or an employee of a title insurance agent whose duties include any of the following: handling escrows including receiving and disbursing escrow funds, or countersigning or issuing title insurance policies, settlements, closings, and funds related thereto, except there are not to be included employees whose duties are wholly clerical or to act only as cosigners of escrow drafts. Each title insurance agent holding a license under this chapter, shall file with the director of the department of insurance on or before January 1, of each year, and amend the same for new escrow officers employed within thirty (30) days of such employment, upon forms furnished by the director of the department of insurance, the name and address of each person employed by it to serve in the capacity of an escrow officer. No title insurance agent shall permit any person to act as an escrow officer within this state beyond the time for compliance with the foregoing conditions have been complied with. The director of the department of insurance shall keep a record of the names and addresses of all escrow officers whose names have been duly filed with him as employed by title insurance agents within the state.

Every title insurance agent shall procure at its expense and file with the director of the department of insurance a corporate surety bond of the type hereinafter set forth. The bond shall be for the individual licensed title insurance agent and for each escrow officer employee of the title insurance agent, in the minimum amount of ten thousand dollars ($10,000) per county in which the title insurance agent is licensed and increasing in an amount increased in increments of ten thousand dollars ($10,000) for corresponding to each
additional person employed as an escrow officer in the county, up to a maximum bond of fifty thousand dollars ($50,000) for each county where the agent does business, payable to the director of the department of insurance, which bond shall obligate the principal and surety to pay such pecuniary loss as the agent shall sustain through the acts of fraud, dishonesty, forgery, theft, embezzlement or wilful misapplication on the part of a title insurance agent or an escrow officer, either directly and alone, or in connivance with others. Provided that the maximum bond required of any title insurance agent shall be fifty thousand dollars ($50,000) irrespective of the number of counties in which the agent is licensed or the number of escrow officers employed and provided that the manager or supervisor of the title insurance agent's principal office in a county shall not be counted as an escrow officer in determining the amount of the title insurance agent's bond. The bond shall run to the director of insurance and the condition of the bond shall be that the title insurance agent shall pay damages which may be sustained by the public in the conduct of title insurance related business as defined in section 41-2704(3), Idaho Code, by reason of the title insurance agent's failure to comply with the provisions of this act and the regulations promulgated pursuant thereto by the director of insurance which shall include damages sustained by reason of fraud, dishonesty, forgery, theft or wilful misapplication of funds committed by the title insurance agent and its employees. Such bond(s) may be by blanket form coverage which the director of the department of insurance may authorize covering one or more locations within or without a particular county, and covering one or more escrow officers in those cases where a particular agent has more than one location or more than one escrow officer. In lieu of such bond, cash or securities approved by the director in said like amount may be deposited with the director of the department of insurance subject to the same condition under custodial arrangement as provided for deposits by insurers under section 41-804, Idaho Code. The bond, cash or securities shall be so deposited by the director with the treasurer of the state of Idaho shall be subject to the same condition as the bond.

If at any time it appears to the director that the terms of such bond may have been violated, the director may require the agent to appear in Boise with such records as he deems proper on the date not earlier than ten (10) days and not later than twenty-five (25) days after service of such notice, and there conduct an examination into the matter. If, upon examination the director is satisfied that the terms of the bond have been violated, he shall forthwith notify the surety and prepare a written statement covering the facts and deliver it to the attorney general of Idaho, with copy to the surety, whose duty it shall be to investigate the charges, and if satisfied that the terms of the bond have been violated, then to enforce the liability against the cash or securities, or by suit on said bond in Ada County in the name of the director of the department of insurance for the benefit of all parties who have suffered any loss because of the breach of the terms of said bond or deposit.

The provisions of this section as to escrow officers and the requirement for filing escrow fee rates with the director shall also be applicable to any corporation twenty-five per
cent (25%) or more of the capital stock or ownership of which is directly or indirectly
owned by a title insurer or title insurance agent, or any person or entity directly or
indirectly owning a majority of the stock or ownership of such insurer or agent.
Approved March 28, 1975.

CHAPTER 210
(H.B.No.204)

AN ACT
AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW
SECTION 40-527, IDAHO CODE, RELATING TO STANDARDS FOR CURB
CONSTRUCTION AND CURB RAMPS FOR THE PHYSICALLY HANDICAPPED.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 5, Title 40, Idaho Code, be, and the same is hereby
amended by the addition thereto of a new section, to be known and designated as Section
40-527, Idaho Code, and to read as follows:

40-527. STANDARDS FOR CURB CONSTRUCTION CURB RAMPS FOR THE
PHYSICALLY HANDICAPPED: (1) The standard for construction of curbs on each side
of any city street, or any connecting street for which curbs and sidewalks have been
prescribed by the appropriate governing body, shall require curb cuts or ramps at locations
which allow a crossing movement at intersections. Each curb cut or ramp shall be so
constructed as to allow reasonable access to the crosswalk for physically handicapped
persons.

(2) Standards set for curb cuts and ramps under subsection (1) of this section shall
apply to all new curb construction and to all replacement curbs constructed at any point in
a block which gives reasonable access to a crosswalk.

Approved March 28, 1975.
CHAPTER 211
(H.B.No. 206)

AN ACT
AMENDING SECTION 49-749, IDAHO CODE, RELATING TO CERTAIN VEHICLES STOPPING AT RAILROAD GRADE CROSSINGS, TO PROVIDE THAT STOPS NEED NOT BE MADE WHEN A POLICE OFFICER DIRECTS TRAFFIC TO PROCEED, AND TO STRIKE THE EXCEPTION RELATING TO GRADE CROSSINGS WITHIN A BUSINESS OR RESIDENCE DISTRICT.

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

SECTION 1. That Section 49-749, Idaho Code, be, and the same is hereby amended to read as follows:

49-749. CERTAIN VEHICLES MUST STOP AT ALL RAILROAD GRADE CROSSINGS. — (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or any vehicle carrying explosive substances or inflammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 fifty (50) feet but not less than 15 fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

(b) No stop need be made at any such crossing where a police officer or a traffic control signal directs traffic to proceed.

(c) This section shall not apply at street railway grade crossings within a business or residence district.

Approved March 28, 1975.
CHAPTER 212  
(H.B.No. 165)

AN ACT
RELATING TO DISASTER PREPAREDNESS; REPEALING CHAPTER 10, TITLE 46, IDAHO CODE; AMENDING TITLE 46, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 10, TITLE 46, IDAHO CODE, PROVIDING A SHORT TITLE, PROVIDING DEFINITIONS, STATING POLICY AND PURPOSES, CREATING A BUREAU OF DISASTER SERVICES, PROVIDING FOR APPOINTMENT AND COMPENSATION OF A BUREAU CHIEF, PROVIDING POWERS AND DUTIES OF THE CHIEF AND THE BUREAU, PROVIDING LIMITATIONS, PROVIDING POWERS OF THE GOVERNOR DURING EMERGENCY SITUATIONS, PROVIDING FOR LOCAL AND INTERGOVERNMENTAL DISASTER AGENCIES AND DEFINING POWERS, ALLOWING INTERGOVERNMENTAL COMPACTS, PROVIDING A METHOD OF DECLARING A LOCAL EMERGENCY, PROVIDING FOR COMPENSATION FOR PERSONAL SERVICES OR DAMAGED PROPERTY DURING AN EMERGENCY SITUATION, DIRECTING THE BUREAU OF EMERGENCY SERVICES TO COORDINATE COMMUNICATIONS RESOURCES FOR USE IN EMERGENCY SITUATIONS, STATING PROVISIONS FOR MUTUAL AID AMONG POLITICAL SUBDIVISIONS, ALLOWING THE BUREAU OF EMERGENCY SERVICES TO PREVENT WEATHER MODIFICATION IN TIMES OF EMERGENCIES, PROVIDING EXEMPTION FROM LIABILITY FOR OWNERS OF SHELTERS DESIGNATED FOR EMERGENCY USE; PROVIDING IMMUNITY FROM LIABILITY TO POLITICAL SUBDIVISIONS AND INDIVIDUALS ENGAGED IN CIVIL DEFENSE OR DISASTER RELIEF ACTIVITIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 10, Title 46, Idaho Code, be, and the same is hereby repealed

SECTION 2. That Title 46, Idaho Code, be, and the same is hereby amended by the addition of a new Chapter 10, Idaho Code, to read as follows:

CHAPTER 10 - STATE DISASTER PREPAREDNESS ACT

46-1001. SHORT TITLE.  — This act shall be cited as the “Idaho Disaster Preparedness Act of 1975.”

46-1002. DEFINITIONS.  — As used in this act:

(1) “Bureau” means the bureau of disaster services, military division of the office of the governor.
2) "Adjutant general" means the administrative head of the military division of the office of the governor.

3) "Disaster" means occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, windstorm, wave action, volcanic activity, explosion, riot, or hostile military or paramilitary action.

4) "Emergency" means occurrence or imminent threat of a disaster or condition threatening life or property which requires state emergency assistance to supplement local efforts to save lives and protect property or to avert or lessen the threat of a disaster.

5) "Political subdivision" means any county, city, or other unit of local government.

6) "Militia" means all able-bodied male citizens of Idaho as defined in section 46-102, Idaho Code.

7) "Search and rescue" means the employment, coordination, and utilization of available resources and personnel in locating, relieving distress and preserving life of, and removing survivors from the site of a disaster, emergency or hazard to a place of safety in case of lost, stranded, entrapped, or injured persons.

46-1003. POLICY AND PURPOSES. — It is the policy of this state to plan and prepare for disasters and emergencies resulting from natural or man-made causes, enemy attack, sabotage or other hostile action, and to implement this policy, it is found necessary:

1) To create a bureau of disaster services, to authorize the creation of local organizations for disaster preparedness in the political subdivisions of the state, and to authorize the state and political subdivisions to execute agreements and to cooperate with the federal government and the governments of other states.

2) To prevent and reduce damage, injury, and loss of life and property resulting from natural or man-made catastrophes, riots, or hostile military or paramilitary action.

3) To prepare assistance for prompt and efficient search, rescue, care, and treatment of persons injured, victimized or threatened by disaster.

4) To provide for rapid and orderly restoration and rehabilitation of persons and property affected by disasters.

5) To prescribe the roles of the governor, state agencies, and local governments in prevention of, preparation for, response to and recovery from disasters.

6) To authorize and encourage cooperation in disaster prevention, preparedness, response and recovery.

7) To provide for coordination of activities relating to disaster prevention, preparedness, response, and recovery by all state agencies, political subdivisions, and interstate, federal-state and Canadian activities in which the state and its political subdivisions may participate.

8) To provide a disaster management system embodying all aspects of predisaster preparedness and postdisaster response.

46-1004. BUREAU OF DISASTER SERVICES CREATED. — Within the military
division of the office of governor, a bureau of disaster services is established.

46-1005. CHIEF OF BUREAU APPOINTMENT -- COMPENSATION. -- The bureau may be headed by a chief appointed by the adjutant general with the concurrence of the governor or the governor may appoint the adjutant general to serve as chief. The chief shall hold office at the pleasure of the governor and his compensation shall be fixed by the governor. If the adjutant general is chief, he shall receive no additional compensation for serving as chief.

46-1006. POWERS AND DUTIES OF CHIEF AND BUREAU. -- (1) In all matters of disaster services, the adjutant general shall represent the governor and shall on behalf of the governor, coordinate the activities of all of the state agencies in disaster services. The bureau shall have a coordinating officer and other professional, technical, secretarial and clerical employees necessary for the performance of its functions.

(2) The bureau shall prepare, maintain and update a state disaster plan based on the principle of self help at each level of government. The plan may provide for:

(a) prevention and minimization of injury and damage caused by disaster;
(b) prompt and effective response to disaster;
(c) emergency relief;
(d) identification of areas particularly vulnerable to disasters;
(e) assistance to local officials in designing local emergency action plans;
(f) authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from disaster;
(g) preparation and distribution to the appropriate state and local officials of catalogs of federal, state and private assistance programs;
(h) assistance to local officials in designing plans for search, rescue, and recovery of persons lost, entrapped, victimized, or threatened by disaster;
(i) organization of manpower and chains of command;
(j) coordination of federal, state, and local disaster activities;
(k) coordination of the state disaster plan with the disaster plans of the federal government.

(3) The bureau shall participate in the development and revision of local and intergovernmental disaster plans. To this end it may employ or otherwise secure the services of professional and technical personnel to provide expert assistance to political subdivisions, their disaster agencies, and intergovernmental planning and disaster agencies. This personnel shall consult with subdivisions and agencies and shall make field examinations of the areas, circumstances, and conditions to which particular local and intergovernmental disaster plans are intended to apply.

(4) In preparing and maintaining the state disaster plan, the bureau shall seek the advice and assistance of local government, business, labor, industry, agriculture, civic, and volunteer organizations and community leaders. In advising local and intergovernmental agencies, the bureau shall encourage them also to seek advice from these sources.
(5) The state disaster plan or any part thereof may be incorporated in regulations of the bureau promulgated subject to chapter 52, title 67, Idaho Code.

(6) The bureau shall:
(a) promulgate standards and criteria for local and intergovernmental disaster plans;
(b) periodically review local and intergovernmental disaster plans;
(c) assist political subdivisions, their disaster agencies, and intergovernmental disaster agencies to establish and operate training programs and programs of public information;
(d) plan and make arrangements for the availability and use of any private facilities, services, and property and, if necessary and if in fact used, provide for payment for use under terms and conditions agreed upon;
(e) prepare executive orders and proclamations for issuance by the governor, as necessary or appropriate in coping with disasters;
(f) cooperate with the federal government and any public or private agency or entity in achieving any purpose of this act and in implementing programs for disaster prevention, preparation, response, and recovery;
(g) maintain a register of search and rescue organizations, units, teams, or individuals operating within the state;
(h) assist search and rescue units to accomplish standards for equipment, training and proficiency; and
(i) in addition to disaster prevention measures as included in the state, local, and intergovernmental disaster plans, the bureau shall consider on a continuing basis steps that could be taken to prevent or reduce the harmful consequences of disasters. The governor from time to time may make recommendations to the legislature, local governments and other appropriate public and private entities as may facilitate measures for prevention or reduction of the harmful consequences of disasters.
(j) not limit the powers and duties of the department of transportation, division of aeronautics, as provided by sections 21-114 and 21-118, Idaho Code.

46-1007. LIMITATIONS. Nothing in this act shall be construed to:
(1) Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this act or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
(2) Interfere with dissemination of news or comment on public affairs;
(3) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state, local, and intergovernmental disaster emergency plans shall place reliance upon the forces available for performance of functions related to disaster emergencies; or
(4) Limit, modify, or abridge the authority of the governor to proclaim martial law or
exercise any other powers vested in him under the constitution or statutes of this state independent of or in conjunction with any provisions of this act.

46-1008. THE GOVERNOR AND DISASTER EMERGENCIES. (1) Under this act, the governor may issue executive orders, proclamations and amend or rescind them. Executive orders and proclamations have the force and effect of law.

(2) A disaster emergency shall be declared by executive order or proclamation of the governor if he finds a disaster has occurred or that the occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the governor finds that the threat or danger has passed, or the disaster has been dealt with to the extent that emergency conditions no longer exist, and when either or both of these events occur, the governor shall terminate the state of disaster emergency by executive order or proclamation; provided, however, that no state of disaster emergency may continue for longer than thirty (30) days unless the governor finds that it should be continued for another thirty (30) days or any part thereof. The legislature by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection shall indicate the nature of the disaster, the area or areas threatened, the area subject to the proclamation, and the conditions which are causing the disaster. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and unless the circumstances attendant upon the disaster prevent or impede, be promptly filed with the bureau of disaster services, the office of the secretary of state and the office of the recorder of each county where the state of disaster emergency applies.

(3) An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recovery aspects of the state, local and intergovernmental disaster emergency plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this act or any other provision of law relating to disaster emergencies.

(4) During the continuance of any state of disaster emergency the governor is commander-in-chief of the militia and may assume command of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but nothing herein restricts his authority to do so by orders issued at the time of the disaster emergency.

(5) In addition to any other powers conferred upon the governor by law, he may:

(a) suspend the provisions of any regulations prescribing the procedures for conduct of public business that would in any way prevent, hinder, or delay necessary action in coping with the emergency;
(b) utilize all resources of the state and the political subdivisions as he deems necessary to cope with the disaster emergency;

(c) transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(d) subject to any applicable requirements for compensation under section 46-1012, Idaho Code, commandeer or utilize any private property, real or personal, if he finds this necessary to cope with the disaster emergency;

(e) direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if he deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery;

(f) prescribe routes, modes of transportation, and destinations in connection with evacuation;

(g) control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein;

(h) suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives, and combustibles;

(i) make provision for the availability and use of temporary emergency housing.

46-1009. LOCAL AND INTERGOVERNMENTAL DISASTER AGENCIES AND SERVICES. - (1) Each county within this state shall be within the jurisdiction of and served by the bureau and by a county or intergovernmental agency responsible for disaster preparedness and coordination of response.

(2) Each county shall maintain a disaster agency or participate in an intergovernmental disaster agency which, except as otherwise provided under this act, has jurisdiction over and serves the entire county, or shall have a liaison officer appointed by the county commissioners designated to facilitate the cooperation and protection of that subdivision in the work of disaster prevention, preparedness, response and recovery.

(3) The chairman of the board of county commissioners of each county in the state shall notify the bureau of the manner in which the county is providing or securing disaster planning and emergency services. The chairman shall identify the person who heads the agency or acts in the capacity of liaison from which the service is obtained, and furnish additional information relating thereto as the bureau requires.

(4) Each county and/or intergovernmental agency shall prepare and keep current a local or intergovernmental disaster emergency plan for its area.

(5) The county or intergovernmental disaster agency, as the case may be, shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local agencies and officials and of the disaster chain of command.

(6) The sheriff of each county shall:

(a) be the official responsible for coordination of all search and rescue operations within his jurisdiction;
(b) prepare and keep current a plan to make use of the search and rescue capability and resources available within the county.

46-1010. INTERGOVERNMENTAL ARRANGEMENTS. – (1) The governor may enter into interstate disaster service compacts with any state if he finds that joint action with the state is desirable in meeting common intergovernmental problems of disaster planning, prevention, response, and recovery.

(2) Nothing in subsection (1) hereof shall be construed to limit previous or future entry into the interstate civil defense and disaster compact of this state with other states.

(3) If any person holds a license, certificate, or other permit issued by any state or political subdivision thereof evidencing the meeting of qualifications for professional, mechanical, or other skills, the person may render aid involving that skill in this state to meet an emergency or disaster proclaimed by the governor, and this state shall give due recognition to the license, certificate, or other permit.

46-1011. LOCAL DISASTER EMERGENCIES. – (1) A local disaster emergency may be declared only by a mayor or chairman of the county commissioners within their respective political subdivisions. It shall not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the governing board of the political subdivision. Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the local county recorder.

(2) The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local or intergovernmental disaster emergency plans and to authorize the furnishing of aid and assistance thereunder.

(3) No intergovernmental agency or official thereof may declare a local disaster emergency, unless expressly authorized by the agreement pursuant to which the agency functions. However, an intergovernmental disaster agency shall provide aid and services in accordance with the agreement pursuant to which it functions.

46-1012. COMPENSATION. – (1) Each person within this state shall conduct himself and keep and manage his affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the state, other political subdivisions, and the public to successfully meet disaster emergencies. This obligation includes appropriate personal service and use or restriction on the use of property in time of disaster emergency. This act neither increases nor decreases these obligations but recognizes their existence under the constitution and statues of this state. Compensation for services or for the taking or use of property shall be only to the extent that obligations recognized herein are exceeded in a particular case and then only to the extent that the claimant may not be deemed to have volunteered his services or property without compensation.

(2) No personal services may be compensated by the state or any subdivision or agency thereof, except pursuant to statute or local law or ordinance.

(3) Compensation for property shall be only if the property was commandeered or
otherwise used in coping with a disaster emergency and its use or destruction was ordered by the governor or his representative.

(4) Any person claiming compensation for the use, damage, loss, or destruction of property under this act shall file a claim therefor with the bureau in the form and manner the bureau provides.

(5) Unless the amount of compensation on account of property damaged, lost, or destroyed is agreed upon between the claimant and the bureau, the amount of compensation shall be calculated in the same manner as compensation due for taking of property pursuant to the condemnation laws of this state.

46-1013. COMMUNICATIONS. — The bureau shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The bureau shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive state or state-federal telecommunications or other communication system or network. The bureau shall make recommendations to the governor as appropriate.

46-1014. MUTUAL AID. — (1) Political subdivisions not participating in the intergovernmental arrangements pursuant to this act nevertheless shall be encouraged and assisted by the bureau to conclude suitable arrangement for furnishing mutual aid in coping with disasters. The arrangements shall include provisions of aid by persons and units in public employ.

(2) In passing upon local disaster plans, the bureau shall consider whether they contain adequate provisions for the rendering and receipt of mutual aid.

46-1015. WEATHER MODIFICATION. — The bureau shall keep continuously appraised of weather conditions which present danger of precipitation or other climatic activity severe enough to constitute a disaster. If the bureau determines that precipitation that may result from weather modification operations, either by itself or in conjunction with other precipitation or climatic conditions or activity, would create or contribute to the severity of a disaster, it shall direct the officer or agency empowered to issue permits for weather modification operations to suspend the issuance of the permits. Thereupon, no permits may be issued until the bureau informs the officer or agency that the danger has passed.

46-1016. LIABILITY FOR PROPERTY DAMAGE, BODILY INJURY OR DEATH. — No person, partnership, corporation, association, the state of Idaho or any political subdivision thereof or other entity who owns, leases, controls, occupies or maintains any building or premises which shall have been designated by proper authority for civil defense as a shelter from destructive operations or attacks by enemies of the United States shall be liable to any person for property damages, bodily injury or death resulting from or caused by the condition of said building or premises or as a result of any act or omission or in any way arising from the designation of such premises or building as a shelter when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge
therein during destructive operations or attacks by enemies of the United States or during
tests ordered by lawful authority, except for acts of wilful negligence by the owner or
occupant of such building or premises or other person responsible for the maintenance
thereof, or by his servants, agents or employees.

46-1017. IMMUNITY. — Neither the state nor any political subdivision thereof nor
other agencies, nor, except in cases of wilful misconduct, the agents, employees or
representatives of any of them engaged in any civil defense or disaster relief activities, acting
under a declaration by proper authority nor, except in cases of wilful misconduct or gross
negligence, any person, firm, corporation or entity under contract with them to provide
equipment or work on a cost basis to be used in disaster relief, while complying with or
attempting to comply with this act or any rule or regulation promulgated pursuant to the
provisions of the act, shall be liable for the death of or any injury to persons or damage to
property as a result of such activity. The provisions of this section shall not affect the right
of any person to receive benefits to which he would otherwise be entitled under this act or
under the workmen’s compensation law or under any pension law, nor the right of any such
person to receive any benefits or compensation under any act of congress.

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 28, 1975.
AN ACT

AMENDING SECTION 33-1707, IDAHO CODE, RELATING TO THE ALLOWABLE REIMBURSEMENT FOR DRIVER TRAINING PROGRAMS, BY PROVIDING THAT THE MAXIMUM ALLOWABLE REIMBURSEMENT PER PUPIL SHALL BE INCREASED FROM FIFTY DOLLARS TO FIFTY-FIVE DOLLARS.

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

SECTION 1. That Section 33-1707, Idaho Code, be, and the same is hereby amended to read as follows:

33-1707. REIMBURSEMENT – DETERMINATION – CERTIFICATION – a. From the data provided by the school district, as required by section 33-1706, Idaho Code, the state board of education shall compute the average of the number of pupils enrolling in the course and those completing the same, and determine for such average number, the per-pupil cost thereof.

The amount due the district from the driver training fund in the state treasury shall be the total cost of operating the program, or the average of the number enrolling in the course and those completing the same, multiplied by fifty dollars ($50.00), fifty-five dollars ($55.00), whichever is lesser;

b. On or before the fifteenth day of March, and the fifteenth day of July, and the fifteenth day of October in each year, the state board of education shall certify to the state auditor a list of school districts having submitted the reports required in section 33-1706, Idaho Code, and the amount of money due to each as computed under the provisions of subsection a of this section. The state auditor shall draw his warrants against the driver training fund in the state treasury, in favor of the several districts entitled thereto, in the amount so certified. Annually, not later than the first day of September in each year, the state board of education shall cause the supervisor of driver training to prepare a report listing the names of the school districts having submitted the reports as required in section 33-1706, Idaho Code, and the amounts of money paid each as computed under the provisions of subsection a of this section.

Approved March 28, 1975.
CHAPTER 214
(H.B.No. 180)

AN ACT
RELATING TO TOWN SITES ON PUBLIC LANDS, AMENDING SECTION 58-801, IDAHO CODE, TO STRIKE PROBATE JUDGE AND INSERT JUDGE OF THE DISTRICT COURT; AMENDING SECTION 58-805, IDAHO CODE, TO PROVIDE FOR THE JUDGE IN UNINCORPORATED TOWNS TO APPOINT APPRAISERS; AMENDING SECTION 58-807, IDAHO CODE, TO PROVIDE FOR AUTHORITY IN THE JUDGE TO ADVERTISE NOTICES OF SALES; AMENDING SECTION 58-808, IDAHO CODE, TO PROVIDE THAT THE JUDGE, WHEN PETITIONED BY A MAJORITY OF THE LANDOWNERS IN THE TOWN SITE, SHALL WITHHOLD FROM SALE LAND FOR PUBLIC USE; AMENDING SECTION 58-809, IDAHO CODE, TO PROVIDE AUTHORITY IN THE JUDGE TO CONVEY LOTS TO ENTRYMEN; AMENDING SECTION 58-810, IDAHO CODE, TO GIVE THE JUDGE AUTHORITY TO ADMINISTER SURPLUS SALE FUNDS; AND AMENDING SECTION 58-815, IDAHO CODE, TO STRIKE REFERENCE TO A PROBATE JUDGE.

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

SECTION 1. That Section 58-801, Idaho Code, be, and the same is hereby amended to read as follows:

58-801. ENTRY OF TOWN SITES. – It is the duty of the corporate authorities of any city or incorporated town, or the judge of the district court within any county in which is situated any unincorporated town, to enter at the proper land office of the United States such quantity of land as the inhabitants of such city or town may be entitled to claim, in the aggregate, according to the population, in the manner required by the laws of the United States and the regulations prescribed by the secretary of the interior of the United States, and make and sign all necessary declaratory statements, certificates and affidavits, or other instruments requisite to carry into effect this chapter and chapter 8 of title 32 of the Revised Statutes of the United States, and to make proof, when required, of the facts necessary to establish the claim of such inhabitants to the lands so granted by the laws of congress.

SECTION 2. That Section 58-805, Idaho Code, be, and the same is hereby amended to read as follows:
58-805. APPOINTMENT OF APPRAISERS. — The corporate authorities of such town, in case the same be incorporated, or otherwise, the judge, shall appoint, by order, resolution or ordinance, a board of appraisers, to consist of three (3) freeholders or householders of such town, who shall have no interest in such unclaimed or un conveyed lots or parcels of land, or the improvements thereof. Each of said appraisers shall take an oath to faithfully discharge his duties as such appraiser, and shall file such oath in the office of the clerk of such municipality or county before commencing his duties as such appraiser. In case such appraisers should fail or neglect to make appraisements hereinafter specified and file the same with said clerk for a period of more than ten (10) days after their appointment, then said judge or corporate authorities may appoint a new board of appraisers for the purposes herein provided. It shall be the duty of such corporate authorities to appoint such appraisers within thirty (30) days after the time has expired for persons to present claims for lots, pieces or parcels of land in such town.

SECTION 3. That Section 58-807, Idaho Code, be, and the same is hereby amended to read as follows:

58-807. NOTICE OF SALE. — The mayor or president of the board of trustees, or judge, as the case may be, shall, upon the filing of such appraisements, give notice signed in his official capacity of the time and place of sale of such lots and parcels of land by an advertisement published once a week for three (3) successive weeks in some newspaper published in the county where such town is situated, or, if no newspaper is published in said county, then in the paper published nearest such town. Such sale shall be advertised to be made at some public place in said town, and to be sold at some specified time between the hours of sunrise and sunset.

SECTION 4. That Section 58-808, Idaho Code, be, and the same is hereby amended to read as follows:

58-808. CONDUCT OF SALE — REAPPRAISEMENT AND RESALE. — Such lots or parcels of land shall be sold at public vendue to the highest bidder for cash, and shall be offered for sale singly, unless a greater price can be obtained by selling several lots or parcels of land together, in which case several lots or parcels can be sold together after an attempt has been first made to sell the same singly. Such sale may be continued, if necessary, from day to day, for a period not to exceed three (3) days at any one (1) sale. In case all said lands are not sold at the first sale, the sale of the remaining lands shall be advertised as many times as may be necessary to sell said lands, and all sales subsequent to the first sale shall be advertised and conducted the same as the first sale, provided, however, that the judge or corporate authorities may, when petitioned by a majority of the landowners in such town site, withhold from public sale and dedicate to public use such parcels of such town site as are appropriate for public use. No lot or parcel of land shall be sold at less than its appraised value. A new appraisement may be had of all lands remaining unsold: provided, that such new appraisement shall not be made oftener than once every three (3) months. Such new appraisement shall be made by a new board of appraisers, to be appointed in the same
manner as the first board of appraisers were appointed, or by the old board of appraisers.

SECTION 5. That Section 58-809, Idaho Code, be, and the same is hereby amended to read as follows:

58-809. PURCHASE BY ENTRYMAN. – In all cases where, subsequent to the time provided by law for persons to claim lots on such town site, any person may have entered thereon and improved any lots belonging to such town, such person, after the report of said board of appraisers, and prior to public sale, may purchase any such lots from the judge or corporate authorities of such town for cash, at the appraised values of such lots, pieces or parcels of land, inclusive of improvements, unless there shall be adverse claimants to any such lots, in which case the respective rights of such claimants shall be determined as hereinafter provided.

SECTION 6. That Section 58-810, Idaho Code, be, and the same is hereby amended to read as follows:

58-810. PROCEEDS OF SALE. – The proceeds received from such sales shall be disposed of as follows:

1. They shall be applied to pay the expenses of said sale.
2. To discharge any outstanding claims incurred in entering the town site of said town.
3. The surplus, if any, shall be a special fund, to be held by such judge or corporate authorities, to be used in making public improvements in such town.

SECTION 7. That Section 58-815, Idaho Code, be, and the same is hereby amended to read as follows:

58-815. CONVEYANCE OF LAND IN SUIT. – The corporate authorities or probate judge, as the case may be, shall convey said lands in accordance with the judgments entered in such actions: provided, however, in case of appeals or writs of error to the Supreme Court, such conveyance shall not be made until final determination by the decision of the Supreme Court.

Approved March 28, 1975.
CHAPTER 215
(H.B.No. 300)

AN ACT
APPROPRIATING GENERAL FUND SURPLUS MONEYS EXISTING ON JUNE 30, 1975 TO THE SPECIAL ENDOWMENT LAND PURCHASE ACCOUNT OF THE PARK AND RECREATION FUND OR TO THE VARIOUS COUNTIES FOR DEPOSIT IN THE COUNTY SCHOOL FUND; LIMITING USES OF THE FUNDS APPROPRIATED; PROVIDING DUTIES OF THE COUNTY AUDITOR; PROVIDING REQUIREMENTS FOR BOARDS OF COUNTY COMMISSIONERS IN FIXING MILL LEVIES FOR TAX YEAR 1975; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. (a) The balance of any surplus or unexpended and unencumbered balance in the general fund as of June 30, 1975, as determined by the state auditor, but not to exceed the unpaid principal amount of the contract price paid for certain endowment lands which have heretofore been and now are utilized as Idaho state parks, as provided by chapter 190, laws of 1973, is hereby appropriated to the special endowment land purchase account of the park and recreation fund.

(b) The balance of any surplus or unexpended and unencumbered balance in the general fund as of June 30, 1975, as determined by the state auditor, after payments authorized by subsection (a) have been made, if in multiples of $1,500,000, is hereby appropriated and shall be transferred and apportioned to the various counties for deposit in the county school fund. Each county school fund shall be entitled to an amount from each apportionment of $1,500,000 equal to the amount of one (1) mill applied to the 1975 adjusted assessed valuation of the county; and upon receipt of such appropriation, the levy for the county school tax for taxable year 1975 shall be reduced by one (1) mill. No apportionment of less than $1,500,000 shall be made; no apportionment of any amount different than a multiple of $1,500,000 shall be made; and no apportionment shall be made under the provisions of this subsection (b) which would total more than $6,000,000.

SECTION 2. The park and recreation board shall use any funds made available by this act to reduce the unpaid principal of the contract price paid for certain endowment lands which have heretofore been and now are utilized as Idaho state parks, as provided by chapter 190, laws of 1973.

SECTION 3. Each county auditor shall, upon receipt of the moneys into the county
school fund as appropriated by this act, order the distribution of such moneys to the school
district or school districts as directed by the state board of education.

SECTION 4. Each board of county commissioners shall be bound by the provisions
of this act in fixing mill levies for tax year 1975 for the minimum county school fund levies.

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, and
retroactively to January 1, 1975.

Approved March 28, 1975.
CHAPTER 216
(H.B.No. 175)

AN ACT
RELATING TO AD VALOREM TAXATION, REPEALING SECTION 63-203, IDAHO CODE; AMENDING CHAPTER 2, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-203, IDAHO CODE, TO PROVIDE THAT A COUNTY ASSESSOR SHALL REQUIRE A PROPERTY OWNER TO LIST OR DECLARE PROPERTY AND THAT THE ASSESSOR WILL AFFIX VALUE AND MAIL A COPY OF SUCH COMPLETED DECLARATION TO THE TAXPAYER, AND SETTING PENALTIES; AMENDING SECTION 63-207, IDAHO CODE, RELATING TO THE ASSESSMENT OF PROPERTY CONCEALED OR NOT DECLARED, TO PROVIDE THAT FAILURE TO DECLARE MAY BE EXCUSED; REPEALING SECTION 63-208, IDAHO CODE; AMENDING CHAPTER 2, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-208, IDAHO CODE, TO PROVIDE THAT NONRESIDENT PROPERTY OWNERS SHALL BE REQUIRED TO DECLARE PROPERTY WITH THE COUNTY ASSESSOR AND PRESCRIBING PENALTIES; AMENDING SECTION 63-210, IDAHO CODE, RELATING TO THE DUTY OF THE ASSESSOR TO NOTE NEGLECT, TO PROVIDE REFERENCE TO TAXPAYER’S DECLARATION; AMENDING SECTION 63-211, IDAHO CODE, RELATING TO ASSESSMENT OF PROPERTY IN ANOTHER COUNTY, TO PROVIDE FOR A TAXPAYER’S DECLARATION; AMENDING SECTION 63-212, IDAHO CODE, RELATING TO THE COUNTY ASSESSOR FURNISHING NOTICE OF ASSESSMENT TO TAXPAYER, TO PROVIDE ADDITIONAL REQUIREMENTS; AMENDING SECTION 63-213, IDAHO CODE, RELATING TO CORRECTED NOTICES TO BE MAILED TO TAXPAYER, TO PROVIDE FOR NAME CHANGES; AMENDING SECTION 63-405, IDAHO CODE, RELATING TO ADJUSTMENTS BY COUNTY BOARD WHEN PROPERTY OWNER IS AT FAULT, TO PROVIDE REFERENCE TO TAXPAYER’S DECLARATION; AMENDING SECTION 63-1202, IDAHO CODE, RELATING TO THE FORM OF TAXPAYER’S VALUATION ASSESSMENT NOTICES AND DECLARATIONS, TO PROVIDE FOR DUTIES OF THE TAX COMMISSION; AND AMENDING SECTION 63-1210, IDAHO CODE, RELATING TO PROPERTY TAXES BECOMING A LIEN ON PERSONAL PROPERTY, TO STRIKE REFERENCES TO MAILING NOTICES.

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

SECTION 1. That Section 63-203, Idaho Code, be, and the same is hereby repealed. 
SECTION 2. That Chapter 2, 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 63-203, Idaho Code, and to read as follows:

63-203. TAXPAYER'S PROPERTY DECLARATION. — Every county assessor may require any property owner, if he is a resident of the county, to furnish a list of all taxable personal property owned by or in the possession of said owner and situate in the county. The assessor shall furnish forms in triplicate to the taxpayer who may retain one (1) copy. The information required shall be specified on the declaration form prescribed by the state tax commission and furnished by the assessor, and shall request identification of ownership of property in the possession of a person who is not the owner of such property, if such ownership is known to the declarant. Such declaration shall be signed and certified as true, correct and complete to the best of the knowledge, information and belief of the person listing such property. The required information may be provided in written form convenient to the taxpayer and attached to the declaration which shall be delivered or mailed to the assessor on or before some day named therein, but not later than March 15. The assessor shall enter the market value and the assessed value of all taxable personal property on the taxpayer's declaration form in an itemized list and mail a copy to the taxpayer, and enter the assessed valuation.

The failure of the assessor to provide the taxpayer's declaration shall not impair or invalidate the assessment, nor will such failure relieve the property owner or his agent of the responsibility to obtain such declaration and to comply with the requirements of this act. In the event the assessor fails to receive a taxpayer's declaration as required, the assessor shall list and value such property according to his best judgment and information.

Any wilful failure on the part of the assessor to obtain such information on any ground other than the absence of such property owner or his agent or the refusal of such owner or agent to provide the required information shall be deemed malfeasance in office and ground for the removal of the assessor from office.

SECTION 3. That Section 63-207, Idaho Code, be, and the same is hereby amended to read as follows:

63-207. SUBSEQUENT ASSESSMENT OF PROPERTY CONCEALED OR NOT DECLARED. — Any property wilfully concealed, removed, transferred, misrepresented, or not listed or declared by the owner, or the agent or representative of the owner, to evade taxation for the current year, or in any preceding year or years, must upon discovery be assessed at two (2) times its value for each year such property has escaped assessment; and the assessment so made must not be reduced by the board of county commissioners. The county board of equalization may excuse the liability for such penalty upon a proper showing that by reason of good and sufficient cause, the requirement to file pursuant to this title not be complied with. The assessor or his representative shall attend such hearing.

SECTION 4. That Section 63-208, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 2, 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 63-208, Idaho Code, and to read as follows:

63-208. NONRESIDENT PROPERTY OWNER'S DECLARATION. - Idaho property owners who are nonresidents of the county where the property is situate, and any resident of another state owning property in Idaho shall be required by the assessor to furnish a list of all taxable real and personal property owned by or in possession of said owner and situate in the county on forms prescribed by the tax commission and available from the assessor. Such declaration shall be signed and certified as true, correct, and complete to the best of the knowledge, information and belief of the person listing such property. The information required shall be specified on the declaration form and shall request identification of ownership of property in the possession of a person who is not the owner of such property, if such ownership is known to the declarant; however, the required information may be provided in written form convenient to the taxpayer and attached to the declaration which shall be delivered or mailed to the assessor on or before some day named therein, but not later than March 15.

The failure of the assessor to provide the taxpayer's declaration shall not impair or invalidate any assessment, nor will such failure relieve the property owner or his agent of the responsibility to obtain such declaration and to comply with the requirements of this act. In the event the assessor fails to receive the taxpayer's declaration as required, the property owner may be assessed an addition to tax in the sum of one hundred dollars ($100) plus ten percent (10%) of the assessed value of such property, the addition to tax to be distributed to the current expense fund of the county. The county board of equalization may excuse the liability for such addition to tax, upon a proper showing that by reason of good and sufficient cause, the requirement to file pursuant to this act could not be complied with. The assessor or his representative shall attend such hearing.

Any wilful failure on the part of the assessor to obtain the declaration prescribed in this act on any ground other than the refusal of the property owner or his agent to provide the required information shall be deemed malfeasance in office and ground for the removal of the assessor from office.

SECTION 6. That Section 63-210, Idaho Code, be, and the same is hereby amended to read as follows:

63-210. DUTY OF ASSESSOR TO NOTE NEGLECT OR EVASION. - The assessor shall note after entry of the property in the assessment roll, all cases where the owner, agent or other person required by this act to list property was, at the time of assessment, either absent, sick, or not a resident of the county, and all cases where any person has refused or failed to make the sworn taxpayer's declaration required of him, or refused to answer any question asked of him by the assessor in reference to the assessment of property required to be listed by him, and all cases where the owner of the property, or his agent or representative, has wilfully concealed, removed, transferred, misrepresented or failed to list such property for the purpose of evading taxation.
SECTION 7. That Section 63-211, Idaho Code, be, and the same is hereby amended to read as follows:

63-211. PROPERTY IN ANOTHER COUNTY. – Whenever a taxpayer’s statement declaration discloses property having a situs for purposes of taxation in another county in this state, the assessor must immediately make a copy of that portion of such statement declaration for each county in which such property is situated, and transmit the same by mail to the assessor of the proper county, who must upon receipt of such copy, assess such property therein, unless the same is then assessed. The assessor shall strike out from the original statement declaration all property so disclosed as having a situs in another county and shall assess only the balance of the property in his county.

SECTION 8. That Section 63-212, Idaho Code, be, and the same is hereby amended to read as follows:

63-212. COPY OF TAXPAYER’S STATEMENT VALUATION ASSESSMENT NOTICE TO BE FURNISHED TAXPAYER. – The taxpayer’s statement valuation assessment notice shall be made under the provisions of this act, shall be made with a carbon duplicates in duplicate, which duplicate must be delivered to such taxpayer, or to his agent or representative, or mailed to the taxpayer, or to his agent or representative, at his last known post office address as soon as possible after it is prepared. The original and duplicate statement valuation assessment notices must contain announcements of all meetings of the board of county commissioners prescribed by this act for the purposes of equalizing assessments and allowing exemptions and rebates and shall, in clear terms, inform the taxpayer of the full market value, the ratio of assessed valuation, and the assessed value of the property which is the subject of valuation by the assessor. The state tax commission may require that other data or information be shown on the form.

SECTION 9. That Section 63-213, Idaho Code, be, and the same is hereby amended to read as follows:

63-213. CORRECTED STATEMENT, TAXPAYER’S VALUATION ASSESSMENT NOTICE TO BE MAILED TO TAXPAYER. – In case any change or correction is made by the assessor in the assessment as originally made and shown in the original taxpayer’s statement valuation assessment notice, a corrected statement valuation assessment notice of such assessment must immediately be delivered or mailed to such taxpayer, or his agent or representative.

SECTION 10. That Section 63-405, Idaho Code, be, and the same is hereby amended to read as follows:

63-405. REDUCTION NOT PERMITTED WHEN OWNER AT FAULT. – The board of county commissioners shall make no reduction in the assessment of any property when, according to the notation made by the assessor upon the roll, the owner, or his agent or representative, has refused to make the sworn taxpayer’s statement declaration required of him or has wilfully concealed, removed, transferred, misrepresented or failed to list such property for the purpose of evading taxation, unless it is shown to the satisfaction of the said board that such notation by the assessor is erroneous or false.
SECTION 11. That Section 63-1202, Idaho Code, be, and the same is hereby amended to read as follows:

63-1202. FORM OF ROLL AND TAXPAYERS' STATEMENTS. VALUATION ASSESSMENT NOTICES AND DECLARATIONS. – The form of the personal property assessment roll, and taxpayers' statements valuation assessment notices and taxpayers' declarations shall be in the form prescribed by the executive officer of the state tax commission.

SECTION 12. That Section 63-1210, Idaho Code, be, and the same is hereby amended to read as follows:

63-1210. NOTICE TO ABSENT PERSONAL PROPERTY OWNER – LIEN. – If the owner or any person required by this act to list personal property shall be sick or absent when the assessor calls for a taxpayer's statement of such property, or if such person is not a resident of the county, the assessor shall leave at the office, place of business or residence of such person, or mail to such person at his last known post office address, a blank taxpayer's statement and a written or printed notice requiring such person to make out and deliver to the assessor on or before the same day named therein the statement required by this act. If such person fails to make out and deliver such statement, the taxpayer's declaration as required by this act, the assessor may list and assess such property according to his best judgment and information and such assessments shall automatically become a lien upon such property and remain such lien until the taxes thereon are paid.

Approved March 28, 1975.
CHAPTER 217
(H.B.No. 198)

AN ACT
RELATING TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, TO CHANGE THE DEFINITION OF AVERAGE MONTHLY SALARY SO THAT MEMBERS OF THE RETIREMENT SYSTEM WILL BE TREATED EQUALLY ON THE BASIS OF USUAL COMPENSATION PATTERNS; AND DECLARING AN EMERGENCY.

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 is not establishing the right to receive benefits under any other retirement system operated wholly or in part by an agency of the state or political subdivision, 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;

(d) in any case where an employee is receiving benefits under another retirement system operated wholly or in part by an agency of the state or political subdivision, provided, however, that in no event shall such employee receive any benefit provided under this act for service performed for which benefits are
otherwise payable.

(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.

(5A) "Average monthly salary" means one sixtieth (1/60th) of a member's salary during any base period in which his salary is greater than or equal to his salary in any other base period. "Base period" means any period of sixty (60) consecutive months during which such member makes a like number of contributions pursuant to sections 59-1303 - 59-1305, Idaho Code. If no base period exists for a member, his average monthly salary shall be determined by the board, using standards not inconsistent with those established in this subsection. To assure equitable treatment for all members, salary increments inconsistent with usual compensation patterns may be disallowed by the board in determining average monthly salary.

(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 estate.

(7) "Calendar year" means twelve (12) calendar months commencing on the first day of January.

(8) "Credited service" means the aggregate of membership service, prior service and disabled 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.

(12A) "Disabled service" means the total number of months elapsing from the first day of the month next succeeding the final contribution of a member prior to receiving a disability retirement allowance to the first day of the month following the date of termination of such disability retirement allowance.

(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 receives 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. Governmental entity means any organization composed of units of government of Idaho or organizations funded only by government or employee contributions or organizations who discharge governmental responsibilities or proprietary responsibilities that would otherwise be performed by government. All governmental entities are deemed to be political subdivisions for the purpose of this act.

(15A) “Final contribution” means the final contribution made by a member pursuant to sections 59-1303 – 59-1305, Idaho Code.

(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, 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, and military service which occurs after the commencement of such contributions.

(23) “Military service” means service in the armed forces of the United States. 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 unless such ninety (90) day requirements are waived by the board due to circumstances beyond the employee’s control.

(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, provided, however, an employee who was not an active member or in
military service or on leave of absence on the date of establishment shall receive credit for
his service prior to July 1, 1965 on the basis of recognizing two (2) months of such service
for each month of membership service. 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.
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 28, 1975.
CHAPTER 218
(H.B.No. 158)

AN ACT
AMENDING SECTION 33-2005A, IDAHO CODE, RELATING TO FUNDING OF ANCILLARY PERSONNEL SERVICES, BY LIMITING THE REIMBURSEMENT TO SCHOOL DISTRICTS FOR SUCH PERSONNEL TO EIGHTY PER CENT OF THEIR SALARY AS DETERMINED BY PLACEMENT ON THE REGULAR TEACHER SALARY SCHEDULE OF THE DISTRICT.

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

SECTION 1. That Section 33-2005A, Idaho Code, be, and the same is hereby amended to read as follows:

33-2005A. ANCILLARY PERSONNEL — FUNDING. — Any school district, or combination of districts, which contracts for the services of ancillary personnel after July 1, 1969, shall be reimbursed during the current year of employment for such services. Such reimbursement shall be payable quarterly on the fifteenth day of October, January, April, and July. Payment shall be conditioned upon prior receipt of such records and reports as the state board of education shall require in order to substantiate claims for such services. Total payment shall be in amounts up to and including eighty per cent (80%) of the combined salaries of such personnel, but shall in no instance exceed a total of eighty per cent (80%) of an annual salary of ten thousand dollars ($10,000), as determined by appropriate placement on the regular teacher salary schedule of the district.

Approved March 28, 1975.
CHAPTER 219
(H.B.No. 84, As Amended)

AN ACT
RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1412, IDAHO CODE, BY REDUCING FROM TEN TO TWO THE NUMBER OF HOLDERS OF TITLE WHO MAY INITIATE AN ANNEXATION PROCEEDING, AND BY STRIKING THE PROVISION THAT UPON ANNEXATION INTO MORE THAN ONE COUNTY THERE SHALL BE TWO SUBDISTRICTS, ONE FOR EACH COUNTY.

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

SECTION 1. That Section 31-1412, Idaho Code, be, and the same is hereby amended to read as follows:

31-1412. ANNEXATION OF TERRITORY IN ADJOINING COUNTY. — After the organization of a fire protection district, additional territory adjoining such district and contiguous thereto, and located wholly within an adjoining county, may be added to such district and become a part thereof as hereinafter provided. The proceedings for such annexation shall be the same as the proceedings for the creation and organization of a fire protection district with the following exceptions and modifications:

a. Such proceeding may be initiated by ten (10) or more of the holders of title or evidence of title to contiguous lands aggregating not less than 100 acres, or of less area but having an assessed valuation of at least $25,000.

b. A petition, such as is required by section 31-1403, shall be filed with the board of county commissioners of the county in which is situated the territory proposed to be annexed but shall accurately describe the boundaries of such territory, and also name and describe the fire protection district to which annexation is sought, and shall be accompanied by a map showing and distinguishing the boundaries of the original district and the boundaries of the territory proposed to be annexed, and showing the location of the intervening county line. Such petition must be accompanied by a certified copy of a resolution of the board of fire protection commissioners of the original district consenting to such annexation.

c. The notice of hearing on such petition shall state that certain territory therein described is proposed to be annexed to a fire protection district therein named and that any taxpayer within the boundaries of the territory proposed to be annexed may offer objections thereto at the time and place therein specified. The order entered by the local board of county commissioners on such petition shall, if such petition be granted, fix the boundaries of such annexed territory and direct that a map thereof be prepared under the
direction of the clerk of the board, and certified copies of such order and map shall be transmitted to the clerk of the board of county commissioners of the county in which the original fire protection district is situated.

d. An election shall be held in the territory proposed to be annexed for the purpose of voting upon such annexation and the notice thereof shall accurately describe the boundaries of the territory proposed to be annexed, and shall state the name of the district to which annexation is sought, and that a map showing the boundaries of such district and of the territory proposed to be annexed is on file in the office of the clerk of the local board of county commissioners. Such notice shall prescribe the form of ballot to be cast, which shall contain the words “In favor of annexation to __________ Fire Protection District” and “Against annexation to __________ Fire Protection District,” and shall direct that the voter indicate his choice thereon by a cross (X).

e. The territory proposed to be annexed shall constitute one (1) election precinct and there shall be added to the usual elector’s oath, in case of challenge, the following words: “And I am a resident within the boundaries of the territory proposed to be annexed to __________ Fire Protection District.” The returns of such election shall be canvassed by the board of the county commissioners of the county in which the territory proposed to be annexed is situated, and if it shall appear from such canvass that more than one-half (½) of said voters are in favor of such annexation, such board shall, by order entered on its minutes, declare such territory a part of the fire protection district to which annexation is sought, and a certified copy of such order shall be transmitted to the fire protection board of the original district, and also to the board of the county commissioners of the county in which such original district is situated. A certified copy of such order shall also be filed in the office of the county recorder of the county in which the territory proposed to be annexed is situated. **Prior to the next district election following such annexation, the fire protection board shall divide the district into two (2) subdistricts each of which shall comprise all territory of the district situated within the boundaries of one (1) county, and thereafter the commissioners of such district shall be elected at large; provided, that not more than two (2) members of the fire protection board shall be residents of the same county; and provided, further, that the commissioner whose term of office first expires after such annexation shall be elected by the voters of the entire district from among the qualified electors of such annexed territory.** Certified copies of appointments of secretary and treasurer of the district shall be filed with the clerk of the board of county commissioners and with the tax collector of each county in which any portion of the district is situated and all taxes levied by the district shall be certified to, and extended, collected and remitted by, the proper officers of the county in which is situated the property subject to such levy.

Approved March 28, 1975.
AN ACT
AMENDING SECTION 33-804, IDAHO CODE, TO INCREASE THE PLANT FACILITIES RESERVE FUND LEVY FROM FIFTEEN MILLS TO TWENTY MILLS; AND DECLARING AN EMERGENCY.

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 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) twenty (20), 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.

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 28, 1975.
CHAPTER 221
(H.B.No. 297)

AN ACT
AMENDING SECTION 2, CHAPTER 255, LAWS OF 1974, RELATING TO THE
APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE STATE
DEPARTMENT OF EDUCATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 255, Laws of 1974, be, and the same is hereby
amended to read as follows:

SECTION 2. There is hereby appropriated to the State Board of Education for the
State Department of Education the following amounts to be expended for designated
programs, according to expense classes designated therein from the listed funds for the
period July 1, 1974, through June 30, 1975:

<table>
<thead>
<tr>
<th>FROM</th>
<th>FROM</th>
<th>FROM</th>
<th>FROM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL</td>
<td>FEDERAL</td>
<td>DEDICATED</td>
<td>OTHER</td>
<td></td>
</tr>
<tr>
<td>FUND</td>
<td>FUNDS</td>
<td>FUNDS</td>
<td>FUNDS</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Management Program:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$79,849</td>
<td>$114,004</td>
<td>$       8,893</td>
<td>$202,746</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>27,851</td>
<td>33,007</td>
<td>35,196</td>
<td>95,054</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>300</td>
<td>400</td>
<td>700</td>
<td></td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>500,000</td>
<td>40,500</td>
<td>540,500</td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td>$107,700</td>
<td>$647,311</td>
<td>$83,989</td>
<td>$839,000</td>
</tr>
</tbody>
</table>

| B. Finance and Administration Program: | | | | |
| FOR:                                    | | | | |
| Personnel Costs                         | $226,770      | $1,162,480*   | $44,551      | $1,454,341  |
| Operating Expenditures                  | 61,530        | 114,475       | 29,262       | 220,985     |
| Capital Outlay                          | 3,786         | 3,000         | 3,400        | 10,186      |
| Trustee & Benefit Payments              | 181,500       | 3,975,000     | 5,006,500    |             |
| TOTALS                                  | $469,800      | $5,255,741    | $913,269     | $6,692,012  |

* Includes $900,000 for payment of Neighborhood Youth Corps salaries.
C. Educational Services Program:

<table>
<thead>
<tr>
<th>FROM GENERAL FUND</th>
<th>FROM FEDERAL FUNDS</th>
<th>FROM DEDICATED FUNDS</th>
<th>FROM OTHER FUNDS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>$164,072</td>
<td>$567,981</td>
<td></td>
<td></td>
<td>$732,053</td>
</tr>
<tr>
<td>109,928</td>
<td>248,581</td>
<td></td>
<td></td>
<td>358,509</td>
</tr>
<tr>
<td>8,787</td>
<td></td>
<td></td>
<td></td>
<td>8,787</td>
</tr>
<tr>
<td>8,933,451</td>
<td></td>
<td></td>
<td></td>
<td>8,933,451</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$274,000</td>
<td>$9,758,800</td>
<td></td>
<td>$10,032,800</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 28, 1975.
CHAPTER 222
(H.B.No. 293)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF FISH AND GAME; AND APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF FISH AND GAME TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976; AND EXEMPTING THE ENGINEERING PROGRAM FROM SECTION 67-5711, IDAHO CODE.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Fish and Game not exceed the following amounts for the period July 1, 1975 through June 30, 1976:

FOR:
- Personnel Costs: $5,051,100
- Operating Expenditures: 2,805,000
- Capital Outlay: 1,160,800

TOTAL: $9,016,900

FROM:
- Fish and Game Fund: $8,966,900
- General Interaccount Fund: 50,000

TOTAL: $9,016,900

SECTION 2. There is hereby appropriated to the Department of Fish and Game, the following amounts to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1975 through June 30, 1976:
<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Fund</td>
<td>$713,400</td>
<td>$302,400</td>
<td>$29,800</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td></td>
<td>25,000</td>
<td>25,000</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$713,400</td>
<td>$327,400</td>
<td>$54,800</td>
</tr>
<tr>
<td>B. ENFORCEMENT DIVISION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Fund</td>
<td>$1,218,000</td>
<td>$242,800</td>
<td>$140,600</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$1,218,000</td>
<td>$242,800</td>
<td>$140,600</td>
</tr>
<tr>
<td>C. FISHERIES DIVISION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Fund</td>
<td>$1,285,800</td>
<td>$1,231,100</td>
<td>$73,100</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$1,285,800</td>
<td>$1,231,100</td>
<td>$73,100</td>
</tr>
<tr>
<td>D. GAME PROGRAM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Fund</td>
<td>$1,101,800</td>
<td>$743,600</td>
<td>$67,700</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$1,101,800</td>
<td>$743,600</td>
<td>$67,700</td>
</tr>
<tr>
<td>E. INFORMATION AND EDUCATION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Fund</td>
<td>$248,500</td>
<td>$124,600</td>
<td>$45,900</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$248,500</td>
<td>$124,600</td>
<td>$45,900</td>
</tr>
<tr>
<td>F. ENGINEERING PROGRAM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Fund</td>
<td>$407,200</td>
<td>$96,900</td>
<td>$778,700</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$407,200</td>
<td>$96,900</td>
<td>$778,700</td>
</tr>
<tr>
<td>G. PLANNING AND ENVIRONMENTAL SERVICES PROGRAM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Fund</td>
<td>$76,400</td>
<td>$38,600</td>
<td>$115,000</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$76,400</td>
<td>$38,600</td>
<td>$115,000</td>
</tr>
<tr>
<td>GRAND TOTALS</td>
<td>$5,051,100</td>
<td>$2,805,000</td>
<td>$1,160,800</td>
</tr>
</tbody>
</table>

SECTION 3. The transfer of moneys from the engineering program to the other programs of the Department of Fish and Game is expressly exempt from the provisions of section 67-5711, Idaho Code.

Approved March 28, 1975.
CHAPTER 223
(H.B.No. 292)

AN ACT

APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE DEPARTMENT OF WATER RESOURCES, TO BE EXPENDED FOR PAYETTE RIVER WATER RIGHTS ADJUDICATION FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1976, ACCORDING TO EXPENSE CLASSES DESIGNATED; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Water Resources the following amount from the fund enumerated, to be expended for Payette River water rights adjudication for the period from the effective date of this act through June 30, 1976, according to expense classes designated:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$52,500</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>10,800</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>3,500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$66,800</strong></td>
</tr>
</tbody>
</table>

FROM:

Fiscal year 1975 general fund moneys $66,800

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 28, 1975.
CHAPTER 224
(H.B.No. 291)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF LANDS; AND APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF LANDS, TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Lands not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

FOR:
Personnel Costs $3,893,400
Operating Expenditures 3,039,300
Capital Outlay 384,000
Trustee & Benefit Payments 264,900
TOTAL $7,581,600

FROM:
General Fund $3,447,800
Dedicated Funds:
Log Scalers Law Fund 66,100
Forest Protection Fund 891,000
Forest & Range Conservation Fund 11,000
Land Commissioners Scaling Trust Fund 185,100
Forest Management Fund 1,760,200
10% Timber & Grazing Land Lease Fund 1,066,400
Receipts to Appropriations 154,000
TOTAL $7,581,600

SECTION 2. There is hereby appropriated to the Department of Lands the following amounts, to be expended for designated programs according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:
### A. ADMINISTRATIVE SUPPORTING SERVICES PROGRAM:

<table>
<thead>
<tr>
<th></th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$461,200</td>
<td>$171,900</td>
<td>$32,800</td>
<td></td>
<td>$665,900</td>
</tr>
<tr>
<td>Forest Protection Fund</td>
<td>15,800</td>
<td>6,400</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest Management Fund</td>
<td>8,000</td>
<td>1,500</td>
<td>1,200</td>
<td></td>
<td>10,700</td>
</tr>
<tr>
<td>10% Timber &amp; Grazing Land Lease Fund</td>
<td>200</td>
<td></td>
<td></td>
<td></td>
<td>200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$485,000</strong></td>
<td><strong>$180,000</strong></td>
<td><strong>$34,000</strong></td>
<td></td>
<td><strong>$699,000</strong></td>
</tr>
</tbody>
</table>

### B. FOREST & RANGE FIRE PROTECTION PROGRAM:

<table>
<thead>
<tr>
<th></th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$594,800</td>
<td>$161,600</td>
<td></td>
<td></td>
<td>$756,400</td>
</tr>
<tr>
<td>Forest Protection Fund</td>
<td>661,000</td>
<td>118,800</td>
<td>89,000</td>
<td></td>
<td>868,800</td>
</tr>
<tr>
<td>Forest Management Fund</td>
<td>440,700</td>
<td>1,175,400</td>
<td>46,000</td>
<td></td>
<td>1,662,100</td>
</tr>
<tr>
<td>10% Timber &amp; Grazing Land Lease Fund</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>Forest &amp; Range Conservation Fund</td>
<td>4,700</td>
<td>5,300</td>
<td>1,000</td>
<td></td>
<td>11,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,106,400</strong></td>
<td><strong>$1,894,400</strong></td>
<td></td>
<td></td>
<td><strong>$3,298,400</strong></td>
</tr>
</tbody>
</table>

### C. FOREST RESOURCES MANAGEMENT PROGRAM:

<table>
<thead>
<tr>
<th></th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$62,000</td>
<td>$53,600</td>
<td></td>
<td></td>
<td>$800,700</td>
</tr>
<tr>
<td>Land Commissioners Scaling Trust Fund</td>
<td>156,600</td>
<td>19,200</td>
<td>9,300</td>
<td></td>
<td>185,100</td>
</tr>
<tr>
<td>Forest Management Fund</td>
<td>26,200</td>
<td>58,400</td>
<td>2,800</td>
<td></td>
<td>87,400</td>
</tr>
<tr>
<td>10% Timber &amp; Grazing Land Lease Fund</td>
<td>330,400</td>
<td>562,600</td>
<td>45,000</td>
<td></td>
<td>938,000</td>
</tr>
<tr>
<td>Receipts to Appropriations</td>
<td>87,400</td>
<td></td>
<td></td>
<td></td>
<td>87,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,285,700</strong></td>
<td><strong>$702,200</strong></td>
<td></td>
<td></td>
<td><strong>$2,098,600</strong></td>
</tr>
</tbody>
</table>

### D. RANGE RESOURCES MANAGEMENT PROGRAM:

<table>
<thead>
<tr>
<th></th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$46,700</td>
<td>$20,200</td>
<td></td>
<td></td>
<td>$355,400</td>
</tr>
<tr>
<td>10% Timber &amp; Grazing Land Lease Fund</td>
<td>13,400</td>
<td>74,700</td>
<td>18,100</td>
<td></td>
<td>106,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$301,900</strong></td>
<td><strong>$121,400</strong></td>
<td></td>
<td></td>
<td><strong>$461,600</strong></td>
</tr>
</tbody>
</table>
### E. LAND ACTIONS & EARTH RESOURCES MANAGEMENT PROGRAM:

<table>
<thead>
<tr>
<th>From:</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$229,600</td>
<td>$18,100</td>
<td>$7,600</td>
<td></td>
<td>$255,300</td>
</tr>
<tr>
<td>10% Timber &amp; Grazing Land</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lease Fund</td>
<td>3,900</td>
<td>11,000</td>
<td>7,000</td>
<td></td>
<td>21,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$233,500</strong></td>
<td><strong>$29,100</strong></td>
<td><strong>$14,600</strong></td>
<td></td>
<td><strong>$277,200</strong></td>
</tr>
</tbody>
</table>

### F. MINERAL & GEOLOGIC RESEARCH PROGRAM:

<table>
<thead>
<tr>
<th>From:</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$200,700</td>
<td>$55,500</td>
<td>$34,100</td>
<td></td>
<td>$290,300</td>
</tr>
<tr>
<td>Receipts to Appropriations</td>
<td>46,600</td>
<td>5,000</td>
<td>15,000</td>
<td></td>
<td>66,600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$247,300</strong></td>
<td><strong>$60,500</strong></td>
<td><strong>$49,100</strong></td>
<td></td>
<td><strong>$356,900</strong></td>
</tr>
</tbody>
</table>

### G. SOILS & WATER MANAGEMENT PROGRAM:

<table>
<thead>
<tr>
<th>From:</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$186,300</td>
<td>$33,800</td>
<td>$400</td>
<td>$103,300</td>
<td>$323,800</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$186,300</strong></td>
<td><strong>$33,800</strong></td>
<td><strong>$400</strong></td>
<td><strong>$103,300</strong></td>
<td><strong>$323,800</strong></td>
</tr>
</tbody>
</table>

### H. SCALING PRACTICES PROGRAM:

<table>
<thead>
<tr>
<th>From:</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Log Scalers Law Fund</td>
<td>$47,300</td>
<td>$17,900</td>
<td>$900</td>
<td></td>
<td>$66,100</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$47,300</strong></td>
<td><strong>$17,900</strong></td>
<td><strong>$900</strong></td>
<td></td>
<td><strong>$66,100</strong></td>
</tr>
</tbody>
</table>

**GRAND TOTALS**

- **$3,893,400**
- **$3,039,300**
- **$384,000**
- **$264,900**

Approved March 28, 1975.
CHAPTER 225
(H.B.No. 284)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE
DEPARTMENT OF ADMINISTRATION; APPROPRIATING MONEYS FROM THE
FUNDS ENUMERATED TO THE DEPARTMENT OF ADMINISTRATION, TO BE
EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED
EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1,
1975 THROUGH JUNE 30, 1976; AND PROVIDING AUTHORITY TO TRANSFER
MONEY RECEIVED INTO THE MISCELLANEOUS RECEIPTS FUND BY THE
DEPARTMENT OF ADMINISTRATION FOR SERVICES RENDERED TO THE
GENERAL INTERACCOUNT FUND FOR EXPENDITURE.

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

SECTION 1. It is legislative intent that the expenditures for the enumerated program
activities in the Department of Administration not exceed the following amounts for the
period July 1, 1975 through June 30, 1976:

FOR:
Personnel Costs $2,396,900
Operating Expenses 2,504,700
Capital Outlay 87,900
Trustee & Benefit Payments 3,505,000
TOTAL $8,494,500

FROM:
General Fund $ 710,200
General Interaccount Fund 6,729,800
Permanent Building Fund 361,500
Personnel Commission Fund 658,000
Intergovernmental Personnel Act Fund 35,000
TOTAL $8,494,500

SECTION 2. There is hereby appropriated to the Department of Administration the
following amounts, to be expended for designated programs according to designated
expense classes from the funds listed therein for the period July 1, 1975 through June 30,
1976:
<table>
<thead>
<tr>
<th>I. DEPARTMENTAL ADMINISTRATION PROGRAM:</th>
<th>FOR TRUSTEE AND PERSONNEL OPERATING CAPITAL BENEFIT COSTS EXPENDITURES OUTLAY PAYMENTS TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 60,100                              $ 26,700                                $ 600       $ 87,400</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 60,100                              $ 26,700                                $ 600       $ 87,400</td>
</tr>
</tbody>
</table>

| II. FISCAL OPERATIONS PROGRAM:         |                                                                                     |
| FROM:                                  |                                                                                     |
| General Interaccount Fund              | $ 80,100                              $ 10,200                                $ 300       $ 90,600       |
| TOTALS                                 | $ 80,100                              $ 10,200                                $ 300       $ 90,600       |

| III. GENERAL SERVICES – ADMINISTRATION PROGRAM: | FOR TRUSTEE AND PERSONNEL OPERATING CAPITAL BENEFIT COSTS EXPENDITURES OUTLAY PAYMENTS TOTAL |
| FROM:                                           |                                                                                     |
| General Fund                                   | $ 45,900                              $ 5,800                                 $           $ 51,700       |
| TOTALS                                          | $ 45,900                              $ 5,800                                 $           $ 51,700       |

| IV. GENERAL SERVICES – POSTAL PROGRAM:          |                                                                                     |
| FROM:                                           |                                                                                     |
| General Fund                                   | $ 72,600                              $ 18,100                                $ 7,700     $ 98,400       |
| General Interaccount Fund                      | $                                     $                                      $           $ 1,000,000 |
| TOTALS                                          | $ 72,600                              $ 18,100                                $ 7,700     $ 1,000,000    |

| V. GENERAL SERVICES – TELEPHONE PROGRAM:       |                                                                                     |
| FROM:                                           |                                                                                     |
| General Interaccount Fund                      | $ 19,000                              $ 33,100                                $           $ 2,000,000 |
| TOTALS                                          | $ 19,000                              $ 33,100                                $           $ 2,000,000 |

| VI. GENERAL SERVICES – RADIO PROGRAM:          |                                                                                     |
| FROM:                                           |                                                                                     |
| General Fund                                   | $                                     $ 18,000                               $ 26,000    $           $ 44,000       |
| General Interaccount Fund                      | 259,300                               $ 164,800                               $ 11,700    $ 400,000     $ 835,800   |
| TOTALS                                          | $259,300                              $182,800                                $ 37,700    $ 400,000     $ 879,800   |

| VII. GENERAL SERVICES – RECORDS MANAGEMENT PROGRAM: | FOR TRUSTEE AND PERSONNEL OPERATING CAPITAL BENEFIT COSTS EXPENDITURES OUTLAY PAYMENTS TOTAL |
| FROM:                                              |                                                                                     |
| General Interaccount Fund                        | $ 50,100                              $ 119,700                               $           $ 105,000     $ 274,800   |
| TOTALS                                            | $ 50,100                              $ 119,700                               $           $ 105,000     $ 274,800   |

<p>| VIII. GENERAL SERVICES – PRINTING PROGRAM:      |                                                                                     |
| FROM:                                            |                                                                                     |
| General Interaccount Fund                        | $190,900                              $422,700                                $ 8,000     $ 621,600       |
| TOTALS                                           | $190,900                              $422,700                                $ 8,000     $ 621,600       |</p>
<table>
<thead>
<tr>
<th>IX. GENERAL SERVICES – CENTRAL PROPERTY INVENTORY PROGRAM:</th>
<th>FOR TRUSTEE AND PERSONNEL OPERATING CAPITAL COSTS EXPENDITURES OUTLAY PAYMENTS TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 19,600</td>
</tr>
<tr>
<td></td>
<td>$ 19,300</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 19,600</td>
</tr>
<tr>
<td></td>
<td>$ 19,300</td>
</tr>
<tr>
<td></td>
<td>$ 38,900</td>
</tr>
</tbody>
</table>

| X. PUBLIC WORKS – ADMINISTRATION PROGRAM:               |                                                                                   |
| FROM:                                                   |                                                                                   |
| Permanent Building Fund                                 | $277,200                                                                         |
|                                                        | $ 80,100                                                                          |
|                                                        | $ 4,200                                                                           |
| TOTALS                                                  | $277,200                                                                         |
|                                                        | $ 80,100                                                                          |
|                                                        | $ 4,200                                                                           |
|                                                        | $ 361,500                                                                         |

| XI. PUBLIC WORKS – BUILDING SERVICE PROGRAM:             |                                                                                   |
| FROM:                                                   |                                                                                   |
| General Fund                                            | $ 205,700                                                                         |
|                                                        | $ 821,000                                                                         |
| TOTALS                                                  | $ 205,700                                                                         |
|                                                        | $ 821,000                                                                         |
|                                                        | $ 1,026,700                                                                       |

| XII. PURCHASING PROGRAM:                                |                                                                                   |
| FROM:                                                   |                                                                                   |
| General Fund                                            | $150,600                                                                          |
|                                                        | $ 18,800                                                                          |
|                                                        | $ 5,700                                                                           |
| TOTALS                                                  | $150,600                                                                          |
|                                                        | $ 18,800                                                                          |
|                                                        | $ 5,700                                                                           |
|                                                        | $ 175,100                                                                         |

| XIII. BUREAU OF SUPPLIES PROGRAM:                        |                                                                                   |
| FROM:                                                   |                                                                                   |
| General Interaccount Fund                               | $ 11,300                                                                         |
|                                                        | $307,800                                                                          |
| TOTALS                                                  | $ 11,300                                                                         |
|                                                        | $307,800                                                                          |
|                                                        | $ 319,100                                                                         |

| XIV. RISK MANAGEMENT PROGRAM:                            |                                                                                   |
| FROM:                                                   |                                                                                   |
| General Interaccount Fund                               | $ 42,100                                                                         |
|                                                        | $669,400                                                                          |
|                                                        | $ 3,300                                                                           |
| TOTALS                                                  | $ 42,100                                                                         |
|                                                        | $669,400                                                                          |
|                                                        | $ 3,300                                                                           |
|                                                        | $ 714,800                                                                         |

| XV. INTERN PROGRAM:                                     |                                                                                   |
| FROM:                                                   |                                                                                   |
| General Fund                                            | $ 9,000                                                                          |
| TOTALS                                                  | $ 9,000                                                                          |

| XVI. PERSONNEL COMMISSION PROGRAM:                       |                                                                                   |
| FROM:                                                   |                                                                                   |
| Personnel Commission Fund                               | $508,900                                                                         |
|                                                        | $147,200                                                                          |
|                                                        | $ 1,900                                                                           |
| TOTALS                                                  | $508,900                                                                         |
|                                                        | $147,200                                                                          |
|                                                        | $ 1,900                                                                           |
|                                                        | $ 658,000                                                                         |
| Intergovernmental Personnel Act Fund                     | 35,000                                                                           |
| TOTALS                                                  | 35,000                                                                           |
|                                                        | $ 693,000                                                                         |
SECTION 3. The Department of Administration is hereby authorized, and the State Auditor is directed, to transfer moneys received by or for the Department of Administration into the Miscellaneous Receipts Fund for services rendered, into the General Interaccount Fund for expenditure according to the appropriation set forth in section 2 of this act.

Approved March 28, 1975.
AN ACT
AMENDING SECTION 1, CHAPTER 258, LAWS OF 1974, RELATING TO LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE OFFICE OF THE STATE BOARD OF EDUCATION; AMENDING SECTION 2, CHAPTER 258, LAWS OF 1974, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE OFFICE OF THE STATE BOARD OF EDUCATION, BY DECREASING THE APPROPRIATION FROM THE GENERAL FUND BY THE AMOUNT OF $6,400; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 258, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 1. It is legislative intent that the expenditures for the Office of the State Board of Education not exceed the following amounts for the period July 1, 1974 through June 30, 1975:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Fund</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$4,834,800</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>1,028,400</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,265,800,1,259,400</td>
</tr>
</tbody>
</table>

SECTION 2. That Section 2, Chapter 258, Laws of 1974, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the State Board of Education for the functions to be performed by the Office of the State Board of Education, the following amounts to be expended for designated programs, according to expense classes designated
therein from the listed funds for the period July 1, 1974, through June 30, 1975:

<table>
<thead>
<tr>
<th>FROM GENERAL FUND</th>
<th>FROM FEDERAL FUNDS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. STATE BOARD OF EDUCATION PROGRAM:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FOR:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$ 37,800</td>
<td>$ 37,800</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>24,100 19,600</td>
<td>24,100 19,600</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>500</td>
<td>500</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$ 62,400 57,900</td>
<td>$ 62,400 57,900</td>
</tr>
<tr>
<td><strong>B. GENERAL ADMINISTRATION PROGRAM:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FOR:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$ 42,800</td>
<td>$ 42,800</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>16,800 14,900</td>
<td>16,800 14,900</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$ 59,600 57,700</td>
<td>$ 59,600 57,700</td>
</tr>
<tr>
<td><strong>C. RESEARCH, PLANNING &amp; SCHOLARSHIPS PROGRAM:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FOR:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$ 47,200</td>
<td>$ 22,300</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>3,300</td>
<td>17,700</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>40,000</td>
<td>40,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$ 90,500</td>
<td>$ 80,000</td>
</tr>
<tr>
<td><strong>D. CONTINUING EDUCATION PROGRAM:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FOR:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$ 19,500</td>
<td>$ 12,200</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>18,800</td>
<td>18,800</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>120,000</td>
<td>120,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$ 19,500</td>
<td>$151,000</td>
</tr>
<tr>
<td><strong>E. MEDICAL EDUCATION PROGRAM:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FOR:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$ 42,950</td>
<td>$ 42,950</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>4,850</td>
<td>4,850</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>755,000</td>
<td>755,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$802,800</td>
<td>$802,800</td>
</tr>
</tbody>
</table>

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 28, 1975.
CHAPTER 227
(H.B.No. 289)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE STATE DEPARTMENT OF EDUCATION; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE STATE DEPARTMENT OF EDUCATION TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976; APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE STATE DEPARTMENT OF EDUCATION, TO BE EXPENDED IN SUPPORT OF THE DRIVER REHABILITATION SCHOOL AND COURT ALCOHOL SCHOOL PROGRAMS DURING FISCAL YEAR 1976, ACCORDING TO EXPENSE CLASSES DESIGNATED AND EXPRESSING LEGISLATIVE INTENT; PROVIDING FOR REVERSION TO THE GENERAL FUND OF ANY FUNDS REMAINING IN THE COURT ALCOHOL SCHOOL FUND; AND DECLARING AN EMERGENCY FOR SECTION 3 OF THIS ACT.

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

SECTION 1. It is legislative intent that the expenditures for the State Department of Education not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

FOR:
Personnel Costs $1,633,200
Operating Expenditures 920,900
Capital Outlay 25,800
Trustee & Benefit Payments 18,893,500
TOTAL $21,473,400

FROM:
General Fund $1,057,500
Receipts to Appropriation 119,000
Dedicated Funds 1,065,100
Commodity Distribution Fund 128,000
Federal Funds 19,103,800
TOTAL $21,473,400
SECTION 2. There is hereby appropriated to the State Board of Education for the State Department of Education the following amounts to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. MANAGEMENT PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 92,700</td>
<td>$ 30,500</td>
<td>$ 1,500</td>
<td>$ 124,700</td>
</tr>
<tr>
<td>Professional Standards Commission Fund</td>
<td>10,300</td>
<td>37,700</td>
<td>600</td>
<td>2,500</td>
</tr>
<tr>
<td>Elementary-Secondary Education Fund</td>
<td>61,300</td>
<td>12,800</td>
<td></td>
<td>74,100</td>
</tr>
<tr>
<td>Educational Professions Development Fund</td>
<td>42,400</td>
<td>22,900</td>
<td>1,000</td>
<td>802,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 206,700</td>
<td>$103,900</td>
<td>$ 3,100</td>
<td>$ 802,500</td>
</tr>
<tr>
<td>B. FINANCIAL AND ADMINISTRATIVE SERVICES PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 259,100</td>
<td>$ 70,300</td>
<td>$ 1,500</td>
<td>$ 182,000</td>
</tr>
<tr>
<td>Driver Training Fund</td>
<td>48,800</td>
<td>27,200</td>
<td>3,000</td>
<td>935,000</td>
</tr>
<tr>
<td>Commodity Distribution Fund</td>
<td>10,400</td>
<td>117,200</td>
<td>400</td>
<td>128,000</td>
</tr>
<tr>
<td>School Lunch Fund</td>
<td>28,200</td>
<td>10,200</td>
<td>600</td>
<td>3,400,000</td>
</tr>
<tr>
<td>Indian Education Fund</td>
<td>62,200</td>
<td>16,400</td>
<td>1,000</td>
<td>575,000</td>
</tr>
<tr>
<td>Elementary-Secondary Education Fund</td>
<td>117,100</td>
<td>74,900</td>
<td>1,900</td>
<td>600,000</td>
</tr>
<tr>
<td>Veterans Approval Fund</td>
<td>50,700</td>
<td>8,900</td>
<td>300</td>
<td>59,900</td>
</tr>
<tr>
<td>Receipts to Appropriation</td>
<td>117,700</td>
<td>1,300</td>
<td></td>
<td>119,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 576,500</td>
<td>$442,800</td>
<td>$10,000</td>
<td>$ 5,692,000</td>
</tr>
<tr>
<td>C. EDUCATIONAL SERVICES PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 237,300</td>
<td>$142,400</td>
<td>$ 4,900</td>
<td>$ 384,600</td>
</tr>
<tr>
<td>Elementary-Secondary Education Fund</td>
<td>549,600</td>
<td>212,300</td>
<td>7,100</td>
<td>11,679,000</td>
</tr>
<tr>
<td>Adult Basic Education Fund</td>
<td>23,300</td>
<td>5,400</td>
<td>300</td>
<td>600,000</td>
</tr>
<tr>
<td>Special Education-Teacher Training Fund</td>
<td>13,500</td>
<td>5,500</td>
<td></td>
<td>120,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 823,700</td>
<td>$365,600</td>
<td>$12,300</td>
<td>$12,399,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,606,900</td>
<td>$912,300</td>
<td>$25,400</td>
<td>$18,893,500</td>
</tr>
</tbody>
</table>
C.228 '75 IDAHO SESSION LAWS 629

SECTION 3. (1) There is hereby appropriated to the State Board of Education for the State Department of Education the following amount from the fund enumerated, to be expended in support of the Driver Rehabilitation School and Court Alcohol School programs during fiscal year 1976, according to expense classes designated:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$26,300</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>8,600</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$35,300</strong></td>
</tr>
</tbody>
</table>

FROM:
Fiscal Year 1975 General Fund moneys $35,300

(2) It is legislative intent that the Driver Rehabilitation School and Court Alcohol School programs shall become self-sustaining programs commencing in fiscal year 1977, to be funded entirely from fees paid by participants in such programs.

SECTION 4. In the event unexpended and unencumbered funds remain in the Court Alcohol School fund at the end of fiscal year 1976 or unexpended encumbered funds remain thereafter, such funds shall revert to the general fund.

SECTION 5. This act shall be in full force and effect on and after July 1, 1975, except for section 3 hereof. An emergency existing therefor, which emergency is hereby declared to exist, section 3 shall be in full force and effect on and after passage and approval of this act.

Approved March 28, 1975.

CHAPTER 228
(H.B.No. 288)

AN ACT
APPROPRIATING $10,000 FROM THE GENERAL FUND TO THE STATE AUDITOR, TO BE DISBURSED TO THE BEAR LAKE REGIONAL COMMISSION; 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 the sum of $10,000 from the general fund, to be disbursed to the Bear Lake Regional Commission for expenditure, for the period from the effective date of this act through June 30, 1975.

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 28, 1975.
CHAPTER 229  
(H.B.No. 269)  

AN ACT  

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

SECTION 1. It is legislative intent that the expenditures for the State Board of Education and the Board of Regents of the University of Idaho for special programs at the University of Idaho not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

FOR:  
Special Programs, University of Idaho $7,761,400  
FROM:  
General Fund $5,442,800  
Federal Funds:  
- Hatch Act 630,600  
- Regional Research 247,900  
- Title V – Rural Development 14,300  
- Agriculture Rural Development 9,700  
- Smith-Lever Act 977,400  
- Agricultural Marketing Extension 11,400  
- Expanded Nutrition 230,400
Local Funds:
- Station Income $131,400
- Smith-Lever Act Funds 58,000
- Receipts to Appropriation 7,500

**TOTAL $7,761,400**

SECTION 2. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts, to be expended for designated programs, according to expense classes designated therein, from the enumerated funds, for the period July 1, 1975, through June 30, 1976.

A. AGRICULTURAL RESEARCH PROGRAM:

1. AGRICULTURAL RESEARCH PROGRAMS:

   FOR:
   - Personnel Costs $3,119,700
   - Operating Expenditures 662,800
   - Capital Outlay 346,100
   **TOTAL $4,128,600**

   FROM:
   - General Fund $3,118,700
   - Federal Funds:
     - Hatch Act 630,600
     - Regional Research 247,900
     - Local Station Income 131,400
   **TOTAL $4,128,600**

2. NORTHWEST COLLEGE OF VETERINARY MEDICINE PROGRAM:

   FOR:
   - Reinforcement of veterinary medical research $90,600

   FROM:
   - General Fund $90,600

B. COOPERATIVE EXTENSION SERVICE PROGRAM:

   FOR:
   - Personnel Costs $2,781,400
   - Operating Expenditures 349,000
   - Capital Outlay 24,600
   **TOTAL $3,155,000**

   FROM:
   - General Fund $1,853,800
   - Federal Funds:
     - Title V - Rural Development 14,300
     - Agriculture Rural Development 9,700
     - Smith-Lever Act 977,400
Agricultural Marketing Extension 11,400
Expanded Nutrition 230,400
Local Smith-Lever Act Funds 58,000
TOTAL $3,155,000

SECTION 3. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts, to be expended for designated programs from the fund enumerated for the period July 1, 1975, through June 30, 1976:

A. FOREST UTILIZATION RESEARCH PROGRAM:
FOR:
Forest Utilization Research $125,000
FROM: General Fund $125,000

B. SHORT TERM APPLIED RESEARCH PROGRAM:
FOR:
Short Term Applied Research $75,000
FROM: General Fund $75,000

SECTION 4. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amount, to be expended for the designated program from the funds enumerated for the period July 1, 1975, through June 30, 1976:

A. NORTHWEST COLLEGE OF VETERINARY MEDICINE PROGRAM:
FOR:
Instructional Effort, Northwest College of Veterinary Medicine Program $187,200
FROM:
General Fund $179,700
Receipts to Appropriation 7,500
TOTAL $187,200

SECTION 5. It is legislative intent that a marketing economist program shall be established in the Agricultural Research Programs and shall be funded from the appropriation made in section 2, subsection A(1) of this act.

Approved March 28, 1975.
CHAPTER 230

(H.B. No. 53)

AN ACT

AMENDING CHAPTER 6, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-614A, IDAHO CODE, PROVIDING THAT A CANDIDATE FOR THE HOUSE OF REPRESENTATIVES, WHEN FILING FOR SUCH OFFICE, SHALL DECLARE THE OFFICE TO WHICH HE DESIRES TO SUCCEED, AND THE PRIMARY AND GENERAL ELECTION BALLOTS SHALL INDICATE THE POSITION TO BE VOTED FOR.

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

SECTION 1. That Chapter 6, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 34-614A, Idaho Code, and to read as follows:

34-614A. CANDIDATES FOR HOUSE OF REPRESENTATIVES. — A candidate for the house of representatives, when filing for such office, shall declare the office to which he desires to succeed, to-wit: "...a candidate to succeed representative _________, incumbent or retiring representative (insert applicable words)."

An incumbent representative who is a candidate for reelection must file to succeed himself.

Each of the two representative positions in each district shall be separately and distinctly placed on the primary and general election ballots, and for each position to be filled the ballot shall state: "Vote for One".

The candidate receiving the greatest number of votes for the position he seeks shall be declared nominated, or elected, as the case may be.

Approved March 28, 1975.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 71-238, Idaho Code, be, and the same is hereby amended to read as follows:

71-238. FLUID DAIRY PRODUCTS – UNITS OF MEASURE PERMITTED. – All fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream, and buttermilk, shall be packaged for retail sale only in units of one (1) gill, one-half (½) liquid pint, ten (10) fluid ounces, one (1) liquid pint, one (1) liquid quart, one-half (½) gallon, three-fourths (%/4 gallon), one (1) gallon, one and one-half (1½) gallons, two (2) gallons, two and one-half (2½) gallons, or multiples of one (1) gallon: provided, that packages in units of less than one (1) gill shall be permitted.

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 28, 1975.
CHAPTER 232
(H.B.No. 134)

AN ACT
AMENDING SECTION 41-1909, IDAHO CODE, TO PROVIDE THAT THE MAXIMUM RATE OF INTEREST THAT LOANS UPON POLICIES OF LIFE INSURANCE SHALL BEAR, SHALL BE EIGHT PER CENT PER ANNUM; AND TO PERMIT A POLICY PROVISION PROVIDING FOR VARIABLE RATE OF INTEREST UPON POLICY LOANS, NOT EXCEEDING EIGHT PER CENT PER ANNUM.

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

SECTION 1. That Section 41-1909, Idaho Code, be, and the same is hereby amended to read as follows:

41-1909. POLICY LOAN. — There shall be a provision that after three (3) full years’ premiums have been paid and after the policy has a cash surrender value and while no premium is in default beyond the grace period for payment, the insurer will advance, on proper assignment or pledge of the policy and on the sole security thereof, at a specified rate of interest not exceeding six per cent (6%) per annum, an amount equal to or, at the option of the party entitled thereto, less than the loan value of the policy. A policy issued after the effective date of this act shall contain either, but not both of the following policy loan interest rate provisions: (1) a provision that a policy loan shall bear interest at a specified rate (not exceeding eight per cent (8%) per annum), or (2) a provision that all loans under the policy, including outstanding loans, shall bear interest at a variable rate (not exceeding eight per cent (8%) per annum), specified from time-to-time by the insurer. The effective date of any increase in such variable rate shall be not less than one (1) year after the effective date of the establishment of the previous rate. If the interest rate is increased, the amount of such increase shall not exceed one per cent (1%) per annum. The variable rate may be decreased without restriction as to amount or frequency. With respect to policies providing for a variable rate, the insurer shall, (a) when a loan is made and when notification of interest due is furnished, give notice of the variable rate currently effective, (b) as to any loans outstanding forty (40) days before the effective date of any increase in the variable rate, give notice of any such increase at least thirty (30) days before such effective date, and (c) as to any loans made during the forty (40) days before the effective date of the increase, give notice of such increase when the loan is made. Every such notice shall be given as directed by the policy owner and any assignee as shown on the records of the insurer at its home office. The loan value of the policy shall be at least equal to the cash surrender value.
at the end of the then current policy year, provided that the insurer may deduct, either from such loan value or from the proceeds of the loan, any existing indebtedness not already deducted in determining such cash surrender value including any interest then accrued but not due, any unpaid balance of the premium for the current policy year, and any interest which may be allowable on the loan to the end of the current policy year. The policy may also provide that if interest on any indebtedness is not paid when due it shall then be added to the existing indebtedness and shall bear interest at the same rate, and that if and when the total indebtedness on the policy, including interest due or accrued, equals or exceeds the amount of the loan value thereof, then the policy shall terminate and become void. The policy shall reserve to the insurer the right to defer the granting of a loan, other than for the payment of any premium to the insurer, for six (6) months after application therefor. The policy, at the insurer's option, may provide for automatic premium loan, subject to an election of the party entitled to elect.

This section shall not apply to term policies nor to term insurance benefits provided by rider or supplemental policy provisions, or to industrial life insurance policies.

Approved March 28, 1975.
CHAPTER 233
(H.B.No. 220)

AN ACT
AMENDING SECTION 42-3404, IDAHO CODE, RELATING TO THE COLUMBIA RIVER
COMPACT, A COMPACT WITH WASHINGTON AND OREGON, TO SPECIFY
THAT REGULATIONS UNDER THE COMPACT SHALL MAINTAIN AND PRE-
SERVE THE ANADROMOUS FISH RESOURCE FOR ALL USERS, RENAMING
MEMBERSHIP AGENCIES AND INCLUDING SUCCESSOR AGENCIES TO THOSE
NAMED, AND PROVIDING FOR THE EXPIRATION OF THE PRESENT COM-
PACT BETWEEN WASHINGTON AND OREGON UPON RATIFICATION BY THE
CONGRESS OF THE COMPACT APPROVED IN SECTION 42-3404.

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

SECTION 1. That Section 42-3404, Idaho Code, be, and the same is hereby amended
to read as follows:

42-3404. ANADROMOUS FISH - COMPACT WITH WASHINGTON AND
OREGON - REGULATORY POWERS OF FISH AND GAME REPRESENTATIVES OF
STATES. - Should congress by virtue of the authority vested in it under article 1, section
10, of the Constitution of the United States, providing for compacts and agreements
between states, ratify the following as a definite compact and agreement between the states
of Washington, Oregon and Idaho, then, and in that event, there shall exist between the
states of Washington, Oregon and Idaho a compact and agreement, the purport of which
shall be substantially as follows:

The compact states acknowledge that they have a common interest in the
conservation and management of anadromous fish stocks in the Columbia River drainage
and they mutually agree to assume joint responsibility in developing sports and commercial
fishery programs which will recognize and give consideration to the interest of all users of
the resource and regulations which will maintain and preserve the resource for the interest
and benefit of all users.

Membership from the compact states shall be the Idaho department of fish and game,
the fish commission of the state of Oregon, Oregon wildlife commission, Washington department of
fish and game or the successor agency to any of the above. The compact members may appoint
advisors to serve as needed.

All rules and regulations now existing or which may be necessary for the conservation
and management of anadromous fish in the waters of the main stem of the Columbia River from its mouth to the mouth of the Snake River and the waters of the main stem of the Snake River from its mouth to the mouth of the Salmon River, shall be made, changed, altered and amended in whole or in part by a majority vote. In voting on rules and regulations, each state shall be entitled to one (1) vote. Idaho will vote only on those regulations which might have a substantial impact on fish destined for Idaho waters.

The individual states shall be responsible for the management of anadromous fish stocks in pertinent tributary streams and shall be guided in such management by the intent and purpose of this compact.

SECTION 2. The compact and agreement now existing between the states of Washington and Oregon for the purpose of regulating, protecting or preserving fish in the waters of the Columbia River, or its tributaries, over which the states of Washington and Oregon have concurrent jurisdiction, or which would be affected by said concurrent jurisdiction shall be of no force and effect upon ratification by the congress of the compact and agreement provided for in section 1 of this 1975 act.

Approved March 28, 1975.
AMENDING SECTION 54-2029, IDAHO CODE, BY STRIKING SUBSECTION C AND INSERTING IN LIEU THEREOF A NEW SUBSECTION C REQUIRING AN APPLICANT FOR AN ORIGINAL SALESMAN'S OR A BROKER'S LICENSE TO FURNISH PROOF THAT HE IS A GRADUATE FROM AN ACCREDITED HIGH SCHOOL OR THE HOLDER OF A CERTIFICATE OF GENERAL EDUCATION DEVELOPMENT, THAT AN APPLICANT FOR AN ORIGINAL SALESMAN'S LICENSE SHALL FURNISH PROOF THAT HE HAS COMPLETED A REQUIRED COURSE OF STUDY, THAT AN APPLICANT FOR AN ORIGINAL REAL ESTATE BROKER'S LICENSE SHALL FURNISH PROOF THAT HE HAS COMPLETED A REQUIRED COURSE OF STUDY, PROVIDING THE EXAMINATION AND COURSE REQUIREMENTS DO NOT APPLY TO ANY INDIVIDUAL HOLDING A LICENSE FOR ONE YEAR WHOSE LICENSE EXPIRES WHILE HE IS ON ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES IF HE PROPERLY APPLIES FOR RENEWAL OF HIS LICENSE WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ACT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-2029, Idaho Code, be, and the same is hereby amended to read as follows:

54-2029. QUALIFICATIONS FOR THE ISSUANCE OF LICENSES — APPLICATION FOR LICENSE — CONTENTS OF APPLICATION — FEES — TERMS OF LICENSES ISSUED. — A. Any person desiring to carry on the business of a real estate broker or real estate salesman in this state shall have and meet the following qualifications:

1) The applicant must be at least eighteen (18) years of age;
2) The applicant must be a United States citizen;
3) The applicant must not have had revoked a license or been refused a renewal of a license issued by the state of Idaho or any other state, as a real estate broker or salesman, if such revocation or refusal occurred within one (1) year prior to the date the application is submitted to the commission;
4) The applicant must not have been convicted, issued any fine, placed on probation, received a withheld judgment or completed any sentence of confinement for or on
account of a felony or a misdemeanor involving moral turpitude in a state or federal court within five (5) years prior to the date the application is submitted to the commission;

(5) The applicant must be a resident of the state of Idaho, or shall have established his residency in the state of Idaho prior to the issuance of the license. Provided, however, that this requirement shall in no way interfere with or limit the right of a nonresident to obtain a license pursuant to sections 54-2031, 54-2032 and 54-2033, Idaho Code;

(6) The applicant must have a satisfactory credit report, as provided for in subsection B(2) of section 54-2029, Idaho Code;

(7) The applicant must have complied with the educational requirements as provided for in subsection C of section 54-2029, Idaho Code;

(8) If the application is for a real estate broker’s license, the applicant must have been actively engaged as a licensed real estate salesman in this state as provided for in subsection B(3) of section 54-2029, Idaho Code.

If the commission determines that an applicant does not possess the aforementioned qualifications, it shall have the authority to deny the application.

B. 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 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 thirty dollars ($30.00) which shall not be refunded.

(2) A satisfactory credit report.

(3) In addition to subsections B(1) and (2) above, an applicant for a real estate broker’s license shall submit satisfactory evidence of having been actively engaged for two (2) years as a licensed real estate salesman in this state; provided, however, that said period may be reduced, in whole or in part, at the discretion of the commission, based upon the educational background of the applicant, his experience as a licensed real estate broker or salesman in another state, or his experience in related or affiliated business activities. The commission in its discretion may make such additional investigation and inquiry relative to the applicant as it shall deem advisable.

C. 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. 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 twenty (20) classroom hours or equivalent correspondence hours of real estate courses. Such course 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 was licensed as a real estate salesman on May 26, 1969.

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 sixty (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 was licensed as a real estate broker on May 26, 1969.

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, institution or any accredited or non-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 prior to the date of expiration 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.

C. An applicant for an original 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. After June 30, 1976, an applicant for an original salesman’s license shall furnish to the commission proof that he has successfully completed a course of study consisting of at least thirty (30) classroom hours, or equivalent correspondence hours, of real estate courses, which courses shall include but not be limited to: principles of real estate practice and canons of ethics pertaining thereto; the provisions of this act and rules and regulations of the commission; arithmetical calculations as used in real estate transactions; rudimentary principles of conveyancing; the general purposes and effects of deeds, deeds of trust, mortgages, land contracts of sales, leases, liens and listing contracts; elementary principles of land economics and appraisals; and fundamentals of land economics and appraisals; and fundamentals of obligations between principal and agent, and such other courses as may be designated by the Idaho Real Estate Commission.

After June 30, 1976, an applicant for an original real estate broker’s license shall furnish the commission satisfactory proof that he has successfully completed a total of
ninety (90) hours of classroom instruction, or equivalent correspondence hours, in real estate courses above set forth.

Any applicant for a license as a real estate broker or real estate salesman may submit a certification from 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 successfully completed the prescribed courses; and such certificate is considered 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 subsection do not apply to any individual who has held a license for at least one (1) year, and whose license expires while he is on active duty with the armed forces of the United States, if he properly applies for renewal of his license within one (1) year after the effective date of this act.

D. There is established a staggered renewal period for licenses to coincide with the last day of the month of the birthdate of each licensee. A new license or renewal issued on January 1, 1975, shall be for the term of one (1) year plus the additional calendar months up to and including the month in which the birthdate of the licensee occurs. On or before January 1, 1975, all licensees, both brokers and salesmen shall pay:

(1) The annual fees set forth in subsection B(1) of section 54-2029 and subsection A of section 54-2035, Idaho Code; and

(2) A sum for the additional months up to and including the month in which the birthdate of the licensee occurs. Such sum shall be computed as one-twelfth (1/12) the annual fee for each month.

Each license as a real estate broker or real estate salesman may be renewed by the commission upon the payment by the licensee of the renewal fee specified in subsection D(1) of section 54-2029, Idaho Code, if that fee is paid on or before the first day of the month following the month of the birthdate of the licensee.

If the licensee fails to pay the renewal fee on or before the first day of the month following the month of the birthdate of the licensee, the commission may accept a later payment, subject to such conditions as the commission may require, including but not limited to the assessment of a late fee not to exceed ten dollars ($10.00); provided that between the last day of the month of his birthdate and the date of renewal of the license, the rights of the licensee under such license shall be suspended, and during such period of suspension it shall be unlawful for any licensee to do or attempt to offer to do any of the acts of the kind and nature described in the definitions of a real estate broker or real estate salesman in section 54-2022, Idaho Code, in consideration of compensation of any kind or expectation thereof.

A new license or renewal issued after January 1, 1975, shall be for the term of the months up to and including the month of the birthdate of the licensee. These licensees shall pay the annual fee for such license.
Corporations and partnerships shall have established as the equivalent of a birthdate, the birthdate of the designated broker of each.

Branch offices shall have established as the equivalent of a birthdate, the birthdate of the real estate broker establishing the branch office.

SECTION 2. This act shall be in full force and effect on and after July 1, 1976.
Approved March 28, 1975.

CHAPTER 235
(H.B.No. 8, As Amended)

AN ACT
AMENDING SECTION 63-1204, IDAHO CODE, RELATING TO THE COLLECTION OF TAXES ON PERSONAL PROPERTY, TO STRIKE REFERENCES TO ANY PARTICULAR YEAR, AND TO IMPOSE A LIMITATION PERIOD FOR ASSESSMENT AND COLLECTION OF TAXES ON PERSONAL PROPERTY.

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

SECTION 1. That Section 63-1204, Idaho Code, be, and the same is hereby amended to read as follows:

63-1204. COLLECTION OF TAXES ON PERSONAL PROPERTY. — The tax collector shall collect the amount of taxes due on such personal property, based upon the levies for state, county, city, road district, school district, highway district, and any other taxing district in which such property is situated, for the current year. The tax collector shall be personally liable and liable on his official bond for the willful or corrupt failure on his part to collect any personal property tax provided for in this act. The assessor shall be personally liable and liable on his official bond on account of any loss of taxes by reason of the willful or corrupt failure on the part of such assessor in not listing and assessing any personal property within his county subject to taxation in any one year. Taxes on personal property shall not be subject to assessment or collection at any time after the second calendar year following the year for which such tax is imposed.

Approved March 28, 1975.
CHAPTER 236
(H.B.No. 309)

AN ACT
EXPRESSING LEGISLATIVE INTENT RELATING TO CERTAIN DEVICES AND PROCEDURES TO BE MADE AVAILABLE TO THE LEGISLATURE; APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE LEGISLATIVE COUNCIL; EXEMPTING THE APPROPRIATION HEREIN CONTAINED FROM CERTAIN CODE SECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. It is the intent of this act, through the appropriation and instructions herein made, to provide a mechanism for the legislature to obtain some of the modern devices and procedures that have been limited primarily to executive department functions, in order that the legislature can maintain its position as a coordinate branch of the state government. It is legislative intent that the legislative council, working through its membership, its committees, its staff, the committees and staffs of the House of Representatives and the Senate, necessary consultants, and any appropriate state agencies, take such necessary actions as are required to develop, test and implement a capability to perform automated code search and retrieval, bill drafting, bill production, revenue projections, and data manipulation necessary to enable adequate legislative consideration of budgetary and fiscal matters.

SECTION 2. There is hereby appropriated the sum of $750,000 from the general fund to the legislative council for the purposes of accomplishing the legislative intent expressed in section 1, for the period commencing with the effective date of this act until completion of the project.

SECTION 3. The appropriation herein made shall be exempt from the provisions of section 67-3509, section 67-3516, and section 67-3517, Idaho Code, it being legislative intent that this appropriation should be available for all necessary purposes, even though the term of the project may extend across fiscal year periods.

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 28, 1975.
CHAPTER 237  
(H.B.No. 310)

AN ACT
APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE JOINT FINANCE-APPROPRIATIONS COMMITTEE, TO BE EXPENDED ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976.

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

SECTION 1. There is hereby appropriated to the Joint Finance-Appropriations Committee the following amounts, to be expended according to expense classes designated from the listed funds for the period July 1, 1975, through June 30, 1976:

FOR:
Personnel Costs $476,100
Operating Expenditures 61,300
Capital Outlay 1,500
TOTAL $538,900

FROM:
General Fund $418,900
Interaccount Billings 105,000
Receipts to Appropriations 15,000
TOTAL $538,900

Approved March 28, 1975.
CHAPTER 238
(S.B.No. 1138)

AN ACT

RELATING TO THE CURTAILMENT OF ELECTRICAL OR GAS SERVICE DURING EMERGENCIES; PROVIDING LEGISLATIVE RECOGNITION THAT ELECTRIC POWER AND GAS MAY BECOME INSUFFICIENT AND AN EMERGENCY MAY ARISE; REQUIRING ALL SUPPLIERS TO FILE WITH THE IDAHO PUBLIC UTILITIES COMMISSION A PLAN OF CURTAILMENT; PROVIDING FOR NOTICE AND HEARING BY COMMISSION ON PLANS FOR ADOPTION OR REJECTION OF PLANS, AND FOR FACTORS TO BE CONSIDERED BY COMMISSION IN ACTING; AUTHORIZING THE COMMISSION TO DECLARE AN EMERGENCY UPON CERTAIN FINDINGS; AUTHORIZING THE COMMISSION UPON DECLARING AN EMERGENCY TO ORDER CURTAILMENT OF SERVICE BY SUPPLIERS; AUTHORIZING THE COMMISSION UPON DECLARING AN EMERGENCY TO ORDER CURTAILMENT OF CONSUMPTION BY CONSUMERS; PROVIDING SUPPLIERS SHALL INCUR NO LIABILITY FOR ACTIONS TAKEN PURSUANT TO COMMISSION ORDERS OR CURTAILMENT OF SERVICE PURSUANT TO ORDER OR PLAN; PROVIDING CONTRACTS OF SUPPLIERS SUBJECT TO ACTIONS AND IMMUNITIES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. It is recognized by the legislature of the state of Idaho that electric power and energy, or natural or manufactured gas, within the Pacific Northwest, including the state of Idaho may become inadequate and insufficient to meet the requirements of consumers in Idaho and by reason thereof an emergency may arise.

SECTION 2. The Idaho public utilities commission shall forthwith direct and require all suppliers of electric power and energy, or natural or manufactured gas, including those otherwise excepted under section 61-104, Idaho Code, except agencies of the federal government, to file with the commission, within a designated time period, a plan for the curtailment of electric or gas consumption during an emergency.

SECTION 3. The commission, after notice and hearing pursuant to its rules of practice and procedure, shall consider and act upon the plan or plans submitted and may adopt or reject such plan or plans, or adopt other plan or plans, for such curtailment. In acting upon such plan or plans the commission shall consider the following factors:
(a) The consistency of the plan with the public health, safety and welfare;
(b) The technical feasibility of implementation of the plan; and
(c) The effectiveness with which the plan minimizes the impact of any curtailment.

SECTION 4. The commission shall have authority to declare an emergency, with or without notice, upon finding that an inadequacy or insufficiency of electric power and energy, or natural or manufactured gas threatens the health, safety and welfare of the citizens of this state.

SECTION 5. Upon declaration that such an emergency exists, the commission shall have authority to require all suppliers of electric power and energy, or natural or manufactured gas, except agencies of the federal government, to curtail service in accordance with the curtailment plans on file with and approved by the commission.

SECTION 6. The commission, in addition to the powers herein granted, upon the declaration of an emergency, may order the curtailment of electric power and gas consumption by consumers as the commission finds reasonable and necessary.

SECTION 7. No supplier of electric power or gas shall be liable for actions taken pursuant to an order of the commission, or by reason of curtailment of such electric or gas service pursuant to such order or its curtailment plan on file with and approved by the commission.

SECTION 8. All contracts of suppliers shall be subject to actions taken and the immunities provided hereunder.

SECTION 9. The provisions of this act are hereby declared to be severable and if any portion 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 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 March 31, 1975.
CHAPTER 239  
(S.B.No. 1239)  

AN ACT  
AMENDING SECTION 1, CHAPTER 319, LAWS OF 1974, RELATING TO THE APPROPRIATION FROM THE FUND ENUMERATED TO THE STATE BOARD OF EDUCATION, BY INCREASING THE APPROPRIATION BY THE AMOUNT OF $40,500, AMENDING THE EFFECTIVE DATE OF THE ORIGINAL ACT, AND PROVIDING ADDITIONAL PURPOSES FOR WHICH SUCH APPROPRIATION SHALL BE EXPENDED; AND DECLARING AN EMERGENCY.  

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

SECTION 1. That Section 1, Chapter 319, Laws of 1974, be, and the same is hereby amended to read as follows:  

SECTION 1. There is hereby appropriated out of the fund enumerated the following amount, or so much thereof as may be necessary, to the State Board of Education, to be expended for the designated purposes, for the period from the effective date of this act until legal proceedings now pending in which the State Board of Education is a party, including appeals, if any, are finalized through June 30, 1975.  

FOR:  

Legal services, and court costs, settlement and reinstatement  

FROM:  

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 31, 1975.
CHAPTER 240
(S.B.No. 1020, As Amended in the House)

AN ACT
AMENDING SECTION 43-206, IDAHO CODE, RELATING TO NOTICE OF ELECTION AND APPOINTMENT OF ELECTION JUDGES FOR IRRIGATION DISTRICTS, BY PROVIDING FOR ELECTION JUDGES AND POLLING PLACES, BY PROVIDING FOR A COMBINED POLLING PLACE FOR TWO OR MORE PRECINCTS, PRESCRIBING THE MAXIMUM DISTANCE FROM THE LOSING PRECINCT THAT THE COMBINED POLLING PLACE SHALL BE, BY PROVIDING FOR THE APPOINTMENT OF ELECTION JUDGES FOR A COMBINED POLLING PLACE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION I. That Section 43-206, Idaho Code, be, and the same is hereby amended to read as follows:

43-206. NOTICE OF ELECTION — APPOINTMENT OF JUDGES. — The secretary of the district shall give notice of all elections in said district subsequent to the organization thereof, by posting the same in three (3) public places in each such precinct and in the office of said board, at least four (4) weeks before the day of such election, or by publication of the same once a week for two (2) successive weeks in a newspaper having general circulation within said district. If notice be given by publication in a weekly newspaper the same shall be published in two (2) successive issues thereof, or, if in a daily newspaper, at least six (6) days shall elapse between the first and last dates of publication, and, in either case, publication shall be completed not less than fifteen (15) days before such election. Notices shall state the time of said election and the polling place for each precinct; and the officer to be elected or other question to be voted upon, as the case may be. At least ten (10) days before the holding of any such election, the board of directors shall appoint three (3) electors of each precinct to serve as judges of election therein who, for such precinct, and such judges shall constitute a board of election for such precinct.

A polling place for a precinct need not be located in the precinct, but shall be located within the district. Polling places for two (2) or more precincts may be combined at one (1) location, so long as the physical arrangements of the polling place are sufficient to guarantee all voters the right to cast a secret ballot. Any combined polling place thus created shall be no farther than five (5) miles outside of the precinct which is losing its polling place. Provided that in districts of 100 landowners or less, the board may provide for one polling...
place in the district and. In cases of combined polling places, the board of directors shall name one (1) elector from each of the combined precincts of each thereof, and they shall constitute the judges of election for that polling place.

SECTION 2. This act shall be in full force and effect on and after July 1, 1975.
Approved March 31, 1975.

CHAPTER 241
(S.B.No. 1230, As Amended, As Amended in the House)

AN ACT
AMENDING SECTION 59-510, IDAHO CODE, TO PROVIDE STATUTORY SALARY ADJUSTMENTS FOR MEMBERS OF THE INDUSTRIAL COMMISSION, STATE TAX COMMISSION, AND PUBLIC UTILITIES COMMISSION.

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

SECTION 1. That Section 59-510, Idaho Code, be, and the same is hereby amended to read as follows:

59-510. SALARIES OF THE INDUSTRIAL COMMISSION, THE STATE TAX COMMISSION, AND THE PUBLIC UTILITIES COMMISSION. – Each member of the industrial commission, the state tax commission, and the public utilities commission shall devote full time to the performance of his duties and shall each receive an annual salary of eighteen thousand five hundred dollars ($18,500), to wit: industrial commissioners and state tax commissioners, twenty thousand five hundred dollars ($20,000), and public utility commissioners, twenty-one thousand five hundred dollars ($21,500).

Approved March 31, 1975.
CHAPTER 242
S.B.No. 1042, As Amended in the House

AN ACT
TO REPEAL PROCEDURAL STATUTES IN CONFLICT WITH OR COVERED BY
RULES ADOPTED BY THE IDAHO SUPREME COURT ON PROCEDURAL
MATTERS; REPEALING SECTIONS 1-215, 1-706, 1-707, 1-708, 1-709, 1-710,
1-901, 1-902, 1-903, 1-904, 1-906, 1-1601, 1-1602, 1-1604, 1-1605, 1-1607, 1-1609,
1-1610, 1-1611, 1-1617, 1-1618, 1-1619, 1-1620, 1-1621, 1-1801, 2-504, 2-505,
3-206, CHAPTER 1 OF TITLE 5, 5-301, 5-303, 5-307, 5-312, 5-313, 5-314, 5-315,
5-316, 5-317, 5-318, 5-320, 5-322, 5-323, 5-324, 5-325, 5-405, 5-406, 5-407, 5-501,
5-502, 5-503, 5-504, 5-506, 5-507, 5-511, 5-512, CHAPTER 6 OF TITLE 5,
CHAPTER 7 OF TITLE 5, CHAPTER 8 OF TITLE 5, CHAPTER 9 OF TITLE 5,
CHAPTER 1 OF TITLE 7, 7-306, 7-307, CHAPTER 5 OF TITLE 7, 7-719,
CHAPTER 4 OF TITLE 8, 9-701, 9-702, 9-703, 9-705, 9-707, CHAPTER 8 OF
TITLE 9, CHAPTER 9 OF TITLE 9, CHAPTER 10 OF TITLE 9, CHAPTER 11 OF
TITLE 9, CHAPTER 12 OF TITLE 9, CHAPTER 1 OF TITLE 10, CHAPTER 2 OF
TITLE 10, CHAPTER 3 OF TITLE 10, CHAPTER 4 OF TITLE 10, 10-501, 10-502,
10-503, 10-504, 10-505, 10-506, 10-507, 10-508, CHAPTER 6 OF TITLE 10,
CHAPTER 7 OF TITLE 10, CHAPTER 8 OF TITLE 10, CHAPTER 9 OF TITLE 10,
CHAPTER 10 OF TITLE 10, 10-1101, 10-1102, 10-1103, 10-1104, 10-1105,
10-1107, 10-1108, 10-1111, 10-1112, 10-1113, 10-1114, 12-101, 12-102, 12-103,
12-116, 12-117, CHAPTER 2 OF TITLE 12, CHAPTER 3 OF TITLE 12, CHAPTER
4 OF TITLE 12, CHAPTER 5 OF TITLE 12, 12-601, 12-602, 12-603, 12-604,
12-605, 12-606, 12-607, 12-608, 12-609, 12-610, 12-611, 17-202, 17-204 AND
17-205, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That sections 1-215, 1-706, 1-707, 1-708, 1-709, 1-710, 1-901, 1-902,
1-903, 1-904, 1-906, 1-1601, 1-1602, 1-1604, 1-1605, 1-1607, 1-1609, 1-1610,
1-1611, 1-1618, 1-1619, 1-1620, 1-1621, 1-1801, 2-504, 2-505, 3-206, chapter 1, title 5,
5-301, 5-303, 5-307, 5-312, 5-313, 5-314, 5-315, 5-316, 5-317, 5-318, 5-320, 5-322, 5-323,
5-324, 5-325, 5-405, 5-406, 5-407, 5-501, 5-502, 5-503, 5-504, 5-506, 5-507, 5-511, 5-512,
chapter 6, title 5, chapter 7, title 5, chapter 8, title 5, chapter 9, title 5, chapter 1, title 7,
7-306, 7-307, chapter 5, title 7, 7-719, chapter 4, title 8, 9-701, 9-702, 9-703, 9-705, 9-707,
chapter 8, title 9, chapter 9, title 9, chapter 10, title 9, chapter 11, title 9, chapter 12, title 9, chapter 1, title 10, chapter 2, title 10, chapter 3, title 10, chapter 4, title 10, 10-501, 10-502, 10-503, 10-504, 10-505, 10-506, 10-507, 10-508, chapter 6, title 10, chapter 7, title 10, chapter 8, title 10, chapter 9, title 10, chapter 10, title 10, 10-1101, 10-1102, 10-1103, 10-1104, 10-1105, 10-1107, 10-1108, 10-1111, 10-1112, 10-1113, 10-1114, 12-101, 12-102, 12-103, 12-104, 12-105, 12-106, 12-108, 12-109, 12-110, 12-111, 12-112, 12-113, 12-115, 12-116, 12-117, chapter 2, title 12, chapter 3, title 12, chapter 4, title 12, chapter 5, title 12, 12-601, 12-602, 12-603, 12-604, 12-605, 12-606, 12-607, 12-608, 12-609, 12-610, 12-611, 17-202, 17-204 and 17-205, Idaho Code, be, and the same are hereby repealed.

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 31, 1975.
CHAPTER 243
(S.B.No. 1081, As Amended in the House)

AN ACT
REPEALING SECTION 18-4628, IDAHO CODE, RELATING TO PENALTY FOR TRANSPORTATION OF CONIFEROUS TREES WITHOUT A BILL OF SALE; AMENDING CHAPTER 46, TITLE 18, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 18-4628, IDAHO CODE, PROVIDING FOR THE TRANSPORTATION OF FOREST PRODUCTS, PROOF OF OWNERSHIP AND PROVIDING EXCEPTIONS; AMENDING CHAPTER 46, TITLE 18, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 18-4629, IDAHO CODE, PROVIDING FOR A PENALTY FOR TRANSPORTATION OF FOREST PRODUCTS WITHOUT A PERMIT, CONTRACT, BILL OF SALE OR PRODUCT LOAD PERMIT.

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

SECTION 1. That Section 18-4628, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 46, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 18-4628, Idaho Code, and to read as follows:

18-4628. TRANSPORTATION OF FOREST PRODUCTS -- PROOF OF OWNERSHIP REQUIRED -- EXCEPTIONS. --(a) It shall be unlawful and constitute a misdemeanor for any person, firm, company, or business to transport on the public highways of this state any load of forest products, including coniferous trees, Christmas trees, sawlogs, poles, cedar products, pulp logs, fuelwood, etc., without proof of ownership. Such proof of ownership shall consist of one (1) or more of the following:

(1) A permit, contract, or other legal instrument issued by the landowner or proper state or federal agencies which shall specify:
   (a) Date of execution;
   (b) Name and address of permittee;
   (c) Location or area by legal description where forest products were harvested;
   (d) Estimated amount, volume, species, and class of forest products authorized to be cut and removed;
   (e) Delivery or scaling point;
   (f) Name and address of purchaser of forest products if different than permittee.
(2) A bill of sale showing title thereto, which shall specify:
   (a) Date of execution;
   (b) Name and address of the vendor or donor of the forest products;
   (c) Name and address of the vendee or donee of the forest products;
   (d) Number, volume, species, and class of forest products sold or transferred by the bill of sale;
   (e) Property, legal description, from which the forest products were cut and removed.

(3) A log or product load receipt or ticket issued by the seller and is a contract or permit condition authorizing removal of forest products. After scaling, load receipts or tickets shall be acceptable as proof of ownership when such tickets or load receipts specify:
   (a) Name of sale and purchaser;
   (b) Date load removed;
   (c) Name of truck driver;
   (d) Sale contract/permit number.

(b) The foregoing provisions shall not apply to:
   (1) Transportation of wood chips, sawdust and bark;
   (2) Transportation of forest products by the owner of the land from which forest products were taken or his agent;
   (3) Transportation of two (2) or less coniferous trees; or
   (4) Transportation of trees in the course of transplantation with their roots intact.

SECTION 3. That Chapter 46, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 18-4629, Idaho Code, and to read as follows:

18-4629. PENALTY FOR TRANSPORTATION OF FOREST PRODUCTS WITHOUT A PERMIT, CONTRACT, BILL OF SALE, OR PRODUCT LOAD RECEIPT. — Violation of the provisions of this act shall constitute a misdemeanor, and upon conviction, be punishable by a fine of not to exceed three hundred dollars ($300), or by imprisonment in the county jail not exceeding six (6) months, or both.

Approved March 31, 1975.
CHAPTER 244
(S.B.No. 1188, As Amended)

AN ACT
AMENDING SECTION 57-718, IDAHO CODE, PROVIDING FOR MEMBERSHIP AND QUALIFICATIONS OF MEMBERS OF THE ENDOWMENT INVESTMENT BOARD; AMENDING SECTION 57-719, IDAHO CODE, PROVIDING FOR A PER DIEM TO MEMBERS OF THE BOARD FOR DAYS SPENT ON BOARD BUSINESS, AND DEFINING A QUORUM; AMENDING SECTION 57-727, IDAHO CODE, PROVIDING FOR SETTING OF SALARY OF THE INVESTMENT TRUSTEE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 57-718, Idaho Code, be, and the same is hereby amended to read as follows:

57-718. ESTABLISHMENT OF INVESTMENT BOARD — MEMBERS — QUALIFICATIONS. — There is hereby established in the office of the governor an investment board, hereinafter referred to as the "board." This board shall consist of the superintendent of public instruction, the director of the department of finance, and other members hereinafter designated who shall be appointed by the governor subject to senate confirmation. The members of the board subject to appointment shall be: one (1) citizen with a minimum of ten (10) years' broad experience in the field of public educational administration, one (1) member of the Idaho senate, one (1) member of the Idaho house of representatives, one (1) citizen with ten (10) years' experience in the stock and bond brokerage business, one (1) citizen, who is a member of the business community, not engaged in the business of banking or investments, one (1) banker engaged in the banking business in a state bank, and one (1) banker, engaged in the banking business in a nationally chartered bank and four (4) public members from the citizenry at large who are knowledgeable in financial matters and the placement or management of investments.

SECTION 2. That Section 57-719, Idaho Code, be, and the same is hereby amended to read as follows:

57-719. BOARD — APPOINTMENT OF MEMBERS — TERM — REMOVAL — VACANCIES — ORGANIZATION — QUORUM — MEETINGS — COMPENSATION. — The members of the board appointed by the governor shall serve for terms of four (4) years, provided that for the first term the governor shall appoint three (3) members who shall serve for a term of two (2) years, two (2) members who shall serve for a term of three (3) years,
and two (2) members who shall serve for a term of four (4) years. Members of the board shall serve until their successors have been selected and qualified.

A member of the board appointed by the governor shall not hold an office, position, or employment in a political party, with the exception of those members from the house of representatives and the senate. An appointed member may be removed from the board for cause by a two-thirds (2/3) vote of the full board.

A vacancy in the appointive membership of the board during a term thereof shall be filled by appointment by the governor for the unexpired term.

There shall be a chairman of the board elected by a majority of the members of the board. A majority of the members of the board shall constitute a quorum for the transaction of business. There must be two (2) of the members from the banking or investment appointees present to constitute a quorum.

The meetings of the board shall be held quarterly at the state capitol in Boise and at other times upon the call of the chairman or a majority of the board. The board members appointed hereunder shall be paid each the sum of thirty-five dollars ($35.00) for each day spent on board business and their necessary travel and living expenses incident to attending meetings of the board.

SECTION 3. That Section 57-727, Idaho Code, be, and the same is hereby amended to read as follows:

57-727. INVESTMENT TRUSTEE – STAFF – LEGAL ADVISORS. – (1) With the approval of two-thirds (2/3) of the members of the board, an investment trustee may be employed who shall perform such managerial activities and functions as the board may direct. The investment trustee shall serve at the pleasure of the board in an exempt position. The investment trustee shall be employed by the board. The salary of the investment trustee shall be set by the board, subject to approval of the governor, and be paid from income earned from the investment of the endowment funds. The investment trustee shall be bonded in an amount established by the board.

(2) The board may authorize the employment of whatever staff it deems necessary for the administration of the board's business. The investment trustee shall hire such authorized staff who shall hold their respective positions subject to the rules and regulations of the Idaho personnel commission. The salaries of all staff members shall be paid from income earned from the investment of the endowment funds as the board may direct.

(3) The director of the department of finance shall have access to any and all books and records maintained by the investment trustee and his staff as the board may deem necessary.

(4) The board shall be furnished adequate and qualified legal advisors by the attorney general's office.

(5) All current expenses, capital outlay, and travel expenses shall be paid from income earned from investment of the funds as the board may direct.

(6) The board shall, upon request of the agency involved, furnish advice to the
treasurer, the manager of the state insurance fund, and the public employees retirement board, and the board may, upon request of the agency, invest funds of the requesting agency.

SECTION 4. This act shall be in full force and effect on and after July 1, 1975.
Approved March 31, 1975.
AN ACT
AMENDING SECTION 41-327, IDAHO CODE, TO PROVIDE AN ADDITIONAL ADMINISTRATIVE PENALTY FOR FAILURE OF AN INSURER TO COMPLY WITH A LAWFUL ORDER OF THE DIRECTOR; AMENDING SECTION 41-1077, IDAHO CODE, TO PROVIDE AN ADDITIONAL ADMINISTRATIVE PENALTY FOR VIOLATION OF SPECIFIC CAUSES.

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

SECTION 1. That Section 41-327, Idaho Code, be, and the same is hereby amended to read as follows:

41-327. ADMINISTRATIVE PENALTY — SUSPENSION OR REVOCATION OF CERTIFICATE OF AUTHORITY — DISCRETIONARY AND SPECIAL GROUNDS. — (1) The commissioner director may, in his discretion, impose an administrative penalty not to exceed five thousand dollars ($5,000), for deposit in the general fund of the state of Idaho, or refuse to continue or suspend or revoke an insurer’s certificate of authority if he finds after a hearing thereon that the insurer has violated or failed to comply with any lawful order of the commissioner director, or any provision of this code other than those for which suspension or revocation is mandatory.

(2) The commissioner director shall suspend or revoke an insurer’s certificate of authority on any of the following grounds if he finds after a hearing thereon that the insurer:

(a) Is in unsound condition, or in such condition or using such methods and practices in the conduct of its business, as to render its further transaction of insurance in this state hazardous or injurious to its policyholders or to the public.

(b) Has failed, after written request therefor by the commissioner director, to remove or discharge an officer or director who has been convicted of any crime involving fraud, dishonesty, or like moral turpitude.

(c) With such frequency as to indicate its general business practice in this state, has without just cause refused to pay claims arising under coverages provided by its policies, whether the claim is in favor of an insured or is in favor of a third person with respect to the liability of an insured to such third person, or, with like frequency, without just cause compels insureds or claimants to accept less
than the amount due them or to employ attorneys or to bring suit against the insurer or such an insured to obtain full payment or settlement of such claims.

(d) Is affiliated with and under the same general management, or interlocking directorate, or ownership as another insurer which transacts direct insurance in this state without having a certificate of authority therefor, except as permitted under this code.

(e) Refuses to be examined, or if its directors, officers, employees, or representatives refuse to submit to examination relative to its affairs, or to produce its accounts, records, and files for examination by the commissioner when required, or refuse to perform any legal obligation relative to the examination.

(f) Has failed to pay any final judgment rendered against it in this state upon any policy, bond, recognizance, or undertaking issued or guaranteed by it, within thirty (30) days after the judgment became final, or within thirty (30) days after time for taking an appeal has expired, or within thirty (30) days after dismissal of an appeal before final determination, whichever date is the later.

(3) The commissioner may, in his discretion and without advance notice or a hearing thereon, immediately suspend the certificate of authority of any insurer as to which proceedings for receivership, conservatorship, rehabilitation, or other delinquency proceedings, have been commenced in any state by the public insurance supervisory official of such state.

SECTION 2. That Section 41-1077, Idaho Code, be, and the same is hereby amended to read as follows:

41-1077. ADMINISTRATIVE PENALTY — SUSPENSION, REVOCATION, REFUSAL OF LICENSE. — (1) The director may impose an administrative penalty not to exceed one thousand dollars ($1,000), for deposit in the general fund of the state of Idaho, suspend for not more than twelve (12) months, or may revoke or refuse to continue any license issued under this chapter, or under chapter 11, title 41, Idaho Code (adjusters), or any surplus lines broker's license if, after hearing held on not less than twenty (20) days' advance notice of such hearing and of the charges against the licensee given as provided in section 41-212(3), Idaho Code, to the licensee and to the insurers represented (as to an agent) or to the appointing agent or broker (as to a solicitor), he finds that as to the licensee any one or more of the following causes exists:

(a) For any cause for which issuance of the license could have been refused had it then existed and been known to the director.

(b) For obtaining or attempting to obtain any such license through fraud or through wilful misrepresentations or misstatements as to any material matter.

(c) For violation of or noncompliance with any applicable provision of this code, or for wilful violation of any lawful rule, regulation, or order of the director.

(d) For misappropriation or conversion to his own use, or illegal withholding, of moneys or property belonging to policyholders, insurers, or beneficiaries, or others and received in conduct of business under the license.
(e) Conviction, by final judgment, of a crime involving moral turpitude.

(f) For material misrepresentation of the terms of any insurance contract or proposed insurance contract or misrepresentation of any fact material to any insurance transaction or proposed transaction.

(g) If in the conduct of his affairs under the license the licensee has used fraudulent or dishonest practices, or has shown himself to be incompetent, untrustworthy or a source of injury and loss to the public or others.

(2) The license of an agent or broker or consultant firm or corporation may be suspended, revoked or refused for any of such causes as relate to any individual designated in, or registered with the director as to, the license to exercise its powers.

Approved March 31, 1975.
CHAPTER 247
(S.B.No. 1086)

AN ACT
AMENDING SECTION 20-229, IDAHO CODE, RELATING TO THE REVOCATION OF PAROLE HEARINGS, BY ALLOWING AN IMPARTIAL HEARING OFFICER APPOINTED BY A MAJORITY OF THE COMMISSION ON PARDONS AND PAROLES TO CONDUCT HEARINGS FOR ALLEGED VIOLATIONS OF PAROLE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 20-229, Idaho Code, be, and the same is hereby amended 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, or before an impartial hearings officer selected by a majority of the commission, at a place or places, within this state, reasonably near the site of the alleged violation or violations of parole.

SECTION 2. This act shall be in full force and effect on and after July 1, 1975.

Approved March 31, 1975.
CHAPTER 248
(S.B.No. 1214, As Amended)

AN ACT
RELATING TO CORPORATE TAKE-OVERS; ADDING A NEW CHAPTER 15, TITLE 30, IDAHO CODE, DEFINING TERMS; PROVIDING FOR THE FILING OF OWNERSHIP INFORMATION AFTER ACQUISITION; PROVIDING FOR REGISTRATION OF TAKE-OVER OFFERS; PROVIDING FOR THE FILING OF SOLICITATION MATERIALS; MAKING IT UNLAWFUL TO COMMIT CERTAIN FRAUDULENT AND DECEPTIVE PRACTICES; CREATING CERTAIN LIMITATIONS ON OFFERORS; PROVIDING FOR ADMINISTRATION OF THE CHAPTER IN THE DIRECTOR OF THE DEPARTMENT OF FINANCE; SETTING FEES AND EXPENSES; PROVIDING INJUNCTIVE RELIEF; ESTABLISHING CRIMINAL PENALTIES; SETTING FORTH CIVIL LIABILITIES; LIMITING THE APPLICATION OF THE CHAPTER AND PROVIDING FOR JOINT HEARINGS; AND MAKING THE SECURITIES LAW APPLICABLE WHEN NOT IN CONFLICT WITH THE ACT.

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

SECTION 1. That Chapter 15, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a new chapter, to be known and designated as Chapter 15, Idaho Code, and to read as follows:

CHAPTER 15
CORPORATE TAKE-OVERS
30-1501. DEFINITIONS. — When used in this chapter, unless the context otherwise requires:
(1) "Director" means the director of the department of finance.
(2) "Equity security" means any shares of stock or similar securities, or any securities convertible into such securities, or carrying any warrant or right to subscribe to or purchase such securities, or any such warrant or right, or any other security which, for the protection of investors, is deemed an equity security pursuant to rule of the director.
(3) "Offeror" means a person who makes or in any way participates in making a take-over offer, and includes all affiliates and associates of that person, and all persons acting jointly or in concert for the purpose of acquiring, holding or disposing of or exercising any voting rights attached to the equity securities for which a take-over
offer is made. “Offeror” does not include any bank or broker-dealer loaning funds to an offeror in the ordinary course of its business, or any bank, broker-dealer, attorney, accountant, consultant, employee, or other person furnishing information or advice to or performing ministerial duties for an offeror, and not otherwise participating in the take-over offer.

(4) “Offeree” means the beneficial owner of equity securities which an offeror acquires or offers to acquire in connection with a take-over offer.

(5) “Take-over offer” means the offer to acquire or the acquisition of any equity security of a target company, pursuant to a tender offer or request or invitation for tenders, if after the acquisition thereof the offeror would be directly or indirectly a beneficial owner of more than five per cent (5%) of any class of the outstanding equity securities of the issuer. “Take-over offer” does not include an offer or acquisition of any equity security of a target company pursuant to:

(a) Brokers’ transactions effected by or through a broker-dealer in the ordinary course of its business.

(b) An exchange offer for securities of another issuer, if the offer is exempted from registration or is registered under chapter 14, title 30, Idaho Code, and does not involve any public offering under the securities act of 1933.

(c) An offer made to not more than ten (10) persons in this state during any period of twelve (12) consecutive months.

(d) An offer made to all the stockholders of the target company, if the number of its stockholders does not exceed one hundred (100) at the time of the offer.

(e) An offer as to which the target company, acting through its board of directors, recommends acceptance to its stockholders, if the offer is made to all stockholders on substantially equal terms.

(f) An offer if the acquisition of any equity security pursuant thereto, together with all other acquisitions by the offeror of securities of the same class during the preceding twelve (12) months, would not exceed two per cent (2%) of that class of the outstanding equity securities of the issuer.

(g) An offer by the target company to acquire its own equity securities.

(6) “Target company” means a corporation or other issuer of securities which is organized under the laws of this state or has its principal office in this state, which has substantial assets located in this state, whose equity securities of any class are or have been registered under chapter 14, title 30, Idaho Code, or predecessor laws or section 12 of the securities exchange act of 1934, and which is or may be involved in a take-over offer relating to any class of its equity securities.

30-1502. FILING OF OWNERSHIP INFORMATION. — (1) Any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a target company, is directly or indirectly a beneficial owner of more than five per cent (5%) of any class of the outstanding equity securities of the issuer shall, within ten (10) days after such
acquisition, file with the director on a form prescribed by him a statement containing the following information and such additional information as the director by rule prescribes:

(a) The identity and background of all persons on whose behalf the acquisition of any equity security of the target company has been or is to be effected.

(b) The source and amount of funds or other consideration used or to be used in acquiring any equity security, including a statement describing any securities which are being offered in exchange for the equity securities of the target company, and if any part of the acquisition price is or will be represented by borrowed funds or other consideration, a description of the transaction and the names of the parties thereto.

(c) If the purpose of the acquisition is to gain control of the target company, a statement of any plans or proposals which such person has, upon gaining control, to liquidate the target company, sell its assets, effect its merger or consolidation, or make any other major change in its business, corporate structure, management or personnel.

(d) The number of shares or units of any equity security of the target company of which each such person and each associate of such person and each person included as an offeror is the beneficial owner or which each such person has a right to acquire, directly or indirectly, together with the name and address of each such person.

(e) Material information as to any contracts, arrangements or understandings with any person with respect to any equity security of the target company, including transfers of any equity security, joint ventures, loan or option arrangements, puts and calls, guarantees of loan, guarantees against loss, guarantees of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements or understandings have been entered into.

(2) If the target company is an issuer the acquisition of whose equity securities is subject to the requirements of section 13(d) of the securities exchange act of 1934, any person may file with the director a signed copy of the statement prescribed therein in lieu of the statement prescribed in section 30-1502(1), Idaho Code.

(3) Any person may file with the director, in lieu of the statement prescribed in section 30-1502(1), Idaho Code, and unless otherwise ordered by the director, a statement containing his name and address, the number of shares or units of any equity security of the target company which are beneficially owned directly or indirectly by him and each of his associates, the date of their acquisition and such other information as the director may by rule prescribe, if he certifies that such securities were acquired by him in the ordinary course of his business and not for the purpose or having the effect of changing or influencing the control of the issuer nor in connection with or as a participant in any transaction having such purpose or effect, and that he does not intend to make a take-over offer involving the
target company.

(4) If any material change occurs in the facts set forth in the statement, the person filing the statement shall, within ten (10) days thereafter, file with the director an amendment describing the change, in accordance with such rules as the director prescribes.

(5) Each person required to file any statement or amendment thereto with the director under this section shall send a signed copy of such statement or amendment by certified mail to the target company at its principal office not later than the date of filing.

(6) No person required to file any ownership statement under this section, who is delinquent in the filing of such statement, may file a registration statement relating to a proposed take-over offer for a period of sixty (60) days after the date of filing of the ownership statement, except as may be permitted by order of the director.

30-1503. REGISTRATION OF TAKE-OVER OFFERS. - (1) It is unlawful for any person to make a take-over offer involving a target company in this state, or to acquire any equity securities of a target company pursuant to the offer, unless the offer is effective under this chapter or is exempted by rule or order of the director. Before a take-over offer becomes effective under this chapter, the offeror shall file with the director a registration statement containing the information prescribed in section 30-1503(2), Idaho Code, and send a copy of the registration statement by certified mail to the target company at its principal office and publicly disclose the material terms of the proposed offer, not later than the date of filing of the registration statement.

(2) The registration statement shall be filed on forms prescribed by the director, and shall be accompanied by a consent by the offeror to service of process specified in section 30-1436, Idaho Code, and the filing fee specified in section 30-1508, Idaho Code, and shall contain the following information and such additional information as the director by rule prescribes:

(a) All of the information specified in section 30-1502(1), Idaho Code, any part of which may be incorporated by reference to the extent that it was previously filed.

(b) Three (3) copies of the proposed take-over offer, including all material terms thereof, in the form proposed to be published or sent or delivered to security holders of the target company.

(c) Material information concerning the organization and operations of any offeror which is a corporation, including the year, form and jurisdiction of its organization, a description of each class of its capital stock and long-term debt, a description of the business done by the offeror and its subsidiaries and any material changes therein during the past three (3) years, a description of the location and character of the principal properties of the offeror and its subsidiaries, a description of any material pending legal or administrative proceedings in which the offeror or any of its subsidiaries is a party, the names of all directors and executive officers of the offeror and their material business
activities and affiliations during the past three (3) years, and financial statements of the offeror for its three (3) most recent annual accounting periods and any current period.

(d) Material information concerning the identity and background of any offeror who is not a corporation, including his material business activities and affiliations during the past three (3) years, and a description of any material pending legal or administrative proceedings in which the offeror is a party.

(3) The director may require the offeror to file any other documents, exhibits and information that he deems material to the take-over offer, and he may permit the omission of any of the information specified in section 30-1503(2), Idaho Code, if he determines that such information is not required for the protection of offerees. The director may by order summarily delay the effective date of the offer if he determines that the registration statement does not contain all of the information specified in section 30-1503(2), Idaho Code, or does not provide full disclosure to offerees of all material information concerning the offer.

(4) A take-over offer becomes effective when approved by the director. The director may call a hearing if he deems it necessary or appropriate for the protection of offerees in this state, and shall call a hearing if so requested by the target company, acting through its board of directors. If a hearing is called, the offer shall not become effective until registered by order of the director.

(5) Any hearing called by the director under this section shall be held within twenty (20) days of the date of filing of the registration statement under section 30-1503(1), Idaho Code, and any determination made following the hearing shall be made within thirty (30) days after such filing, unless extended by order of the director for the convenience of the parties or for the protection of offerees in this state. If, following the hearing, the director finds that the take-over offer fails to provide for full disclosure to offerees of all material information concerning the offer, or will not be made to all stockholders on substantially equal terms or is in violation of chapter 14, title 30, Idaho Code, he shall by order deny registration of the offer. Registration of the offer is not deemed approval of the offer by the director.

30-1504. FILING OF SOLICITATION MATERIALS. — (1) Copies of all advertisements, circulars, letters or other materials published by the offeror or the target company, soliciting or requesting the acceptance or rejection of the take-over offer, shall be filed with the director and sent to the target company or offeror, respectively, not later than the time copies of such solicitation materials are first published or used or sent to security holders of the target company.

(2) Solicitation materials used in connection with a take-over offer shall not contain any false statement of a material fact or omit to state a material fact necessary to make the statement therein not misleading. The director may by rule or order prohibit the use of any solicitation materials deemed false or misleading.
30-1505. FRAUDULENT AND DECEPTIVE PRACTICES. — It is unlawful for any offeror or target company or any controlling person of an offeror or target company or any broker-dealer acting on behalf of an offeror or target company to engage in any fraudulent, deceptive or manipulative acts or practices in connection with a take-over offer. Fraudulent, deceptive and manipulative acts or practices include, without limitation:

(1) Publication or use in connection with the offer of any false statement of a material fact or omitting to state a material fact necessary to make the statements made by him not misleading, but not including the mailing by a target company to its stockholders of solicitation materials published by an offeror.

(2) Sale by any controlling stockholders of a target company in connection with a take-over offer of all or part of their equity securities to the offeror at a price higher than that to be paid other stockholders pursuant to the offer.

(3) Refusal by a target company to permit an offeror who is a stockholder of record to examine its list of stockholders, and to make extracts therefrom, pursuant to the applicable corporation statute, for the purpose of making a take-over offer in compliance with this chapter.

(4) Acquisition by or through a broker-dealer acting on behalf of an offeror of any equity security of the target company in connection with a take-over offer unless the broker-dealer files with the director such information as he requires and to the extent permitted by rule or order by the director, or unless the broker-dealer did not know and in the exercise of reasonable care could not have known that the person for whom it acted was an offeror or that the acquisition was in connection with a take-over offer.

30-1506. LIMITATIONS ON OFFERORS. — (1) No offeror may make a take-over offer involving a target company which is not made to all its stockholders in this state, or which is not made to stockholders in this state on substantially the same terms as the offer is made to stockholders outside this state.

(2) An offeror shall provide that any equity securities of a target company deposited or tendered pursuant to a take-over offer may be withdrawn by or on behalf of any offeree at any time within seven (7) days from the date the offer has become effective under this chapter and after sixty (60) days from the date the offer has become effective under this chapter, except as the director may otherwise prescribe by rule or order for the protection of investors.

(3) If an offeror makes a take-over offer for less than all the outstanding equity securities of any class, and if the number of securities deposited or tendered pursuant thereto within ten (10) days after the offer has become effective under this chapter and copies of the offer, or notice of any increase in the consideration offered, are first published or sent or given to security holders is greater than the number the offeror has offered to accept and pay for, the securities shall be accepted pro rata, disregarding fractions, according to the number of securities deposited or tendered by each offeree.
(4) If an offeror varies the terms of a take-over offer before its expiration date by increasing the consideration offered to security holders, the offeror shall pay the increased consideration for all equity securities accepted, whether such securities have been accepted by the offeror before or after the variation in the terms of the offer.

(5) No offeror may make a take-over offer involving a target company, or acquire any equity securities of a target company pursuant to the offer, at any time when an administrative or injunctive proceeding has been brought by the director against the offeror for violation of this chapter that has not been finally determined.

(6) No offeror may acquire, remove or exercise control, directly or indirectly, over any assets of a target company located in this state in connection with a take-over offer unless the take-over offer is effective or exempt under this chapter, except as permitted by order of the director.

30-1507. ADMINISTRATION, RULES AND ORDERS. — (1) This chapter shall be administered by the director of the department of finance, who may exercise all powers granted to him under chapter 14, title 30, Idaho Code, which are not inconsistent with this chapter.

(2) The director may make rules necessary to carry out the purposes of this chapter, including, without limitation, the definition of terms used in this chapter.

(3) The director may by rule or order exempt from any provisions of this chapter take-over offers that he determines are not made for the purpose or do not have the effect of changing or influencing the control of a target company or where compliance with this chapter is not necessary for the protection of the stockholders of the target company, and he may similarly exempt any persons from the filing of statements under this chapter.

(4) The director may by order direct any person to file any statement provided for in this chapter if it appears that such person is required to file such statement and is delinquent in the filing of such statement.

30-1508. FEES AND EXPENSES. — (1) For each registration statement filed by an offeror, the offeror shall pay a filing fee based upon the cost to the department of finance to examine and evaluate the registration statement in accordance with schedules adopted by the director. The schedules adopted by the director shall be designed to assure that the fees collected shall be sufficient to cover the cost of administering this act.

(2) All of the expenses reasonably attributable to any hearing held under this chapter shall be charged ratably to the offeror and the target company but the total amount charged shall not exceed one thousand five hundred dollars ($1,500.00).

30-1509. INJUNCTIONS. — Whenever it appears to the director that any person, including a controlling person of an offeror or target company, has engaged or is about to engage in any act or practice constituting a violation of this chapter or any rule or order hereunder, he may bring an action in the name of the state in any court of competent jurisdiction to enjoin the acts or practices and to enforce compliance with this chapter or any rule or order hereunder, or he may refer the matter to the attorney general or the
proper prosecuting attorney. Upon a proper showing, the court may grant a permanent or temporary injunction or restraining order or may order rescission of any sales or purchases of securities determined to be unlawful under this chapter or any rule or order hereunder. The court may not require the director to post a bond.

30-1510. CRIMINAL PENALTIES. — (1) Any person, including a controlling person of an offeror or target company, who wilfully violates this chapter or any rule under this chapter, or any order of which he has notice, may be fined not more than five thousand dollars ($5,000) or imprisoned not more than three (3) years or both. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense. No indictment or information may be returned under this chapter more than three (3) years after the alleged violation.

(2) The director may refer such evidence as is available concerning violations of this chapter or of any rule or order hereunder to the attorney general or the proper prosecuting attorney who may, with or without reference, institute the appropriate criminal proceedings under this chapter. If referred to a prosecuting attorney, he shall within ninety (90) days file with the director a statement concerning any action taken or, if no action has been taken, the reasons therefor.

(3) Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

30-1511. CIVIL LIABILITIES. — (1) Any offeror who purchases a security in connection with a take-over offer not in compliance with this chapter or by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, shall be liable to the person selling the security to him, who may sue either at law or in equity to recover the security, plus any income received by the purchaser thereon, upon tender of the consideration received, or for damages. Damages are the excess of either the value of the security on the date of purchase or its present value, whichever is greater, over the present value of the consideration received for the security. Tender requires only notice of willingness to pay the amount specified in exchange for the security. Any notice may be given by service as in civil actions or by certified mail to the last known address of the person liable.

(2) Every person who directly or indirectly controls a person liable under section 30-1511(1), Idaho Code, every partner, principal executive officer or director of such person, every person occupying a similar status or performing similar functions, every employee of such person who materially aids in the act or transaction constituting the violation, and every broker-dealer or agent who materially aids in the act or transaction constituting the violation, is also liable jointly or severally with and to the same extent as such person, unless the person liable hereunder proves that he did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of
which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

(3) No action may be maintained under this section unless commenced before the expiration of three (3) years after the act or transaction constituting the violation.

(4) The rights and remedies under this chapter are in addition to any other rights or remedies that may exist at law or in equity.

30-1512. APPLICATION OF CHAPTER. — (1) If the target company is an insurance company subject to regulation by the director of the department of insurance, a banking corporation subject to regulation by the director of the department of finance, a savings and loan association subject to regulation by the director of the department of finance, or a public utility subject to regulation by the public utilities commission, the director shall promptly furnish a copy of the registration statement filed under this chapter to the regulatory agency having supervision of the target company. Any hearing under this chapter involving any such target company shall be held jointly with the regulatory agency having supervision, and any determination following the hearing shall be made jointly with that regulatory agency.

(2) If the target company is a public utility, public utility holding company, national banking association, bank holding company or savings and loan association subject to regulation by a federal agency and the take-over of such company is subject to approval by that agency, this chapter shall not apply.

(3) This chapter shall not apply to any offer involving a class vote by stockholders of the target company, pursuant to its articles of incorporation or the applicable corporation statute, on a merger, consolidation or sale of corporate assets in consideration of the issuance of securities of another corporation, or sale of its securities in exchange for cash or securities of another corporation.

30-1513. APPLICATION OF SECURITIES LAW. — All of the provisions of chapter 14, title 30, Idaho Code, which are not in conflict with this chapter shall apply to any take-over offer involving a target company.

Approved March 31, 1975.
BE IT ENACTED by the Legislature of the State of Idaho:

SECTION 1. It is legislative intent that the expenditures for the Office of the Governor as set forth in section 2, not exceed the following amounts for the period July 1, 1975, through June 30, 1976:

FOR:

Personnel Costs $6,258,800
Operating Expenditures 3,208,500
Capital Outlay 139,100
Trustee & Benefit Payments 4,033,800

TOTAL $13,640,200
FROM:

General Fund $ 2,704,700
General Interaccount Fund 29,200
Dedicated Funds:
  Idaho Development and Publicity Fund 175,000
  Public Employee Retirement Fund 682,000
  Liquor Fund 3,311,100
  State Insurance Fund 814,800
  National Guard Educational Encouragement Fund 78,500
Federal Funds:
  Urban Planning Project Fund 96,000
  State Planning Fund 547,700
  Human Rights Fund 25,000
  Idaho Commission for the Blind Fund 539,200
  Adjutant General Receipts Fund 615,000
  Civil Defense Fund 39,800
  Radiological Instrument Repair Fund 198,700
  Law Enforcement Planning Commission Fund 3,765,500
  Criminal Justice Information Systems Fund 18,000
  TOTAL $13,640,200

SECTION 2. There is hereby appropriated to the Office of the Governor the following amounts, to be expended for designated programs according to expense classes designated therein from the listed fund for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>TRUSTEE AND</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL</td>
<td>OPERATING</td>
<td>CAPITAL</td>
<td>BENEFIT</td>
</tr>
<tr>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
<td>PAYMENTS</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A. GOVERNOR'S OFFICE ADMINISTRATION PROGRAM:

FROM:

<table>
<thead>
<tr>
<th>General Fund</th>
<th>$ 192,200</th>
<th>$ 90,300</th>
<th>$ 6,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>$ 192,200</td>
<td>$ 90,300</td>
<td>$ 6,000</td>
</tr>
<tr>
<td></td>
<td>$ 288,500</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. GOVERNOR'S RESIDENCE PROGRAM:

FROM:

<table>
<thead>
<tr>
<th>General Fund</th>
<th>$ 5,600</th>
<th>$ 7,700</th>
<th>$ 3,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTALS</td>
<td>$ 5,600</td>
<td>$ 7,700</td>
<td>$ 3,500</td>
</tr>
<tr>
<td></td>
<td>$ 16,800</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C. GOVERNOR'S EXPENSE ACCOUNT PROGRAM:

FROM:

<table>
<thead>
<tr>
<th>General Fund</th>
<th>$ 5,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTALS</td>
<td>$ 5,000</td>
</tr>
</tbody>
</table>

<p>| $ 5,000 | $ 5,000 |</p>
<table>
<thead>
<tr>
<th>FOR TRUSTEE AND</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL</td>
</tr>
<tr>
<td>-------------</td>
</tr>
</tbody>
</table>

**D. WESTERN REGIONAL GOVERNORS CONFERENCE PROGRAM:**

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$ 25,000</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 25,000</td>
</tr>
</tbody>
</table>

**E. TOURIST DEVELOPMENT PROGRAM:**

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$ 85,000</td>
</tr>
<tr>
<td>Idaho Development and Publicity Fund</td>
<td>147,800</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 85,000</td>
</tr>
</tbody>
</table>

**F. INDUSTRIAL DEVELOPMENT PROGRAM:**

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$ 42,600</td>
</tr>
<tr>
<td>Idaho Development and Publicity Fund</td>
<td>27,200</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 42,600</td>
</tr>
</tbody>
</table>

**G. PUBLIC EMPLOYEE RETIREMENT SYSTEM PROGRAM:**

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Employee Retirement Fund</td>
<td>$ 429,900</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 429,900</td>
</tr>
</tbody>
</table>

**H. NUCLEAR ENERGY COMMISSION PROGRAM:**

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$ 56,100</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 56,100</td>
</tr>
</tbody>
</table>

**I. LIQUOR DIVISION:**

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquor Fund</td>
<td>$2,363,100</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$2,363,100</td>
</tr>
</tbody>
</table>

**J. STATE INSURANCE FUND PROGRAM:**

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>State Insurance Fund</td>
<td>$ 572,700</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 572,700</td>
</tr>
<tr>
<td>K. SERVICE TO BLIND PROGRAM:</td>
<td></td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 87,500</td>
</tr>
<tr>
<td>Idaho Commission for the Blind Fund</td>
<td>290,400</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 377,900</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>L. MILITARY DIVISION ADMINISTRATION PROGRAM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 250,600</td>
</tr>
<tr>
<td>total</td>
<td>$ 288,500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>M. ADMINISTERING MILITARY FACILITIES:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 68,100</td>
</tr>
<tr>
<td>total</td>
<td>$ 353,100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>N. ADMINISTERING FEDERAL AND STATE CONTRACTS:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 52,700</td>
</tr>
<tr>
<td>total</td>
<td>$ 696,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>O. PREPARING FOR NATURAL OR MAN-MADE DISASTERS PROGRAM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 34,000</td>
</tr>
<tr>
<td>Civil Defense Fund</td>
<td>33,000</td>
</tr>
<tr>
<td>Radiological Instrument</td>
<td>145,700</td>
</tr>
<tr>
<td>total</td>
<td>$ 298,800</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>P. ADMINISTERING STATE FLGS PROGRAM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 2,000</td>
</tr>
<tr>
<td>total</td>
<td>$ 2,000</td>
</tr>
</tbody>
</table>
### Q. NATIONAL GUARD EDUCATIONAL ENCOURAGEMENT PROGRAM:

**FROM:**

- National Guard Educational
  - Encouragement Fund: $78,500
  - **TOTALS:** $78,500

### R. WOMEN’S COMMISSION PROGRAM:

**FROM:**

- General Fund: $9,000
  - **TOTALS:** $9,000

### S. HUMAN RIGHTS COMMISSION PROGRAM:

**FROM:**

- General Fund: $45,700
  - Human Rights Fund: $19,700
  - **TOTALS:** $65,400

### T. LAW ENFORCEMENT PLANNING PROGRAM:

**FROM:**

- General Fund: $142,100
  - Law Enforcement Planning Commission Fund: $257,000
  - **TOTALS:** $399,100

### U. STATE PLANNING AND COORDINATION PROGRAM:

**FROM:**

- General Fund: $67,800
  - Urban Planning Project Fund: 45,000
  - State Planning Fund: $57,300
  - **TOTALS:** $125,100

### V. LOCAL ASSISTANCE FOR PLANNING AND COMMUNITY AFFAIRS PROGRAM:

**FROM:**

- General Fund: $26,900
  - Urban Planning Project Fund: 11,300
  - State Planning Fund: $84,000
  - **TOTALS:** $122,200

### W. BUDGET PROGRAM:

**FROM:**

- General Fund: $176,100
  - General Interaccount Fund: 15,200
  - **TOTALS:** $191,300
X. MANAGEMENT ANALYSIS AND INFORMATION SYSTEMS PROGRAM:

FROM:

| General Fund | $106,800 | $16,900 | $1,500 | $125,200 |
| Criminal Justice | Information Systems Fund | 10,300 | 7,700 | 18,000 |
| Urban Planning Project Fund | 13,000 | 13,000 |
| State Planning Fund | 46,700 | 12,700 | 59,400 |
| **TOTALS** | **$176,800** | **$37,300** | **$1,500** | **$215,600** |

Y. DIVISION ADMINISTRATION PROGRAM:

FROM:

| General Fund | $124,900 | $6,600 | $300 | $131,800 |
| General Interaccount Fund | 10,000 | 10,000 |
| **TOTALS** | **$134,900** | **$6,600** | **$300** | **$141,800** |

Z. EDUCATION COMMISSION AND COUNCIL:

FROM:

| General Fund | $14,300 | $14,300 |
| **TOTALS** | **$14,300** | **$14,300** |

SECTION 3. In the event that additional money is received from federal sources by the program of preparing for natural or man-made disasters, as set forth in section 2, subsection 0., the general fund appropriation shall be reduced by a corresponding and equal amount, provided that such money is received to be used for payment of charges for office rent.

SECTION 4. There is hereby appropriated to the National Guard Educational Encouragement Fund from the general fund the amount of $78,500, for the period July 1, 1975, through June 30, 1976.

SECTION 5. There is hereby appropriated to the Office of the Governor from the enumerated fund the following amount for the designated projects, for the period from the effective date of this act through June 30, 1976:

FOR:

A. Refurbishing of the conference room located in the north wing, second floor, Capitol Building $8,000

B. Rewiring of electrical system and repair of heating system, Governor's residence 20,000

**TOTAL** $28,000

FROM:

Fiscal year 1975 general fund moneys $28,000
SECTION 6. (1) There is hereby appropriated to the Public Employees Retirement System from fiscal year 1975 general fund moneys the amount of $72,000 for deposit in the supplemental retirement fund, for the period from the effective date of this act through June 30, 1975.

(2) It is legislative intent that if the supplemental retirement fund is not created by law, the appropriation made in this section shall not be effective.

SECTION 7. This act shall be in full force and effect on and after July 1, 1975, except for sections 5 and 6 hereof. An emergency existing therefor, which emergency is hereby declared to exist, sections 5 and 6 shall be in full force and effect on and after passage and approval of this act.

Approved March 31, 1975.
CHAPTER 250
(S.B. No. 1222)

AN ACT
APPROPRIATING $100,000 FROM THE GENERAL FUND TO THE ATTORNEY GENERAL AND PRESCRIBING PURPOSES FOR WHICH THE MONEYS MAY BE EXPENDED, FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1976; 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, or so much thereof as may be necessary, the following amount to the Attorney General, for the period from the effective date of this act through June 30, 1976, which shall be solely utilized to engage the services of private legal counsel and technical experts to assist and represent the governmental entities of the state of Idaho and its counties whenever an ethical conflict concerning the representation of such entity arises or whenever the staff of the attorney general does not possess the special expertise necessary to conduct specialized litigation under circumstances where the attorney general would otherwise directly participate in the cause to which the governmental entity or county is a party; providing whenever a request for services of the attorney general authorized by law is made the attorney general may, when he deems it necessary to provide the assistance through persons not in his direct employ, use such moneys by presenting to the state auditor a voucher reflecting a bill for services by any private legal counsel or technical expert selected by the attorney general together with a statement of the reason for the use of the moneys.

FOR:
Special Services Litigation Fund $100,000
FROM:
General Fund $100,000

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 31, 1975.
CHAPTER 251
(S.B.No. 1070, As Amended)

AN ACT
ADDDING A NEW SECTION 30-1434A, IDAHO CODE, TO THE IDAHO SECURITIES
ACT TO EXEMPT RATES OF INTEREST CHARGED ON A DEBIT BALANCE IN
AN ACCOUNT FOR A CUSTOMER BY A BROKER OR DEALER REGISTERED
UNDER THE SECURITIES EXCHANGE ACT OF 1934, OR REGISTERED UNDER
THE IDAHO SECURITIES ACT, FROM THE PROVISIONS OF SECTION
28-22-105, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 14, 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
30-1434A, Idaho Code, and to read as follows:

30-1434A. INTEREST CHARGES BY BROKER OR DEALER. -- Rates of interest
charged by a broker or dealer registered under the Securities Exchange Act of 1934, as
amended, or registered under this chapter, as now or hereafter amended, on a debit balance
in an account for a customer, shall be exempt from the provisions of section 28-22-105,
Idaho Code, if such debit balance is payable at will without penalty and is secured by
securities as defined in section 28-8-102, 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 31, 1975.
CHAPTER 252
(H.B.No. 308)

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF PARKS AND RECREATION; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE DEPARTMENT OF PARKS AND RECREATION, TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976; SPECIFYING PURPOSES FOR A PORTION OF THE MONEYS APPROPRIATED; APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION, TO BE EXPENDED FOR DESIGNATED PURPOSES FROM THE LISTED FUNDS, FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1976; APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FROM THE ENUMERATED FUNDS, TO BE EXPENDED FOR THE DESIGNATED PURPOSES FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1976; APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FROM THE ENUMERATED FUND, TO BE EXPENDED FOR THE DESIGNATED PURPOSES IN ACCORDANCE WITH PRESCRIBED EXPENDITURE CLASSIFICATIONS FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1976, AND EXPRESSING LEGISLATIVE INTENT; EXEMPTING THIS ACT FROM THE PROVISIONS OF SECTION 67-5711, IDAHO CODE; PROVIDING AN EFFECTIVE DATE FOR CERTAIN SECTIONS OF THIS ACT AND DECLARING AN EMERGENCY FOR SECTIONS 4, 5 AND 6 OF THIS ACT.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Parks and Recreation made in section 2 of this act not exceed the following amounts for the period July 1, 1975, through June 30, 1976:
C.252 '75

FOR:

Personnel Costs $1,453,500
Operating Expenditures 567,900
Capital Outlay 286,500
Trustee & Benefit Payments 3,681,000
TOTAL $5,988,900

FROM:

General Fund $1,159,900

Dedicated Funds:

Park & Recreation Fund 162,400
Park & Recreation Capital Improvement Fund 196,000
Waterways Improvement Fund 307,000
Motorbike Recreation Fund 312,500
Lucky Peak Concession Fund 7,700
Lava Hot Springs Foundation Fund 232,100
Parks Donation Fund 21,000

Federal Funds:

Lava Hot Springs Bureau of Outdoor Recreation Fund 4,500
Federal Bureau of Outdoor Recreation Fund 3,485,800
Coast Guard Boating Safety Fund 100,000
TOTAL $5,988,900

SECTION 2. There is hereby appropriated to the Department of Parks and Recreation the following amounts, to be expended for designated programs according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>OPERATING EXPENDITURES</td>
<td>CAPITAL OUTLAY</td>
<td>TRUSTEE AND BENEFIT PAYMENTS</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A. ADMINISTRATION PROGRAM:

FROM:

General Fund $150,400 $51,200 $1,200 $202,800
Park & Recreation Fund 57,500 57,500
Federal Bureau of Outdoor Recreation Fund 31,100 31,100
TOTAL $181,500 $113,700 $1,200 $296,400

B. STATE PARK FUNCTIONS PROGRAM:

FROM:

General Fund $803,000 $124,900 $927,900
Park & Recreation Capital Improvement Fund 196,000 196,000
<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park &amp; Recreation Fund</td>
<td>70,000</td>
<td></td>
<td></td>
<td>70,000</td>
</tr>
<tr>
<td>Lava Hot Springs Foundation Fund</td>
<td>160,300</td>
<td>67,800</td>
<td>4,000</td>
<td>232,100</td>
</tr>
<tr>
<td>Lucky Peak Concession Fund</td>
<td>7,700</td>
<td></td>
<td></td>
<td>7,700</td>
</tr>
<tr>
<td>Parks Donation Fund</td>
<td>20,000</td>
<td>1,000</td>
<td></td>
<td>21,000</td>
</tr>
<tr>
<td>Lava Hot Springs Bureau</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Recreation Fund</td>
<td>4,500</td>
<td></td>
<td></td>
<td>4,500</td>
</tr>
<tr>
<td>Federal Bureau of Outdoor Recreation Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation Fund</td>
<td>136,000</td>
<td>79,700</td>
<td>76,600</td>
<td>292,300</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$1,099,300</td>
<td>$366,900</td>
<td>$285,300</td>
<td>$1,751,500</td>
</tr>
</tbody>
</table>

C. STATEWIDE RECREATION PLANNING & ASSISTANCE PROGRAM:

FROM:

<table>
<thead>
<tr>
<th>General Fund</th>
<th>Park &amp; Recreation Fund</th>
<th>Waterways Improvement Fund</th>
<th>Motorbike Recreation Fund</th>
<th>Federal Bureau of Outdoor Recreation Fund</th>
<th>Coast Guard Boating Safety Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,600</td>
<td>34,900</td>
<td>307,000</td>
<td>14,000</td>
<td>155,100</td>
<td>100,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TOTALS</th>
<th>$172,700</th>
<th>$87,300</th>
<th>$3,681,000</th>
<th>$3,941,000</th>
</tr>
</thead>
</table>

GRAND TOTALS | $1,453,500 | $567,900 | $286,500 | $3,681,000 | $5,988,900 |

SECTION 3. (a) Of the appropriation made in section 2, a minimum of $19,000 of the amount appropriated from the general fund for the State Park Function Program shall be used exclusively to provide staff for the Veterans Memorial State Park.

(b) Of the appropriation made in section 2, a minimum of $51,600 of the amount appropriated from the general fund and $25,000 of the amount appropriated from the Federal Bureau of Outdoor Recreation Fund for the State Park Function Program shall be used exclusively to construct a visitors' center and provide staff for the Hells Gate State Park.

SECTION 4. There is hereby appropriated to the Department of Parks and Recreation the following amounts, to be expended for designated purposes from the listed funds, for the period from the effective date of this act through June 30, 1976:
FOR:
Development of a master plan to insure future inclusion of the Harriman Railroad Ranch into the state park system $70,000

FROM:
Fiscal year 1975 general fund moneys $35,000
Federal Bureau of Outdoor Recreation Fund 35,000
TOTAL $70,000

SECTION 5. There is hereby appropriated to the Department of Parks and Recreation the following amounts from the enumerated funds, to be expended for the designated purposes for the period from the effective date of this act through June 30, 1976:

FOR:
Development of Veterans' Memorial State Park $360,800
Acquisition of Berg property, to consolidate an area for a state park on Lake Coeur d'Alene 350,000
TOTAL $710,800

FROM:
Fiscal year 1975 general fund moneys $355,400
Federal Bureau of Outdoor Recreation Fund 355,400
TOTAL $710,800

SECTION 6. (1) There is hereby appropriated to the Department of Parks and Recreation the following amount from the enumerated fund, to be expended for the maintenance and operation of the Cataldo Mission site, in accordance with the prescribed expenditure classifications for the period from the effective date of this act through June 30, 1976:

FOR:
Personnel Costs $ 19,500
Operating Expenditures 180,000
Capital Outlay 14,000
TOTAL $213,500

FROM:
Fiscal year 1975 general fund moneys $ 45,500
Economic Development Administration Fund 168,000
TOTAL $213,500

(2) It is legislative intent that the appropriation made in this section is expressly contingent upon the granting of a lease to the state of Idaho for the Cataldo Mission site.

SECTION 7. The provisions of this act, to include all preliminary matters through completion of construction, are expressly exempt from the provisions of section 67-5711, Idaho Code.

SECTION 8. This act shall be in full force and effect on and after July 1, 1975, except for sections 4, 5 and 6, hereof. An emergency existing therefor, which emergency is hereby declared to exist, sections 4, 5 and 6, shall be in full force and effect on and after passage and approval of this act.

Approved March 31, 1975.
CHAPTER 253
(H.B.No. 214, As Amended in the Senate)

AN ACT
AMENDING SECTION 61-801, IDAHO CODE, BY STRIKING THEREIN THE EXEMPTION DEFINING CASUAL AND OCCASIONAL TRANSPORTATION AND REPLACING SUCH EXEMPTION WITH A NEW DEFINITION; AND PROVIDING AN EFFECTIVE DATE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 61-801, Idaho Code, be, and the same is hereby amended to read as follows:

61-801. DEFINITIONS OF TERMS. — a. The term “person” when used in this act means any individual, firm, copartnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.
b. The term “permit” means a permit issued under this chapter to any motor carrier.
c. The term “highway” means the roads, highways, streets, and ways of the state.
d. The term “department” when used in this chapter means the department of law enforcement of this state acting directly or through its duly authorized officers and agents.
e. The term “motor vehicle” means any vehicle, machine, tractor, trailer, or semi-trailer propelled or drawn by mechanical power and used upon the highway in the transportation of passengers and/or property but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.
f. The term “common carrier” means any person, which holds itself out to the general public to engage in the transportation by motor vehicle in commerce in the state of Idaho of passengers or property or any class or classes thereof for compensation, whether over regular or irregular routes.
g. The term “contract carrier” means any person which, under individual contracts or agreements, engages in the transportation (other than transportation referred to in paragraph (f)) by motor vehicle of passengers or property in commerce in the state for compensation.
h. The term “private carrier” means any person not included in the terms “common carrier” or “contract carrier” who or which transports in commerce in the state by motor vehicle property of which such person is the owner, lessee, or bailee, when such property is for the purpose of sale, lease, rent, or bailment, or in the furtherance of any commercial enterprise.
i. The term “motor carrier” means common carrier, contract carrier or private carrier.

j. The term “transportation” to which this act applies includes all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or contract, express or implied, together with all services, facilities and property furnished, operated or controlled by any such carrier or carriers and used in the transportation of passengers and/or property in commerce in the state.

k. Nothing in this act shall be construed to include (1) motor vehicles employed solely in transporting school children and teachers to or from school or to and from approved school activities, when the motor vehicles are wholly owned and operated by such school; or (2) taxicabs or other motor vehicles performing a bona fide taxicab service, having a seating capacity of not more than seven (7) passengers; or (3) motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of hotel patrons between hotels and local railroads or other common carrier stations; or (4) motor vehicles controlled and operated by any farmer when used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm; or (5) motor vehicles used exclusively in the distribution of newspapers; or (6) transportation of persons or property by motor vehicle when incidental to transportation by aircraft; or (7) transportation of persons and/or property except transportation of any house, building or structure within a municipality or territory contiguous to such municipality if such operation outside such municipality be a part of a service maintained within the limits of the municipality with the privilege of transfer of passengers to vehicles within the municipality without additional fare; or (8) the casual, occasional, or regular transportation of persons or property by motor vehicle in commerce in the state of Idaho for compensation by any person not engaged in transportation by motor vehicle as a regular occupation or business, unless, in the case of transportation of passengers such transportation is sold or offered for sale or provided or procured or furnished, any farmer resident of the state of Idaho who transports the products of his farm or whose sole income from transportation in his motor vehicles is derived from the occasional transportation of the farm equipment or farm products of neighboring farmers from the place of production to a warehouse, regular market, place of storage, or place of shipment; or (9) motor propelled vehicles for the sole purpose of carrying United States mail or property belonging to the United States or casual transportation of freight in connection therewith not exceeding two hundred (200) pounds; or (10) private carriers primarily engaged in transportation of products of agriculture between the farm and the first point of storage or processing plants; or (11) motor carriers transporting products of the forest; or (12) motor carriers transporting products of the mine, except petroleum products and except carriers for compensation, either common or contract, primarily engaged in transportation of sand, gravel and aggregates thereof.

SECTION 2. This act shall be in full force and effect on and after July 1, 1975.

Approved March 31, 1975.
CHAPTER 254
(H.B.No. 52, As Amended, As Amended in the Senate)

AN ACT
RELATING TO STATE PURCHASES; REPEALING SECTIONS 67-5715 THROUGH 67-5737, IDAHO CODE; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY ENACTING NEW SECTIONS 67-5715 THROUGH 67-5737, IDAHO CODE, TO PRESCRIBE NEW STATE PURCHASING LAWS; STATING THE PURPOSE OF THE ACT; DEFINING TERMS; STATING THE POWERS AND DUTIES OF THE ADMINISTRATOR OF THE DIVISION OF PURCHASING; PROVIDING FOR REQUISITIONS, NOTICE, FORM AND THE PROCEDURE FOR BIDDING; PROVIDING FOR STATEMENTS OF INVENTORY AND REQUIREMENTS; PROVIDING FOR PURCHASE OF MINOR ITEMS AND EMERGENCY PURCHASES; PROVIDING FOR ACQUISITIONS BY OTHER THAN PURCHASE; PROVIDING FOR SALE, TRADE-IN, OR EXCHANGE OF STATE PERSONAL PROPERTY; PROVIDING FOR NEGOTIATED DISCOUNTS; PROVIDING FOR CONTRACTS WITH THE FEDERAL GOVERNMENT; PROVIDING FOR PRESERVATION OF RECORDS AND THAT CONTRACTS IN VIOLATION OF THE ACT ARE VOID; STATING CERTAIN PROHIBITIONS; PROVIDING FOR MAINTENANCE OF STOCKS BY THE ADMINISTRATOR; PROVIDING A REVOLVING FUND FOR STATE PURCHASES; MAKING THE ADMINISTRATIVE PROCEDURES ACT APPLICABLE; PROVIDING FOR REGISTRATION OF VENDORS AND DISQUALIFICATION; ESTABLISHING A PROCEDURE FOR CHALLENGING SPECIFICATIONS; REQUIRING CERTAIN RULES AND REGULATIONS; PROVIDING FOR DETERMINATIONS OFFICERS TO HEAR DISPUTES; ESTABLISHING PENALTIES FOR VIOLATIONS OF THE ACT; REQUIRING SPEEDY PROCESSING OF ADMINISTRATIVE WORK; PREVENTING ACCEPTANCE OF PROPERTY WHICH DOES NOT MEET SPECIFICATIONS; PROVIDING SEVERABILITY; REPEALING SECTIONS 67-2302 AND 67-2303, IDAHO CODE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Sections 67-5715 through 67-5737, Idaho Code, inclusive, be, and the same are hereby repealed.

SECTION 2. That Chapter 57, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of new sections, to be known and designated as Sections
67-5715 through 67-5737, Idaho Code, and to read as follows:

67-5715. PURPOSE OF ACT. — The Idaho legislature, recognizing that an offered low price is not always indicative of the greatest value, declares it to be the policy of the state to expect open competitive bids in acquisitions of property, and to maximize competition, and maximize the value received by the government of the state with attendant benefits to the citizens.

67-5716. DEFINITIONS OF TERMS. —

(1) Acquisition. The process of procuring or purchasing property by the state of Idaho.
(2) Procurement. Obtaining property for state use by lease, rent, or any manner other than by purchase or gift.
(3) Property. Goods, services, parts, supplies and equipment, both tangible and intangible, including, but nonexclusively, designs, plans, programs, systems, techniques and any rights and interests in such property.
(4) Goods. Items of personal property, not qualifying as equipment, parts or supplies.
(5) Services. Personal services, in excess of personnel regularly employed for whatever duration and/or covered by personnel system standards, for which bidding is not prohibited or made impractical by statute, rules and regulations or generally accepted ethical practices.
(6) Parts. Items of personal property acquired for repair or replacement of unserviceable existing items.
(7) Supplies. Items of personal property having an expendable quality or during its normal use is consumed and which requires or suggest acquisition in bulk.
(8) Equipment. Items of personal property which have a normal useful life expectancy of two (2) or more years.
(9) Component. An item of property normally assembled with other items into a unified productive whole at the site of use, which items belong to functional classes that may be interchangeable units of similar function but differing operational or productive capabilities.
(10) Vendor. A person or entity capable of supplying property to the state.
(11) Bidder. A registered vendor who has submitted a bid on a specific item or items of property to be acquired by the state.
(12) Lowest Responsible Bidder. The responsible bidder whose bid reflects the lowest acquisition price to be paid by the state; except that when specifications are valued or comparative performance examinations are conducted, the results of such examinations and the relative score of valued specifications will be weighed, as set out in the specifications, in determining the lowest acquisition price.
(13) Contractor. A bidder who has been awarded an acquisition contract.
(14) Registered Vendor. A qualified vendor registered with the administrator of the division of purchasing.
(15) Agency. All officers, departments, divisions, bureaus, boards, commissions and institutions of the state, including the public utilities commission, but excluding other
legislative and judicial branches of government, and excluding the governor, the lieutenant governor, the secretary of state, the state auditor, the state treasurer, the attorney general, and the superintendent of public instruction.

67-5717. POWERS AND DUTIES OF THE ADMINISTRATOR OF THE DIVISION OF PURCHASING. – The administrator of the division of purchasing:

(1) Shall acquire, according to the provisions of this chapter, all property for state agencies;

(2) Shall acquire all property, unless excepted, by competitive bid, and shall specifically require competitive bids for property to be rented, leased or purchased through a deferred payment plan;

(3) Shall determine, based upon the requirements contained in the specification and matter relating to responsibility, the lowest responsible bidder in all competitively bid acquisition contracts;

(4) Shall enter into all contracts and agreements, and any modifications thereto, for the acquisition of any and all property in behalf of and in the name of the state;

(5) Shall, when economically feasible and practical, consolidate requisitions and acquire property in amounts as large as can be efficiently managed and controlled;

(6) May appoint a deputy, who shall have power to act for him and in his place while absent, which deputy shall be bonded to the state of Idaho as prescribed by chapter 8, title 59, Idaho Code;

(7) May require from any contractor the submission of a performance bond for such sum as will, in the opinion of the administrator, guarantee the faithful performance of such contract, and the amount and requirement therefor shall be set out in the specifications;

(8) May enter into open contracts for the acquisition of property commonly used by the various agencies, based upon actual or estimated requirements;

Unless an acquiring agency can show a substantial difference between the required capabilities and the capabilities provided by such property available on open contract, all agencies must utilize such property available on such contracts and failure to comply with this provision will subject the officers responsible for the acquisition to the penalties set forth in this chapter;

(9) May enter into contracts, including leases and rentals, for periods of time exceeding one (1) year provided that such contracts contain no penalty to or restriction upon the state in the event cancellation is necessitated by a lack of financing for any such contract or contracts;

(10) Is authorized and empowered to formulate rules and regulations in the conduct of the office of the division of purchasing, subject to the approval of the director of the department of administration;

(11) May, on his own initiative, file a complaint with the director of the department of administration for hearing before a determinations officer whenever he believes the economic operation of state government is not being served by the actions of any
agency or employee subject to this chapter and a finding of a violation of the provisions of this chapter shall subject the violator to the penalty prescribed by section 67-5734(3), Idaho Code;

(12) May accept proposals and enter into negotiations, only for services which need not be bid;

(13) May inspect property delivered by a contractor to determine whether it meets minimum bid specifications;

(14) May classify, after review with the various agencies, the requirements of the state for all property which may be acquired and adopt standards of quality for property, and establish standard specifications for acquisition. Each standard specification shall, until revised or rescinded, apply alike in terms and effect to each future acquisition of the classified property.

67-5718. REQUISITIONS FOR PROPERTY - NOTICE - FORM - GUARANTEE - PROCEDURE FOR BIDDING. - The administrator of the division of purchasing shall not make or cause to be made any acquisition until a requisition for the property to be acquired has been filed in his office, and such requisition must bear the certificate of the head of the agency making the requisition that there are proper funds or sufficient balance in appropriations out of which the amount of the requisition may lawfully be paid, except as provided to the contrary under provisions of this chapter allowing emergency purchases.

If the property to be acquired may reasonably be expected to cost in excess of five thousand dollars ($5,000) if purchased, or two hundred dollars ($200) per month if procured, there must be accompanying the requisition a copy of the specifications proposed for use in the acquisition. Upon receipt of the requisition, notice must be commenced within a reasonable period of time and must allow not less than ten (10) days from notice to bid opening date.

Provided, however, that in cases where the total value of the property to be acquired is not in excess of five thousand dollars ($5,000) if purchased, or two hundred dollars ($200) per month if procured, the administrator shall notify registered vendors in such manner as he deems appropriate, and if he finds that it is impractical or impossible to obtain three (3) bids for the proposed transaction, he may acquire the property in any manner he deems best. For any acquisition not otherwise requiring specifications, the same may be required by regulation drawn by the administrator.

Provided further, however, that in connection with the award of any contract for the placement of any order for state printing, binding, engraving or stationery work, the provisions of sections 60-101 and 60-103, Idaho Code, shall apply to the extent that the same may be inconsistent with any requirements contained in this section.

Notice shall be sent to each registered vendor of the property to be acquired, except that if there are more than twenty (20) registered vendors for the property to be acquired, the administrator of the division of purchasing may, in his discretion, limit the notices sent to twenty (20). Nothing shall prevent all registered vendors from bidding on the property to be acquired. The administrator shall cause all invitations to bid to be posted in a
conspicuous place in his office.

The notice shall describe the property to be acquired in sufficient detail to apprise a bidder of the exact nature of the property required; and shall give the time when, and the place where, bids will be opened. The bid opening date shall be set forth in the specifications. Each bid shall be in writing, sealed and marked, "sealed bid for ________, to be opened __________, 19__" and shall be mailed or delivered to the office of the administrator of the division of purchasing at Boise, Idaho.

All sealed bids received shall be opened at the time and place specified in the invitation for bids, and in the public view, and a record of each bid shall then and there be made. Contracts shall be awarded to and orders placed with the lowest responsible bidder. The administrator shall have the right to reject any and all bids pursuant to rules and regulations established for the division. Rejections of individual bids are appealable to a determinations officer within three (3) days of the rejected bidder's receipt of notice of rejection citing the reasons therefor, which notice may be by telephone or otherwise.

Where both the bids and quality of property offered are the same, preference shall be given to property of local and domestic production and manufacture.

67-5719. STATEMENT OF SUPPLIES ON HAND — ESTIMATED REQUIREMENTS — INSPECTIONS AND INVENTORIES. — Every agency shall submit to the administrator, at such times as he may require, a written statement containing full information as to all property then in such agency and the estimated requirements of such agency for such period as the administrator may designate. Further, the administrator may, at any time, inspect or cause to be inspected and inventoried all such property in any agency and it shall be the duty of each officer and employee thereof to assist and furnish to the administrator full information for purposes of such examination or investigation.

67-5720. ACQUISITION OF MINOR ITEMS — EMERGENCY PURCHASES. — The administrator may allow, under rules and regulations prescribed, the purchase of minor items of property in the open market. When immediate delivery of property is required by the public exigencies and the administrator of the division of purchasing has declared that an emergency exists, the property required may be acquired by open purchase, but at all times such purchases shall be made under the direction of the administrator. The administrator may, in his discretion, declare an emergency when he finds that particular savings to the state may be had through the use of educational discounts, acquisition of federal surplus or excess property, when there is only one vendor for the property to be acquired, or under other circumstances approved by the director of the department of administration. Payment vouchers for emergency acquisitions must contain upon their faces the justification for such purchases.

67-5721. ACQUISITION OF NONOWNED PROPERTY — OPTIONS TO ACQUIRE — DETERMINATION OF OPTION COSTS. — Bids submitted for the acquisition of any property, the terms of payment for which are other than those of a purchase with attendant passage of title, shall be prepared on a basis which will allow the state full unlimited use, except for those periods required by the owner of such property for normal maintenance,
without incurring additional costs to the state beyond those included in the bid price submitted.

Any exercise of an option to acquire, or any other procedure which shall serve to pass title to the state where no passage of title existed before, shall be deemed to be a new acquisition and prior to execution all applicable provisions and procedures of this chapter shall be exercised.

67-5722. SALE, TRADE-IN OR EXCHANGE OF STATE PERSONAL PROPERTY.  
— Whenever any agency owns any property no longer economical to use, the administrator of the division of purchasing may dispose of such property by exchanging the same in part payment for new property. The administrator of the division of purchasing shall include in his request for bids a full description of the property to be exchanged as part payment and shall permit each registered vendor to examine the same, and the contract shall be awarded on the basis of net cost to the state after allowance for the property to be exchanged in part payment.

Exchange of property will be permitted only when it is determined by the administrator of the division of purchasing that all other methods of disposal of the property sought to be exchanged will yield a lesser monetary return to the state.

The head of any agency may, with the consent of the board of examiners, declare as surplus any item of personal property.

The administrator of the division of purchasing is authorized and empowered to hold, warehouse, distribute, and dispose of state surplus personal property on behalf of all agencies. The proceeds from the sale of such state surplus personal property shall be credited to the agency which made the original purchase, less expenses of the sale of such property.

67-5723. DISCOUNTS — NEGOTIATIONS FOR REQUIRED RULES, REGULATIONS AND PROCEDURES. — Whenever any employee of an agency is charged with the responsibility of acquiring property 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 acquisitions.

It shall be the duty of the administrator 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.

Elected state officers excluded from the definition of "agency" in section 67-5716, Idaho Code, shall file a statement annually of the purchases made in behalf of those offices listing the purchases made during the fiscal year and the costs thereof.

67-5724. CONTRACTS WITH FEDERAL GOVERNMENT OR ITS AGENCIES EXEMPT FROM CERTAIN PROVISIONS. — The administrator of the division of purchasing, on behalf of any agency, and the comparable purchasing officers of the several political subdivisions, municipal corporations and quasi-municipal corporations of the state on behalf of such political subdivisions, municipal and quasi-municipal corporations, within
the limits of available appropriations and requisitions made for acquisition thereof, may enter into any contract with the United States of America, or with any agency thereof, or with any agency established for disposition or distribution of surplus federal properties within this state, for the acquisition of any property, real or personal, without regard to provisions of law which require either (1) the posting of notices, (2) public advertising, (3) inviting or receiving of competitive bids, or (4) delivery of property acquired before payment, in any case where delivery may be constructively accomplished without manual possession.

67-5725. PRESERVATION OF RECORDS – WRITTEN CONTRACTS – VOID CONTRACTS. – The administrator shall preserve all records of bids and acquisition in his office, and information with respect thereto, in such form as he shall prescribe. The records shall be open during normal business hours for the inspection of those who may be interested. Every contract made by the administrator in behalf of the state shall be reduced to writing and signed by the contracting parties with their names at the end thereof and filed in the office of the administrator, together with all bids, specifications, and all other documents and records associated with the acquisition or intended acquisition.

All contracts or agreements made in violation of the provisions of this chapter shall be void and any sum of money advanced by the state of Idaho in consideration of any such contract or agreement shall be repaid forthwith. In the event of refusal or delay when repayment is demanded by the proper officer of the state of Idaho, under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of such sum of money so advanced.

67-5726. PROHIBITIONS. – (1) No contract or order or any interest therein shall be transferred by the contractor or vendor to whom such contract or order is given to any other party, without the approval in writing of the administrator. Transfer of a contract without approval shall cause the annulment of the contract so transferred, at the option of the state. All rights of action, however, for any breach of such contract by the contracting parties are reserved to the state. No member of the legislature or any officer or employee of any branch of the state government shall directly, himself, or by any other person in trust for him or for his use or benefit or on his account, undertake, execute, hold or enjoy, in whole or in part, any contract or agreement made or entered into by or on behalf of the state of Idaho, if made by, through, or on behalf of the department in which he is an officer or employee; or if made by, through or on behalf of any other department unless the same are made after competitive bids.

(2) Except as provided by section 67-5718, Idaho Code, no officer or employee shall influence or attempt to influence the award of a contract to a particular registered vendor, or to deprive or attempt to deprive any registered vendor of an acquisition contract.

(3) No officer or employee shall conspire with a vendor or its agent, and no vendor or its agent shall conspire with an officer or employee, to influence or attempt to influence the award of a contract, or to deprive or attempt to deprive a registered vendor of an
acquisition award.

(4) No officer or employee shall fail to utilize an open contract without justifiable cause for such action. No officer or employee shall accept property which he knows does not meet specifications or substantially meet the original performance test results.

(5) Deprivation, influence or attempts thereat shall not include written reports, based upon substantial evidence, sent to the administrator of the division of purchasing concerning matters relating to the responsibility of registered vendors.

67-5727. MAINTENANCE OF STOCKS – REQUISITIONS FROM STOCKS – PAYMENT. – The administrator is authorized to acquire, in the manner provided by this chapter and maintain on hand, reasonable stocks of property, excluding services commonly and currently being consumed in the several offices, departments and institutions of the state, in anticipation of requisitions therefor, and for that purpose to utilize the revolving fund provided by this chapter.

Upon requisition by any agency for acquisition of any property, excluding service, a stock of which is on hand, such agency shall be furnished such property from the maintained stock and payment shall be made therefor from the agency appropriations applicable in the manner provided by this chapter, upon such cost basis as may be determined by the administrator.

67-5728. REVOLVING FUND FOR PURCHASE OF PROPERTY. – There is hereby appropriated out of the general fund of the state treasury, not otherwise appropriated, a sum of two hundred fifty thousand dollars ($250,000) to be used as a revolving fund in the state treasury of the state of Idaho by the administrator of the division of purchasing for the purchase of property for the various agencies; when property has been so purchased for any agency, and has been paid for from said appropriation and fund, the payment of the agency for whom such property has been purchased shall be deposited with the state treasurer and the amount thereof credited to such revolving fund, and such revolving fund is hereby perpetually appropriated for the purpose herein set forth.

67-5729. APPLICATION OF ADMINISTRATIVE PROCEDURES ACT – STANDING TO CONTEST DETERMINATIONS. – All procedures and policies concerning acquisitions and the determinations of the administrator and determinations officer, unless specifically exempt in this chapter, are subject to the provisions of chapter 52, title 67, Idaho Code.

The determinations officer provided by this act may subpoena witnesses and evidence and administer oaths.

Any registered vendor showing an interest shall, notwithstanding any other disability, have standing to initiate, participate in as a party, and prosecute an action or appeal from any administrative proceeding commenced under this chapter and pursuant to chapter 52, title 67, Idaho Code.

67-5730. REGISTRATION OF VENDORS – RULES AND PROCEDURE – FAILURE TO BID. – (1) No vendor shall be allowed to submit a bid unless such vendor is qualified and has registered prior to the time of the bid opening. All vendors are qualified
unless disqualified. Qualified vendors shall be registered at any time upon request and submission of information required by rule and regulation of the administrator of the division of purchasing which shall include, but not be limited to, the following: name of the vendor, an official address and telephone number at which to receive notices from the administrator of the division of purchasing and a list of the property which the vendor would sell or supply to the state, and this list may be stated in terms of a general class of property in place of a specific itemization. A ten dollar ($10) registration fee shall accompany the request, which monies shall be deposited in the general fund of the state treasury.

Registered vendors may be removed from the list of registered vendors for failure to participate in five (5) consecutive acquisitions of property which such vendor is registered to supply to the state. A vendor so removed shall be given notice of removal and shall be eligible for re-registration at any time unless otherwise disqualified.

(2) Vendors may be disqualified for any of the following reasons:
(a) Failure to perform according to the terms of any agreement;
(b) Attempts by whatever means to cause acquisition specifications to be drawn so as to favor a specific vendor;
(c) Use of the provisions of this chapter to obstruct or unreasonably delay acquisitions by the state. Obstruction is hereby defined as a lack of success in more than fifty per cent (50%) of the specification challenges made in each of three (3) different acquisitions during any twenty-four (24) month period;
(d) Perjury in a vendor disqualification hearing;
(e) To knowingly violate the provisions of this chapter.

(3) A vendor shall be notified by registered mail within ten (10) days of disqualification and may, within thirty (30) days of the receipt of such notice, request of the director of the department of administration a hearing before a determinations officer. Any hearing shall be held in accordance with chapter 52, title 67, Idaho Code.

(4) In lieu of disqualification, the determinations officer may recommend to the director of the department of administration specific conditions to the vendor's continued participation in acquisitions by the state.

(5) Disqualification or conditions may be imposed for a period of not less than six (6) months or not more than five (5) years.

67-5731. PROCEDURE FOR CHALLENGING SPECIFICATIONS - HEARINGS ON INFLUENCING CONTRACTS - FINAL DETERMINATIONS. - There shall be, beginning with the day of receipt of notice, a period of not more than ten (10) working days in which any vendor, registered as able to sell or supply the items to be acquired, may notify in writing the administrator of the division of purchasing of his intention to challenge the specifications and briefly explain the nature of his challenge. Such vendor shall issue a specific challenge to the specifications within not more than ten (10) additional working days. The specific challenge shall describe the location of the challenged portion or clause in the specification document, unless the challenge concerns an omission, explain why any
provision should be struck, added or altered, and contain suggested corrections. All registered vendors who were invited to bid on the property sought to be acquired shall be sent a copy of both the notice to challenge and the specific challenge and may indicate in writing their agreement or disagreement with the challenge within five (5) days. Any registered vendor may note his agreement or disagreement with the challenge.

Upon receipt of the challenges and responses the administrator of the division of purchasing shall make the corrections suggested or he shall present the matter to the director of the department of administration for the appointment of a determinations officer. The determinations officer, after hearing, if requested in writing by a registered vendor capable of supplying the property or on his own motion, shall refer the challenged portion and any related portions to the author of the specification to be rewritten with the advice and comments of the registered vendors capable of supplying the property and/or reject all or any part of any challenge. If specifications are to be rewritten, the matter shall be continued until the officer makes a final determination of the acceptability of the revised specifications.

The administrator shall reset the bid opening no later than thirty (30) days after a final determination of challenges or the amendment of specifications.

Charges of any violation of this act may be submitted for hearing to the director of the department of administration for appointment of a determinations officer by an affected registered vendor, the administrator of the division of purchasing, or upon motion of the determinations officer.

67-5732. RULES AND REGULATIONS. — In addition to any other rules and regulations promulgated by the administrator, he shall draw regulations which shall serve to enhance the intent of this chapter. Among the subjects addressed shall be:

1. Regulations requiring specifications to be in writing, to contain all requirements including alternatives, to set forth all methods and procedures to be used in the submission and evaluation of bids, and such other matters as are necessary to facilitate the bidding process;

2. A regulation providing a means for interested vendors to cause alteration of any specification issued if such alteration will improve the competitiveness of bidding;

3. Regulations establishing the procedures for performance tests, where practical and advisable, and requiring equipment tested during the bidding procedure to substantially meet or exceed those test results prior to acceptance by the state;

4. Regulations controlling acquisition of components which shall prevent substantial changes in the performance of equipment through multiple successive acquisitions;

5. Regulations requiring, when practical, specifications to describe the function sought, the end results desired and the effect to be achieved by the property to be acquired;

6. Special regulations for specific categories of property, that because of the nature of the property and its distinguishability from other types of property, require specialized treatment to insure a more effective bidding process;

7. A regulation providing for notice and sale of personal property declared as surplus by an agency.
67-5733. DETERMINATIONS OFFICER. – The director of the department of administration is hereby authorized and directed to appoint a determinations officer whenever one is required by this act. The officer shall meet and render whatever determination is called for; provided that no bid may be awarded while there exists an unresolved complaint against an acquisition. Such officer shall exist only for the duration of unresolved complaints on an acquisition and shall be dismissed upon resolution of all such complaints; further, such officer shall resolve all complaints brought by the administrator of the division of purchasing and all appeals from his decisions or complaints brought by vendors or agencies. The determinations officer shall at all times conduct his business according to the provisions of chapter 52, title 67, Idaho Code, except for proceedings under section 67-5731, Idaho Code, and shall be guided in his determinations by the best economic interests of the state for both the near future and more extended periods of time. The determinations officer shall make findings of fact and conclusions of law and submit them for review by the director of the department of administration. In addition to the powers conferred on the determinations officer, the director of the department of administration may: impose the penalty prescribed by section 67-5734 (3), Idaho Code; enjoin any activity which violates this act; direct that bids be rejected, or sustained; direct that specifications be rejected, sustained or modified; and direct further legal action.

67-5734. PENALTIES. – (1) Any person convicted of a violation of subsection (1) or (2) of section 67-5726, Idaho Code, shall be guilty of a misdemeanor.

(2) Any person convicted of a violation of subsection (3) of section 67-5726, Idaho Code, shall be guilty of a felony.

(3) Any officer or employee found to have violated the provisions of subsection (4) of section 67-5726, Idaho Code, may, by order of the determinations officer, be suspended without pay for not more than ninety (90) working days, have a reprimand entered in his personnel file, or both.

67-5735. PROCESSING. – Within ten (10) days after the property acquired is delivered as called for by the bid specifications, the acquiring agency shall complete all processing required of that agency to permit the contractor to be reimbursed according to the terms of the bid. Within ten (10) days of receipt of the documents necessary to permit reimbursement of the contractor according to the terms of the contract, the state auditor shall cause a warrant to be issued in favor of the contractor and delivered.

67-5736. ACCEPTANCE. – No property to be acquired by an agency shall be accepted by the acquiring agency which does not meet the minimum bid specifications.

67-5737. PROVISIONS OF THIS CHAPTER CONTROLLING – SEVERABILITY. – Except as provided in section 67-5718, Idaho Code, insofar as the provisions of this chapter 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 chapter.

SECTION 3. That Section 67-2302 and 67-2303, Idaho Code, be, and the same are hereby repealed.

SECTION 4. This act shall be in full force and effect on and after July 1, 1975.

Approved March 31, 1975.
CHAPTER 255
(H.B.No. 191)

AN ACT
AMENDING SECTION 63-117, IDAHO CODE, RELATING TO DEFINITIONS, TO PROVIDE THAT INCOME FROM INHERITANCES AND VETERANS' COMPENSATION SHALL BE COUNTED AS INCOME, AND TO PROVIDE THAT PROOF OF TAXES LEVIED, INSTEAD OF TAXES PAID, SHALL BE A REQUIREMENT FOR A CLAIMANT; AMENDING SECTION 63-120, IDAHO CODE, RELATING TO TAX REDUCTION, BY CLARIFYING THE DEFINITIONS OF THE CLAIMANT'S HOUSEHOLD INCOME; AMENDING SECTION 63-125, IDAHO CODE, RELATING TO PROCEDURE AFTER REIMBURSEMENT, TO STRIKE REFERENCES TO PERCENTAGE REDUCTION AFFECTING TAXES PAID BY CLAIMANTS; DECLARING AN EMERGENCY AND PROVIDING 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. DEFINITIONS. - As used in sections 63-117 through and including 63-125, Idaho Code:

(a) "Income" means the sum of federal adjusted gross income as defined in the Internal Revenue Code (as defined by section 63-3004, Idaho Code), the amount of capital gains excluded from adjusted gross income, alimony, support money, income from inheritances, nontaxable strike benefits, the gross amount of any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act, state unemployment insurance laws, and veterans' disability pensions and compensation), nontaxable interest received from the federal government or any of its instrumentalities or a state government or any of its instrumentalities, workmen's compensation and the gross amount of "loss of earnings" insurance. It does not include gifts from nongovernmental sources or inheritances. "Income" shall be that received in the calendar year immediately preceding the year in which a claim is filed.

(b) "Household" means the association of persons who live in the same dwelling, sharing its furnishings, facilities, and accommodations and expenses. The term does not include bona fide lessees, tenants, or roomers and boarders on contract.

(c) "Household income" means all income received by all persons of a household in a
calendar year while members of the household.

(d) "Homestead" means the dwelling, owned by the claimant and occupied by the persons of a household as their home, and so much of the land surrounding it, not exceeding one (1) acre, as is reasonably necessary for the use of the dwelling as a home. It may consist of a part of a multi-dwelling or multi-purpose building and part of the land upon which it is built. ("Owned" includes a vendee in possession under a land contract and of one (1) or more tenants in common). It does not include personal property such as furniture, furnishings or appliances, but a mobile home may be a homestead.

(e) "Claimant" means a person who has filed a claim under the provisions of sections 63-117 through and including 63-125, Idaho Code. To be eligible to file a claim, a person must have been domiciled in this state during the three (3) calendar years immediately preceding the year in which his claim was filed, and must have owned a homestead, evidenced by proof of taxes paid levied, in this state during the three (3) calendar years immediately preceding the year in which his claim was filed, and:

(i) must be not less than sixty-five (65) years old on January 1 of the year in which his claim was filed, or
(ii) a fatherless child under the age of eighteen (18) years of age, or
(iii) a widow, or
(iv) an honorably discharged veteran of the armed forces of the United States who served during the Indian Wars, the Spanish-American War, or World War I, or
(v) a disabled veteran 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 has a pension for nonservice-connected disabilities, in accordance with laws and regulations administered by the United States veterans administration, or
(vi) a 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, or
(vii) blind.

SECTION 2. That Section 63-120, Idaho Code, be, and the same is hereby amended to read as follows:

63-120. AMOUNT OF TAX REDUCTION. - (1) Each claimant qualifying for and applying for a reduction in taxes under the provisions of sections 63-117 through and including 63-125, Idaho Code, shall be allowed a reduction in taxes for the current year only, in the amounts provided by subsection (4) of this section.

(2) All taxes continue to be the responsibility of the individual taxpayer, all taxes continue to be liens against the property against which assessed, and all taxes may be collected and enforced in the usual manner, if the taxpayer does not receive any tax reduction as provided under the provisions of sections 63-117 through and including 63-125, Idaho Code, or if the taxpayer receives less tax reduction than the whole amount of
The amount of tax reduction that each claimant may receive shall be initially estimated by the county assessor by:

(a) Estimating the amount of taxes due for the current year by applying last year's mill levies to the current year's assessed value of the property of the claimant;

(b) Calculating a reduction in the estimated taxes otherwise due.

Reductions shall be allowed as follows:

When the claimant's household income is:

- Under $3,000, or under $3,500, the reduction may be:
  - $200, or actual taxes, whichever is less;
  - $175, or actual taxes, whichever is less;

- $3,501, but not more than $4,000, the reduction may be:
  - $150, or actual taxes, whichever is less;

- $4,001, but not more than $4,500, the reduction may be:
  - $125, or actual taxes, whichever is less;

- $4,501, but not more than $5,000, the reduction may be:
  - $100, or actual taxes, whichever is less.

SECTION 3. That Section 63-125, Idaho Code, be, and the same is hereby amended to read as follows:

63-125. PROCEDURE AFTER REIMBURSEMENT. (1) Upon receipt of the notice of percentage reduction from the state tax commission, the county auditor shall immediately notify the board of county commissioners and the board shall take this reduction into consideration in making its tax levies, and the board of county commissioners is authorized to increase any levy to the extent necessary to compensate for the percentage reduction, any tax levy limitation to the contrary notwithstanding. The percentage reduction shall not be borne by the claimants except to the extent that their taxes are affected by any increase in levies.

(2) The moneys received by the county treasurer under the provisions of section 53-124(2), Idaho Code, 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.

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, and retroactively to January 1, 1975.

Approved March 31, 1975.
CHAPTER 256

(H.B.No. 237, As Amended)

AN ACT

AMENDING SECTION 33-513, IDAHO CODE, RELATING TO THE POWERS AND DUTIES OF BOARDS OF TRUSTEES OF SCHOOL DISTRICTS CONCERNING PROFESSIONAL PERSONNEL, BY AMENDING SUBSECTION 4 THEREOF RELATING TO SUPERVISION, EVALUATION AND NOTICE OF REEMPLOYMENT FOR CERTIFICATED EMPLOYEES WHO ARE NOT EMPLOYED ON RENEWABLE CONTRACT, TO PROVIDE FOR ESTABLISHING CRITERIA AND PROCEDURES FOR THE SUPERVISION AND EVALUATION OF SUCH EMPLOYEES, TO PROVIDE THAT SUCH PROCEDURES SHALL REQUIRE NOT LESS THAN ONE EVALUATION PRIOR TO THE SECOND SEMESTER, TO PROVIDE FOR NOTIFICATION IN WRITING OF AREAS OF DEFICIENCIES AND RECOMMENDATIONS FOR IMPROVEMENT, AND TO PROVIDE FOR A PROBATIONARY PERIOD.

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

SECTION 1. That Section 33-513, Idaho Code, be, and the same is hereby amended to read as follows:

33-513. PROFESSIONAL PERSONNEL. — The board of trustees of each school district, including any specially chartered district, shall have the following powers and duties:

1. To employ professional personnel, on written contract in form approved by the state board of education, conditioned upon a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder. Should the board of trustees fail to enter into written contract for the employment of any such person, the state board of education shall withhold ensuing apportionments until such written contract be entered into. When the board of trustees has sent a proposed contract for the next ensuing year to any such person, such person shall have a period of time to be determined by the board of trustees in its discretion, but in no event less than ten (10) days from the receipt by the person of the proposed contract, in which time to sign the contract and return it to the board.

The board of trustees shall withhold the salary of any teacher who does not hold a teaching certificate valid in this state. It shall not contract to require an teacher to make up time in attending any meeting called by the state board o
education or by the state superintendent of public instruction; nor while attending regularly scheduled official meetings of the state teachers association; nor while school is closed as provided in section 33-1001, Idaho Code, as now appearing or as it may be amended.

2. In the case of school districts other than elementary school districts, to employ a superintendent of schools for a term not to exceed three (3) years, who shall be the executive officer of the board of trustees with such powers and duties as the board may prescribe. The superintendent shall also act as the authorized representative of the district whenever such is required, unless some other person shall be named by the board of trustees to act as its authorized representative.

3. To suspend, grant leave of absence, place on probation or discharge certificated professional personnel for continued violation of any lawful rules or regulations of the board of trustees or of the state board of education, or for any conduct which could constitute grounds for revocation of a teaching certificate. No certificated professional employee shall be discharged during a contract term except under procedures prescribed by the state board of education.

4. To develop guidelines and procedures for the supervision and evaluation of certificated employees who are not employed on a renewable contract, as provided for in section 33-1212, Idaho Code. Such procedures shall require at least one (1) evaluation prior to the beginning of the second semester of the school year, and when any such teacher's work is found to be unsatisfactory a probationary period shall be established which shall continue until the time for the reissuing of the yearly contract as provided in this paragraph. This procedure shall not preclude recognition of unsatisfactory work at a subsequent evaluation and the establishment of a reasonable period of probation. In all instances, the teacher shall be duly notified in writing of the areas of work which are deficient, including the conditions of probation. Until the third year of continuous employment by the same school district, including any specially chartered district, each such certificated employee shall be given notice, in writing, whether he will be reemployed for the next ensuing year. Such notice shall be given by the board of trustees no later than the fifteenth day of May of each such year. If the board of trustees has decided not to reemploy the certificated employee, then the notice must contain a statement of reasons for such decision and the employee shall, upon request, be given the opportunity for an informal review of such decision by the board of trustees.

5. To request, under extenuating circumstances, special retirement consideration from the public employees retirement board on behalf of any employee on renewable contract under section 33-1212, Idaho Code, if such employee is fifty-five (55) years of age or older.

Approved March 31, 1975.
CHAPTER 257

(H.B. No. 100, As Amended)

AN ACT

AMENDING SECTION 3-409, IDAHO CODE, RELATING TO LICENSE FEES, BY PROVIDING FOR AN INCREASE IN LICENSE FEES OF PERSONS PRACTICING LAW.

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 1975, and thereafter, pay 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; seventy-five dollars ($75.00) each year for the next four calendar years following the calendar year of such admission; and one hundred dollars ($100) for the fifth calendar year following the calendar year of such admission, and one hundred dollars ($100) one hundred fifty dollars ($150.00) 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).

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 and expended by the commissioners of the Idaho state bar shall be audited annually by a certified public accountant.

Approved March 31, 1975.
CHAPTER 258
(H.B.No. 285)

AN ACT
AMENDING CHAPTER 39, TITLE 31, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 31-3908, IDAHO CODE, TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS MAY ESTABLISH AN AMBULANCE SERVICE DISTRICT, TO PROVIDE FOR A PETITION TO REQUEST FORMATION, TO PROVIDE FOR PUBLICATION OF THE PETITION, TO PROVIDE FOR A HEARING, TO PROVIDE FOR RECORDING THE ORDER CREATING THE DISTRICT, TO PROVIDE PROCEDURE FOR ANNEXATION, DEANNEXATION OR DISSOLUTION, TO PROVIDE THAT THE DISTRICT SHALL BE RECOGNIZED AS A LEGAL TAXING DISTRICT, AND TO PROVIDE GOVERNMENT OF THE DISTRICT BY THE BOARD OF COUNTY COMMISSIONERS AND AUTHORIZE A LEVY FOR PURPOSES OF THE DISTRICT.

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

SECTION 1. That Chapter 39, 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 31-3908, Idaho Code, and to read as follows:

31-3908. AMBULANCE DISTRICT AUTHORIZED. — (1) The county commissioners of any county shall, upon petition signed by not less than fifty (50) qualified electors 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 an ambulance service district within the county as may be designated in the petition.

(a) A petition to form an ambulance service district shall be presented to the county clerk and recorder. The petition shall be signed by not less than fifty (50) of the resident real property holders within the proposed district. The petition shall designate the boundaries of the district.

(b) The petition shall be filed with the county clerk and recorder of the county in which the signers of the petition are located. Upon the filing of the petition the county clerk shall examine the petition and certify whether the required number of petitioners have signed the petition. If the number of petition signers is sufficient, the clerk shall transmit the petition to the board of county commissioners.
(c) 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. With the publication of the petition there shall be published a notice of the time of the meeting of the board of county commissioners when the petition will be considered stating that all persons interested may appear and be heard. 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.

At the time of filing the petition the sponsors thereof shall cause to be deposited with the county clerk a sufficient sum of money to cover the cost of publication of the petition and all necessary notices. If the petition and notices are not published the deposit shall be returned to whomever 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 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.

(d) At the time set for hearing the petition, the board of county commissioners shall hear all persons who desire to be heard relative to the creation of an ambulance service 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 protesters, if any. After the hearing or hearings, the board of county commissioners shall adopt a resolution either creating the proposed ambulance service district or denying the petition. When the board of county commissioners creates an ambulance service district the board shall adopt a resolution describing the boundaries of the district.

(e) When the board of county commissioners adopts the resolution creating the ambulance service district, the board shall include in the resolution the name of the district, and file a copy of the order creating the district with the county clerk and recorder, for which the clerk shall receive a fee of three dollars ($3.00).

(f) Procedures for annexation, deannexation, or dissolution of a district created pursuant to this section shall be in substantial compliance with the provisions for public notice and hearing provided herein, and shall be by resolution adopted by the board of county commissioners.

(2) When the board of county commissioners has ordered the creation of an ambulance service district, pursuant to the provisions of this section, such district is hereby recognized as a legal taxing district.

(3) The board of county commissioners shall be the governing board of an ambulance service district created pursuant to this section, and shall exercise the duties and
responsibilities provided in chapter 39, title 31, Idaho Code. In any county where an ambulance service district is created as provided herein, the board of county commissioners is authorized to levy a special tax, not to exceed two (2) mills, upon all taxable property within the district for the purposes of the district, but the levy otherwise authorized in section 31-3901, Idaho Code, shall not be made on taxable property within the district.

Approved March 31, 1975.
AN ACT
AMENDING SECTION 31-3113, IDAHO CODE, TO INCREASE THE SALARIES OF CERTAIN PROSECUTING ATTORNEYS; 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 as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>$25,000</td>
</tr>
<tr>
<td>Adams</td>
<td>$ 6,500</td>
</tr>
<tr>
<td>Bannock</td>
<td>$13,500 - $15,000</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$ 6,000</td>
</tr>
<tr>
<td>Benewah</td>
<td>$ 7,500</td>
</tr>
<tr>
<td>Bingham</td>
<td>$12,000</td>
</tr>
<tr>
<td>Blaine</td>
<td>$18,000</td>
</tr>
<tr>
<td>Boise</td>
<td>$ 3,600</td>
</tr>
<tr>
<td>Bonner</td>
<td>$10,500</td>
</tr>
<tr>
<td>Bonneville</td>
<td>$12,500</td>
</tr>
<tr>
<td>Boundary</td>
<td>$ 4,000 - $12,000</td>
</tr>
<tr>
<td>Butte</td>
<td>$ 6,600</td>
</tr>
<tr>
<td>Camas</td>
<td>$10,000</td>
</tr>
<tr>
<td>Canyon</td>
<td>$13,500 - $15,500</td>
</tr>
<tr>
<td>Caribou</td>
<td>$ 6,000 - $ 6,600</td>
</tr>
<tr>
<td>Cassia</td>
<td>$14,000 - $15,000</td>
</tr>
<tr>
<td>Clark</td>
<td>$ 3,600</td>
</tr>
<tr>
<td>Clearwater</td>
<td>$14,000</td>
</tr>
<tr>
<td>Custer</td>
<td>$ 6,000</td>
</tr>
<tr>
<td>Elmore</td>
<td>$12,000 - $15,000</td>
</tr>
<tr>
<td>Franklin</td>
<td>$ 6,000 - $ 6,200</td>
</tr>
<tr>
<td>Fremont</td>
<td>$ 9,500 - $10,000</td>
</tr>
</tbody>
</table>
If the prosecuting attorney of a county is not a resident of that county, the county commissioners shall set the salary of the prosecuting attorney, not to exceed the amount prescribed for the county in this section.

SECTION 2. This act shall be in full force and effect on and after January 1, 1976. Approved March 31, 1975.

CHAPTER 260
(H.B.No. 271)

AN ACT

PROPRIATING MONEY FROM THE GENERAL FUND TO THE LEGISLATIVE COUNCIL FOR THE LEGISLATIVE TAX ANALYSIS COMPUTER SERVICE.

It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated from the general fund to the legislative council the sum of ten thousand dollars ($10,000) for the purpose of providing assistance in revenue projections through the legislative tax analysis computer service.

Approved March 31, 1975.
CHAPTER 261
(H.B.No. 195, As Amended in the Senate)

AN ACT
AMENDING SECTION 41-338, IDAHO CODE, BY PROVIDING A MAXIMUM COMMISSION FOR COUNTERSIGNING AGENTS, AND PROVIDING FOR A WAIVER OF COMMISSION.

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

SECTION 1. That Section 41-338, Idaho Code, be, and the same is hereby amended to read as follows:

41-338. EXCEPTIONS TO RESIDENT AGENT, COUNTERSIGNATURE LAW.

(1) Nothing in section 41-337, Idaho Code, shall be construed as preventing the free and unlimited right to negotiate wholly outside of this state contracts of insurance by licensed nonresident brokers, provided the policies, endorsements or evidence of insurance covering properties or insurable interests in this state are countersigned by a resident agent of this state, in which event the countersigning agent shall receive a commission of not less than five per cent (5%) of the premium paid or one-third (1/3) of the commission paid to the licensed nonresident broker, whichever is less; provided, however, the payment to the countersigning agent shall not exceed the sum of two hundred fifty dollars ($250) per policy, and when the countersigning commission to be paid is less than five dollars ($5.00), the countersigning agent may waive any commission due him.

(2) Section 41-337, Idaho Code, shall not apply to the following contracts:

(a) Life insurance and annuities;
(b) Disability insurance;
(c) Title insurance; countersignature of title insurance policies is as provided in section 41-2702, Idaho Code;
(d) Policies covering property in transit while in the possession or custody of any common carrier, or the rolling stock or other property of any common carrier used and employed by it as a common carrier of freight or passengers, or both;
(e) Reinsurance or retrocessions made by or for authorized insurers;
(f) Contracts issued by domestic reciprocal insurers writing workmen’s compensation for employers commonly known as self-insurers; nor, with respect to countersignature, to policies issued by a reciprocal insurer not using agents compensated by commissions in the general solicitation of business;
(g) Bid bonds issued by a surety insurer in connection with any public or private contract; or
(h) Ocean marine insurance.

Approved March 31, 1975.
AN ACT

AMENDING SECTION 61-812, IDAHO CODE, BY SUBSTITUTING PROPOSED NEW FEES FOR VARIOUS APPLICATIONS UNDER THE IDAHO MOTOR CARRIER ACT.

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

SECTION 1. That Section 61-812, Idaho Code, be, and the same is hereby amended to read as follows:

61-812. FEES CONNECTED WITH ADMINISTRATION OF LAW. – The commission shall charge and collect the following fees and none other, in the administration of this chapter:

Application for a permit shall be accompanied by an application fee of $150.00

Application for transfer of a permit $150.00

Application for the assignment of a permit $150.00

Application for the issuance of a duplicate permit $10.00

Application for permit reinstatement $100.00

Application for permit suspension $25.00

Application for temporary permit $50.00

For copies of any records of the public utilities commission pertaining to motor carriers, per 100 words or portion thereof $0.40

Annual registration of interstate carrier authority or exemption $25.00

Annual regulatory fee per power unit of each common or contract motor carrier $21.00

Annual regulatory fee per power unit of each private motor carrier $7.00

Approved March 31, 1975.
CHAPTER 263
(H.B.No. 295)

AN ACT
APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, TO BE EXPENDED FOR THE DESIGNATED OFFICES, PROGRAMS, AGENCIES, BOARD AND INSTITUTIONS FOR THE SPECIFIED PURPOSES, FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1976; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts, to be expended for the designated offices, programs, agencies, board and institutions for the specified purposes from the enumerated funds for the period from the effective date of this act through June 30, 1976:

A. UNIVERSITY OF IDAHO:
FOR:
Affirmative Action $81,200
FROM:
Endowment Funds

B. COOPERATIVE EXTENSION SERVICE:
FOR:
Affirmative Action $46,000
FROM:
Fiscal year 1975 general fund moneys

C. OFFICE OF THE STATE BOARD OF EDUCATION:
FOR:
Family Practice Residency Program $150,000
FROM:
Fiscal year 1975 general fund moneys

D. LEWIS-CLARK STATE COLLEGE:
FOR:
Capital Outlay and Roof Repairs $88,400
FROM:
Fiscal year 1975 general fund moneys $88,400
E. STATE LIBRARY BOARD:
FOR:
Grants to local public libraries
for construction $133,000
FROM:
Fiscal year 1975 general fund moneys $133,000
F. UNIVERSITY OF IDAHO:
FOR:
Equipment for Veterinary Science Building $100,000
FROM:
Fiscal year 1975 general fund moneys $100,000
G. UNIVERSITY OF IDAHO:
FOR:
Capital Outlay, College of Mines and College of Engineering $320,000
FROM:
Fiscal year 1975 general fund moneys $320,000
H. AGRICULTURAL RESEARCH:
FOR:
Capital Outlay $100,000
FROM:
Fiscal year 1975 general fund moneys $100,000
I. VOCATIONAL EDUCATION:
FOR:
Capital Outlay for agricultural vocational-technical programs, Idaho State University $20,600
FROM:
Fiscal year 1975 general fund moneys $20,600

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 31, 1975.
CHAPTER 264

(H.B.No. 301)

AN ACT

REPEALING SECTION 56-203A, IDAHO CODE, RELATING TO THE AUTHORITY OF THE DEPARTMENT OF HEALTH AND WELFARE TO REPRESENT A DEPENDENT CHILD IN OBTAINING PUBLIC ASSISTANCE; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-203A, IDAHO CODE, TO PROVIDE AUTHORITY TO THE DEPARTMENT OF HEALTH AND WELFARE TO ENFORCE CHILD SUPPORT LAWS; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-203B, IDAHO CODE, TO PROVIDE THAT PAYMENT OF PUBLIC ASSISTANCE FOR A CHILD CONSTITUTES A DEBT TO THE DEPARTMENT OF HEALTH AND WELFARE BY THE NATURAL OR ADOPTIVE PARENTS; AND AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-203C, IDAHO CODE, TO PROVIDE THAT POWERS OF THE DEPARTMENT OF HEALTH AND WELFARE SHALL BE AUTHORIZED THROUGH THE ATTORNEY GENERAL OR THE COUNTY PROSECUTING ATTORNEY.

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

SECTION 1. That Section 56-203A, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 56-203A, Idaho Code, and to read as follows:

56-203A. AUTHORITY OF DEPARTMENT TO ENFORCE CHILD SUPPORT - SUPPORT ENFORCEMENT SERVICES. — Whenever the department receives an application for public assistance on behalf of a child and it shall appear to the satisfaction of the department that said child has been abandoned by its parents, or that the child and one parent have been abandoned by the other parent, or that the parent or other person who has a responsibility for the care, support or maintenance of such child has failed or neglected to give proper care or support to such child, the department shall take appropriate action under the provisions of this chapter, the abandonment or nonsupport statutes, or other appropriate statutes of this state to ensure that such parent or other person responsible shall pay for the care, support or maintenance of said dependent child.

The department may accept applications for support enforcement services on behalf
of persons who are not recipients of public assistance and may take action as it deems appropriate to establish or enforce support obligations against persons owing a duty to pay support. Action to establish support obligations may be taken under the abandonment or nonsupport statutes or other appropriate statutes of this state. The board of health and welfare may establish, by regulation, such reasonable standards as it deems necessary to limit applications for support enforcement services. Said standards shall take into account the income, property or other resources already available to support said person for whom a support obligation exists.

The department may charge fees to compensate it for services rendered in establishment of or enforcement of support obligations. The board of health and welfare shall, by regulation, establish reasonable fees for support enforcement services, and said schedules of fees shall be made available to all applicants for support enforcement services. The department may, on showing of necessity, waive or defer any such fee.

SECTION 3. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 56-203B, Idaho Code, and to read as follows:

56-203B. PAYMENT OF PUBLIC ASSISTANCE FOR CHILD CONSTITUTES DEBT TO DEPARTMENT BY NATURAL OR ADOPTIVE PARENTS – LIMITATIONS – DEPARTMENT SUBROGATED TO RIGHTS. – Any payment of public assistance money made to or for the benefit of any dependent child or children creates a debt due or owing to the department by the natural or adoptive parent or parents who are responsible for support of such children in an amount equal to the amount of public assistance money so paid. Provided, that where there has been a district court order, the debt shall be limited to the amount provided for by said order. The department shall have the right to petition the appropriate district court for modification of a district court order on the same grounds as a party to said cause. Where a child has been placed in foster care, and a written agreement for payment of support has been entered into by the responsible parent or parents and the department, the debt shall be limited to the amount provided for in said agreement. Provided, that if a court order for support is or has been entered, the provisions of said order shall prevail over the agreement.

The department shall be subrogated to the right of said child or children or person having the care, custody and control of said child or children to prosecute or maintain any support action existing under the laws of the state of Idaho to obtain reimbursement of moneys thus expended. If a district court order enters judgment for an amount of support to be paid by an obligor parent, the department shall be subrogated to the debt created by such order, and said money judgment shall be deemed to be in favor of the department. This subrogation shall specifically be applicable to temporary spouse support orders, family maintenance orders and alimony orders up to the amount paid by the department in public assistance moneys to or for the benefit of a dependent child or children but allocated to the benefit of said children on the basis of providing necessities for the caretaker of said
Debt under this section shall not be incurred, by nor at any time be collected from a parent or other person who is the recipient of public assistance moneys for the benefit of minor dependent children for the period such person or persons are in such status.

SECTION 4. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 56-203C, Idaho Code, and to read as follows:

56-203C. – POWERS OF DEPARTMENT THROUGH THE ATTORNEY GENERAL AND COUNTY PROSECUTING ATTORNEYS. – In order to carry out its responsibilities imposed under this chapter, the state department of health and welfare, through the attorney general or the respective county prosecuting attorney, is hereby authorized to:

1) Represent a dependent child or dependent children on whose behalf public assistance is being provided in obtaining any support order necessary to provide for his or their needs or to enforce any such order previously entered.

2) Appear as a friend of the court in divorce or separate maintenance suits, or proceedings supplemental thereto, when either or both of the parties thereto are receiving public assistance, for the purpose of advising the court as to the financial interest of the state of Idaho therein.

3) Appear on behalf of the custodial parent of a dependent child or children on whose behalf public assistance is being provided, when so requested by such parent, for the purpose of assisting such parent in securing a modification of a divorce or separate maintenance decree wherein no support, or inadequate support, was given for such child or children. If the parent does not request such assistance, or refuses it when offered, the attorney general or prosecuting attorney may nevertheless appear as a friend of the court at any supplemental proceeding, and may advise the court of such facts as will show the financial interest of the state of Idaho therein; but the attorney general or prosecuting attorney shall not otherwise participate in the proceeding.

4) If public assistance has been applied for or granted on behalf of a child of parents who are divorced or legally separated, the attorney general or prosecuting attorney may apply to the district court in such action for an order directing either parent or both to show cause:

(a) Why an order of support for the child should not be entered, or
(b) Why the amount of support previously ordered should not be increased, or
(c) Why the parent should not be held in contempt for his failure to comply with any order of support previously entered.

5) Initiate any civil proceedings deemed necessary by the department to secure reimbursement from the parent or parents of minor dependent children for all moneys expended by the state in providing assistance or services to said children.

6) When requested by the department, appear on behalf of a minor child or its custodial parent, who are not recipients of public assistance, in obtaining any support order necessary to provide for his or their needs or to enforce any such order previously entered.

Approved March 31, 1975.
CHAPTER 265
(H.B.No. 306)

AN ACT

APPROPRIATING $2,000,000 FROM THE SURPLUS IN THE GENERAL FUND OF THE STATE OF IDAHO TO THE IDAHO TRANSPORTATION BOARD FOR THE PURPOSE OF CONSTRUCTION AND IMPROVEMENT OF THE STATE HIGHWAY SYSTEM FOR WHICH FEDERAL AID HIGHWAY FUNDS ARE NOT AVAILABLE AND TO FINANCE REPLACEMENT OF INADEQUATE BRIDGES FOR WHICH FEDERAL AID FUNDING IS INSUFFICIENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Idaho Transportation Board from the general fund of the state of Idaho the sum of $2,000,000 for the purpose of construction and improvement of the state highway system for which federal aid highway funds are not available, and to finance replacement of inadequate bridges for which federal aid funding is insufficient.

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 31, 1975.
CHAPTER 266
(H.B.No. 317)

AN ACT

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

SECTION 1. Through the efforts of the state auditor, the state treasurer, the board of examiners, and various state agencies, the legislature has been made aware that certain problems exist in the manner in which the state treats, manages and provides for the fund structure of the state, and that there exist conflicting and inadequate statutory descriptions of duties, responsibilities, functions and powers of the various executive department offices and agencies with regard to financial matters.

It is the intent of this act, through the appropriations and instructions herein made, to provide a mechanism to explore and recommend any necessary changes in the fund structure of the state so that the state's financial managers can take advantage of, utilize, and have the benefits accrue to the citizens of the state of all recognized and beneficial accounting, auditing and budgeting processes as such relate to the fund structure; and to resolve any conflicts or inadequate statutory provisions describing the duties, responsibilities, functions and powers of the various executive department offices and agencies.

SECTION 2. There is hereby appropriated the sum of $27,000 from the general fund to the state auditor to do all things necessary to explore and recommend changes in the fund structure of the state, and to explore and recommend changes to resolve any conflicts or inadequate provisions describing duties, responsibilities, functions and powers of the various executive department offices and agencies; further, such exploration and recommendation shall be coordinated by the joint senate finance-house appropriations committee, in compliance with section 67-435, Idaho Code, and with the division of budget, policy planning and coordination, as an interested party. The moneys herein appropriated may be utilized along with any other suitable funds available to the state auditor for such purposes.
and may be shared with or matched with funds available from any other source, the provisions of sections 67-3516 and 67-3517, Idaho Code, notwithstanding.

SECTION 3. There is hereby appropriated the sum of $6,000 from the general fund to the state treasurer to do all things necessary to explore and recommend changes in the fund structure of the state, and to explore and recommend changes to resolve any conflicts or inadequate provisions describing duties, responsibilities, functions and powers of the various executive department offices and agencies; further, such exploration and recommendation shall be coordinated by the joint senate finance-house appropriations committee, in compliance with section 67-435, Idaho Code, and with the division of budget, policy planning and coordination, as an interested party. The moneys herein appropriated may be utilized along with any other suitable funds available to the state treasurer for such purposes, and may be shared with or matched with funds available from any other source, the provisions of sections 67-3516 and 67-3517, Idaho Code, notwithstanding.

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, and through June 30, 1976.

Approved March 31, 1975.
AN ACT AMENDING SECTION 31-3104, IDAHO CODE, TO INCREASE THE SALARIES OF CERTAIN COUNTY COMMISSIONERS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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. — All county commissioners shall be reimbursed for their actual and necessary expenses during their term of office and the annual salaries of the county commissioners in the various counties shall be set forth as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>$17,000</td>
</tr>
<tr>
<td>Adams</td>
<td>$7,750</td>
</tr>
<tr>
<td>$3,050</td>
<td></td>
</tr>
<tr>
<td>Bannock</td>
<td>$10,000</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$7,800</td>
</tr>
<tr>
<td>$3,200</td>
<td></td>
</tr>
<tr>
<td>Benewah</td>
<td>$4,200</td>
</tr>
<tr>
<td>Bingham</td>
<td>$7,000</td>
</tr>
<tr>
<td>$8,000</td>
<td></td>
</tr>
<tr>
<td>Blaine</td>
<td>$4,200</td>
</tr>
<tr>
<td>Boise</td>
<td>$7,500</td>
</tr>
<tr>
<td>$3,000</td>
<td></td>
</tr>
<tr>
<td>Bonner</td>
<td>$8,500</td>
</tr>
<tr>
<td>Bonneville</td>
<td>$10,000</td>
</tr>
<tr>
<td>Boundary</td>
<td>$4,800</td>
</tr>
<tr>
<td>Butte</td>
<td>$2,000</td>
</tr>
<tr>
<td>Camas</td>
<td>$1,600</td>
</tr>
<tr>
<td>$1,800</td>
<td></td>
</tr>
<tr>
<td>Canyon</td>
<td>$11,500</td>
</tr>
<tr>
<td>Caribou</td>
<td>$3,000</td>
</tr>
<tr>
<td>$3,200</td>
<td></td>
</tr>
<tr>
<td>Cassia</td>
<td>$3,840</td>
</tr>
<tr>
<td>Clark</td>
<td>$1,800</td>
</tr>
<tr>
<td>Clearwater</td>
<td>$4,999</td>
</tr>
<tr>
<td>Custer</td>
<td>$2,400</td>
</tr>
<tr>
<td>Elmore</td>
<td>$4,200</td>
</tr>
<tr>
<td>Franklin</td>
<td>$3,200</td>
</tr>
</tbody>
</table>
C.267 '75 IDAHO SESSION LAWS 719

Fremont $ 3,500
Gem $ 3,500 $ 3,800
Gooding $ 3,900 $ 3,200
Idaho $ 3,600 $ 3,800
Jefferson $ 3,600
Jerome $ 3,600 $ 3,800
Kootenai $12,000
Latah $ 5,700 $ 7,000
Lemhi $ 2,600
Lewis $ 2,400
Lincoln $ 2,000 $ 2,200
Madison $ 3,500
Minidoka $ 4,200 $ 4,800
Nez Perce $ 9,000 $10,000
Oneida $ 3,000
Owyhee $ 3,000
Payette $ 4,000
Power $ 2,200
Shoshone $12,000
Teton $ 2,100
Twin Falls $10,000
Valley $ 3,900 $ 3,300
Washington $ 4,000

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, and retroactively to January 1, 1975.

Approved March 31, 1975.
CHAPTER 268
(H.B. No. 323)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE
PUBLIC UTILITIES COMMISSION; AND APPROPRIATING MONEYS FROM THE
FUNDS ENUMERATED TO THE PUBLIC UTILITIES COMMISSION TO BE
EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED
EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1,

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

SECTION 1. It is legislative intent that the expenditures for the Public Utilities
Commission not exceed the following amounts for the period July 1, 1975, through June
30, 1976:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Fund</td>
</tr>
<tr>
<td>Operating Expenses</td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Dedicated Funds:</td>
</tr>
<tr>
<td></td>
<td>Public Utilities Commission Fund</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
</tr>
<tr>
<td></td>
<td>$847,900</td>
</tr>
<tr>
<td></td>
<td>335,000</td>
</tr>
<tr>
<td></td>
<td>27,100</td>
</tr>
<tr>
<td></td>
<td>$1,210,000</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Public Utilities Commission the
following amounts, to be expended for designated programs, according to expense classes
designated therein from the listed funds for the period July 1, 1975, through June 30,
1976:

<table>
<thead>
<tr>
<th></th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. UTILITIES REGULATION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td>$354,300</td>
<td>$201,000</td>
<td>$15,000</td>
<td>$570,300</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$354,300</td>
<td>$201,000</td>
<td>$15,000</td>
<td>$570,300</td>
</tr>
</tbody>
</table>
### B. TRANSPORTATION REGULATION PROGRAM:

<table>
<thead>
<tr>
<th>Source Fund</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Utilities Commission Fund</td>
<td>$230,200</td>
<td>$77,500</td>
<td>$8,000</td>
<td>$315,700</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$230,200</strong></td>
<td><strong>$77,500</strong></td>
<td><strong>$8,000</strong></td>
<td><strong>$315,700</strong></td>
</tr>
</tbody>
</table>

### C. ADMINISTRATION PROGRAM:

<table>
<thead>
<tr>
<th>Source Fund</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$130,500</td>
<td>$</td>
<td>$</td>
<td>$130,500</td>
</tr>
<tr>
<td>Public Utilities Commission Fund</td>
<td>132,900</td>
<td>56,500</td>
<td>4,100</td>
<td>193,500</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$263,400</strong></td>
<td><strong>$56,500</strong></td>
<td><strong>$4,100</strong></td>
<td><strong>$324,000</strong></td>
</tr>
<tr>
<td><strong>GRAND TOTALS</strong></td>
<td><strong>$847,900</strong></td>
<td><strong>$335,000</strong></td>
<td><strong>$27,100</strong></td>
<td><strong>$1,210,000</strong></td>
</tr>
</tbody>
</table>

Approved March 31, 1975.
CHAPTER 269
(H.B. No. 318)

AN ACT

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

SECTION 1. Senate Bill No. 1207, as passed by the First Regular Session, Forty-third Idaho Legislature, is hereby repealed.

SECTION 2. There is hereby appropriated out of the funds enumerated the following amounts to the Supreme Court to be expended for the designated programs from the listed funds for the period July 1, 1975, through June 30, 1976:

<table>
<thead>
<tr>
<th>FOR MAJOR PROGRAMS:</th>
<th>FROM GENERAL FUND</th>
<th>FROM MISCELLANEOUS RECEIPTS FUND</th>
<th>FROM ALCOHOL SAFETY ACTION PROGRAM FUND</th>
<th>FROM FEDERAL FUNDS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>$938,000</td>
<td>$10,000</td>
<td>$206,000</td>
<td></td>
<td>$1,154,000</td>
</tr>
<tr>
<td>Law Library</td>
<td>133,200</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Court</td>
<td>1,321,900</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Magistrate Division</td>
<td>1,372,400</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Judicial Council</td>
<td>27,900</td>
<td></td>
<td></td>
<td></td>
<td>27,900</td>
</tr>
<tr>
<td>Matching Funds — Federal Grants</td>
<td>22,200</td>
<td></td>
<td></td>
<td>400,000</td>
<td>422,200</td>
</tr>
</tbody>
</table>

TOTALS $3,815,600 $10,000 $206,000 $400,000 $4,431,600

Approved March 31, 1975.
CHAPTER 270
(H.B.No. 41, As Amended)

AN ACT
RELATING TO COMPENSATION OF PUBLIC EMPLOYEES; PROVIDING THAT ANY
GOVERNMENTAL ENTITY MAY CONTRACT WITH ITS EMPLOYEES TO
DEFER A PORTION OF THAT EMPLOYEE’S COMPENSATION UP TO TWENTY-
FIVE PER CENT TO OBTAIN FAVORABLE FEDERAL INCOME TAX TREAT-
MENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. The state of Idaho, or any department, division or separate agency of
the state, and any county, city, or political subdivision of the state acting through its
governing body, is hereby authorized to contract with an employee to defer a portion of
that employee’s income, and may subsequently with the consent of the employee, purchase
a life insurance or fixed and/or variable annuity contract, for the purpose of funding a
deferred compensation program for the employee, from any life underwriter duly licensed
by this state who represents an insurance company licensed to contract business in this
state. In no event shall the total payments made for the purchase of said life insurance
contract, or fixed and/or variable annuity contract and the employee’s nondeferred income
for any year exceed the total annual salary, or compensation under the existing salary
schedule or classification plan applicable to such employee in such year. Any income
defered under such a plan shall continue to be included as regular compensation for the
purpose of computing the retirement contributions and pension benefits earned by any
employee, but any sum so deducted shall not be included in the computation of any taxes
withheld on behalf of any such employee.

Coverage of an employee under a deferred compensation plan under this section shall
not render such employee ineligible for simultaneous membership and participation in the
pension systems for public employees which are otherwise provided for.

For the purpose of this act the state auditor is authorized to make such deductions
from salary when requested by the governing officer or body of the state of Idaho, or any
department, division or separate agency of the state. The auditor shall also designate an
administrator.

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 31, 1975.
A CONCURRENT RESOLUTION
RATIFYING AND ADOPTING THE ACTS OF THE ORGANIZATION SESSION OF THE FORTY-THIRD LEGISLATURE.

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

WHEREAS, the Senate and the House of Representatives of the Forty-third Legislature of the State of Idaho met in Organizational Session on December 5, 6 and 7, 1974, pursuant to law; and

WHEREAS, certain resolutions and other acts were voted upon and passed.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that all appointments, authorizations, rules, and all other acts passed upon by the Organizational Session of the Forty-third Legislature, are hereby ratified, affirmed and adopted in the same manner as if they were the acts of the First Regular Session of the Forty-third Legislature.

A CONCURRENT RESOLUTION

AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO CONTINUE THE
STUDY OF THE IDAHO PERSONNEL SYSTEM AND TO APPOINT SUCH
CONSULTANTS AND ADVISORS AS ARE NECESSARY, AND TO REPORT ITS
RECOMMENDATIONS TO THE SECOND REGULAR SESSION OF THE FORTY-
THIRD IDAHO LEGISLATURE.

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

WHEREAS, Senate Concurrent Resolution No. 137 of the Second Regular Session of
the Forty-second Idaho Legislature directed the Legislative Council to undertake a study of
the personnel system of the state of Idaho, and

WHEREAS, a committee was appointed and met during the interim to fulfill the
requirements of the resolution, and legislation was prepared to implement the recommenda-
tions of the committee, and

WHEREAS, one recommendation of the committee is that the study be continued for
one additional year to complete the efforts of the committee.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the
Forty-third Idaho Legislature, the Senate and the House of Representatives concurring
therein, that the Legislative Council appoint a committee composed of the members of the
Senate and House State Affairs Committees to study the Personnel System of the State of
Idaho, and authorize such committee to hire such consultants and appoint such advisors as
are necessary to complete its task, and

BE IT FURTHER RESOLVED that the committee thus appointed report its
recommendations to the Second Regular Session of the Forty-third Idaho Legislature.

Adopted by the Senate February 6, 1975.       Adopted by the House March 21, 1975.
A CONCURRENT RESOLUTION
DIRECTING THE LEGISLATIVE COUNCIL TO CONDUCT A COMPREHENSIVE REVIEW OF THE IDAHO FISH AND GAME CODE IN COOPERATION WITH THE IDAHO FISH AND GAME COMMISSION AND DEPARTMENT PERSONNEL AND REPORT TO THE SECOND REGULAR SESSION OF THE FORTY-THIRD IDAHO LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Idaho Fish and Game Code has evolved through many decades of unplanned and happenstance legislative enactments; and
WHEREAS, the Idaho Fish and Game Code contains some provisions which may be obsolete, ambiguous and repetitious; and
WHEREAS, a complete and comprehensive recodification of the Code would provide a concise and clarified compilation of the laws for the benefit of the many individuals who refer to these laws and are required to abide by them; and
WHEREAS, the personnel of the Idaho Fish and Game Department, under the direction of the Idaho Fish and Game Commission, have undertaken to prepare a suitable recodification of the Fish and Game Code for submission to the Idaho Legislature.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is hereby authorized and directed to conduct a comprehensive review of the Idaho Fish and Game Code in cooperation with the Idaho Fish and Game Commission and department personnel, and to complete a recodification of the Code for submission to the Second Regular Session of the Forty-third Idaho Legislature.

Adopted by the Senate February 6, 1975. 
Adopted by the House March 21, 1975.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE OBSERVATIONS; CREATING A LEGISLATIVE LAND
GRANTS COMMITTEE; PROVIDING FOR DUTIES OF THE COMMITTEE;
AUTHORIZING EMPLOYMENT AND PAYMENT OF PERSONNEL; AUTHORIZ-
ING PAYMENT OF EXPENSES; REALLOCATING UNEXPENDED BALANCES OF
MONEYS MADE AVAILABLE BY CERTAIN RESOLUTIONS; AND PROVIDING
THAT THE COMMITTEE SHALL EXIST FOR THE DURATION OF THE
FORTY-THIRD IDAHO LEGISLATURE.

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

WHEREAS, the House of Representatives and the Senate of the State of Idaho do
now recognize and have recognized in the past many problems facing the State of Idaho as it
pertains to her natural resources, land patterns, jurisdictions and acquisitions; and

WHEREAS, many problems confronting Idaho have been under active study,
negotiation and acquisition by a special advisory committee; and

WHEREAS, specifically many of the problems confronting the selection of indemnity
lieu lands (land grants) due from the federal government as authorized by Chapter 2, Title
58, Idaho Code, and other applicable statutes both state and federal, still remain unresolved
and demand continued study, research and selections for the purpose of acquiring all such
outstanding lands due and owing the State of Idaho by reason of its Admissions Act and
other acts where these lands were taken from the State; and

WHEREAS, some actions have been taken in the past, but more are needed in
identifying the problems confronting the entitlement of the citizens of Idaho to the full
benefit of the provisions of the Carey Act; and

WHEREAS, the special advisory committee has identified certain lands that have not
been placed upon the state inventory at or near Craters of the Moon National Monument;
that negotiations are presently under way for the exchange of said lands to be separate and
apart and other than near or adjacent to the Craters of the Moon National Monument; and

WHEREAS, Subsection (a) of Section 1277, Chapter 28, Title 16, United States Code
Annotated, provides that lands owned by a state may be acquired by a federal agency only
by donation for inclusion with, in a wild, scenic or recreational river area, but Subsection
(d) of such same section provides that the appropriate secretary is authorized to accept title
to nonfederal property within the authorized boundaries of any federally administered
component of the national wild and scenic rivers system, and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the state in which the component lies and which he classifies as suitable for exchange or other disposal, which subsections appear to be in conflict and should receive the attention of the legislature to see if the conflict can be resolved by federal administrative action, or if necessary, by Congress itself; and it is further recognized that the Congress of the United States has recently amended the Admissions Act which has been duly signed by the President of the United States which forbids all on-going exchange programs; and

WHEREAS, it has been recently discovered that Idaho may have full legal right to claim all phosphate bed royalty rights in Southeastern Idaho immediately adjacent to the Caribou National Forest; said lands being in-lieu of lands or land grants but when patented, phosphate rights were reserved to the United States government; and

WHEREAS, it is recognized that for many years the Department of Lands has had need for comprehensive rules and regulations for the proper administration of all lands of the State of Idaho including endowment lands, and while there have been many efforts initiated for the writing and codification of these needed rules and regulations, none have ever been finalized and the Department of Lands is still without appropriate rules and regulations governing administration of said department.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring, being assembled in the First Regular Session of the Forty-third Idaho Legislature, that there is hereby created a Legislative Land Grants Committee, to be composed of:

The President of the Senate;
The Speaker of the House of Representatives;
The President Pro Tempore of the Senate;
The Minority Leader of the Senate, or his designee;
The Minority Leader of the House of Representatives, or his designee;
One member of the majority party of the Senate, appointed by the President Pro Tempore; and

One member of the majority party of the House of Representatives, appointed by the Speaker.

The committee shall first convene upon the call of the President Pro Tempore of the Senate, and shall organize by electing a chairman and a vice-chairman, and shall thereafter convene upon the call of the chairman, or by order of a majority of the members of the committee.

BE IT FURTHER RESOLVED that the Committee as constituted shall continue and complete the selections of all in-lieu lands due the State of Idaho from the United States federal government by reason of the Admissions Act and resulting statutes and laws.

BE IT FURTHER RESOLVED that the Legislative Land Grants Committee should continue to identify the problems relating to the entitlement of the citizens of Idaho to the
benefit of the Carey Act and present such recommendations and legislation from time to
time to insure to the State of Idaho all the benefits and provisions under the original Carey
Act.

BE IT FURTHER RESOLVED that the Legislative Land Grants Committee initiate
an inventory of those unidentified lands at or near the Craters of the Moon National
Monument and continue negotiations and present their recommendations to the State Land
Board for the appropriate exchanges to be made with the National Parks System.

BE IT FURTHER RESOLVED that the Legislative Land Grants Committee continue
the negotiations with the United States Forest Service and other federal agencies towards
the end of recovering any and all lands belonging to the State of Idaho or the State
Endowment Fund that lie adjacent to, or underneath, those rivers designated as wild and
scenic rivers by federal enactment to insure that Idaho retains jurisdiction over its historic
rights to any of these lands; to enter into and negotiate recommendations for exchange of
said lands as the Committee may deem in the best interest of the State of Idaho.

BE IT FURTHER RESOLVED, recognizing the recent amendment to the Idaho
Admissions Act, that the Legislative Land Grants Committee continue an on-going exchange
program towards the end of blocking-up Idaho lands in manageable units wherever possible.

BE IT FURTHER RESOLVED that the Legislative Land Grants Committee
aggressively pursue the recovery of the royalty rights on all phosphate beds which originate
on state endowment grounds but which royalties are currently being paid to the United
States government and the Committee shall do all things reasonable and necessary to make
claim to, acquire, negotiate or litigate consistent with the constitution and laws of the State
of Idaho towards the end of causing these phosphate reservations claimed by the United
States government to be returned to the State of Idaho.

BE IT FURTHER RESOLVED that said Legislative Land Grants Committee continue
reviewing the historic pattern of use of the endowment lands by state agencies with a view
to recommending to the legislature appropriate action for acquisition of lands if such action
be necessary.

BE IT FURTHER RESOLVED that said Legislative Land Grants Committee shall
research, compile and codify complete rules and regulations for the administration of the
Department of Lands, causing these rules and regulations to be presented to the State Board
of Land Commissioners for their approval, amendment, modification or rejection. These
studies and compilations shall be in conjunction with and in liaison with the Department of
Lands and the Office of the Attorney General.

BE IT FURTHER RESOLVED that the Committee may consult or confer with any
local individuals, local groups, governmental boards, councils or commissions in carrying out
the duties and responsibilities conferred by this resolution.

BE IT FURTHER RESOLVED that the Legislative Land Grants Committee may
appoint individual legislators or a bipartisan legislative task force committee to work on
specific projects; and further to hire, engage or retain such personnel as may be reasonable and necessary to carry out the provisions of this resolution, except that all legal services shall be obtained through the Office of the Attorney General. Upon order of the Committee, all salaries, wages and other expenses necessary for such personnel and committee members shall be paid by the President of the Senate and the Speaker of the House of Representatives from funds appropriated generally for legislative expenses. The membership of the Committee shall receive, as expenses, the same amount as allocated to Legislative Council members plus travel, food, lodging and other necessary expenses.

BE IT FURTHER RESOLVED that all unexpended moneys granted under HCR 13, First Regular Session, Forty-first Legislature, as extended by HCR 42, Second Regular Session of the Forty-first Legislature, as extended by HCR 21, First Regular Session Forty-second Legislature, and as further extended by HCR 59, Second Regular Session of the Forty-second Legislature are hereby reallocated for the purposes of this resolution.

BE IT FURTHER RESOLVED that the Legislative Land Grants Committee shall continue during the duration of the Forty-third Legislature.

BE IT FURTHER RESOLVED that the Legislative Land Grants Committee shall, or completion of the assigned tasks and at each legislative session prior thereto, file its report and recommendations with the Governor, the State Board of Land Commissioners, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

Adopted by the Senate March 10, 1975. 
Adopted by the House March 13, 1975.
A CONCURRENT RESOLUTION

AUTHORIZING THE JOINT SENATE FINANCE–HOUSE APPROPRIATIONS COMMITTEE TO MEET PRIOR TO THE CONVENING OF THE SECOND REGULAR SESSION OF THE FORTY-THIRD LEGISLATURE FOR THE PURPOSES OF HEARING AGENCY APPROPRIATION REQUESTS.

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

WHEREAS, it is in the best interest of the people of the State of Idaho that the Legislature provides for the timely accomplishment of the duties of the Legislature; and

WHEREAS, a major portion of the efforts of the legislative session is expended in the processes of determining the appropriations for state agencies; and

WHEREAS, meetings held prior to the convening of the regular session of the Legislature for the purposes of hearing agency appropriations requests would facilitate the prompt accomplishment of the appropriations process.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Joint Senate Finance–House Appropriations Committee is hereby authorized to meet, subject to the call of the cochairmen of the committee, for the purposes of hearing agency appropriations requests, for not to exceed six days prior to the convening of the Second Regular Session of the Forty-third Idaho Legislature.

BE IT FURTHER RESOLVED that necessary and actual expenses and per diem in the amount authorized for members of the Legislative Council are hereby authorized and directed to be paid from legislative funds to members of the Joint Senate Finance–House Appropriations Committee who attend the meetings herein authorized.

A CONCURRENT RESOLUTION
AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE
AND COMPLETE A STUDY OF CERTAIN HEALTH CARE FACILITIES, AND
RELATED PROVISIONS FOR LICENSING, AND TO REPORT ITS FINDINGS TO
THE SECOND REGULAR SESSION OF THE FORTY-THIRD LEGISLATURE.

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

WHEREAS, many unresolved questions have come to the attention of the legislature
relating to the provision of adequate long term care in health facilities such as acute care
facilities, intermediate care facilities, skilled care facilities, shelter care facilities, the
adequacy of licensing procedures and the determination of a reasonable rate of return for
the providers of such care; and

WHEREAS, many of these matters are inextricably involved in the provisions of
federal law contained in Title XX of the Social Security Act as Title XX relates to levels of
support for persons requiring care in such facilities; and

WHEREAS, additional study by the legislature is clearly required in order to provide
the system which is most humanitarian and which will meet the needs of the citizens of the
State of Idaho who require the services of such facilities.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the
Forty-third Idaho Legislature, the Senate and the House of Representatives concurring
therein, that the Legislative Council is hereby authorized and directed to appoint a
committee composed of not more than eight members taken from the membership of
the Senate Health, Education and Welfare Committee and the House Health and Welfare
Committee to study all matters relating to the provision of long term care in facilities,
convalescent homes and nursing homes. The study shall include but not be limited to
matters relating to the licensing of such facilities and the minimum requirements to be met
and maintained in such licensing. In addition, the study shall include consideration of the
provisions of federal law which also affect the adequacy of care provided in such facilities.

BE IT FURTHER RESOLVED that the Council shall report the findings of the study
to the Second Regular Session of the Forty-third Idaho Legislature.

A CONCURRENT RESOLUTION
DIRECTING A LEGISLATIVE COUNCIL STUDY OF MEDICAL MALPRACTICE INSURANCE AND REQUIRING THE COMMITTEE TO REPORT TO THE SECOND REGULAR SESSION OF THE FORTY-THIRD IDAHO LEGISLATURE.

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

WHEREAS, the cost and unavailability of medical malpractice insurance has resulted in hardships to the medical profession and health care providers; and

WHEREAS, the cost of medical malpractice insurance is passed on to the public in the form of fees and hospital costs; and

WHEREAS, unavailability of medical malpractice insurance could result in a reduction of medical service available to the public.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is hereby authorized and directed to appoint a committee of five members to undertake and complete a study of legislative solutions to the problems inherent in medical malpractice insurance in Idaho and report to the Second Regular Session of the Forty-third Idaho Legislature its findings, together with proposed legislation if necessary.

BE IT FURTHER RESOLVED that the chairman of the House Business Committee and the chairman of the Senate Commerce and Labor Committee shall serve on the committee thus created, and shall jointly recommend to the Legislative Council names to fill the remaining membership of the committee.

A CONCURRENT RESOLUTION
AUTHORIZING THE EXPENDITURE OF LEGISLATIVE EXPENSE FUNDS FOR THE
PURPOSE OF DEFRAYING TRAVEL EXPENSES OF MEMBERS OF THE
LEGISLATURE TO ATTEND A HEALTH CARE SEMINAR.

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

WHEREAS, the Rocky Mountain Regional Medical Program and the Intermountain
Regional Medical Program are cosponsoring legislative seminars on health care problems and
general information on health delivery systems in Idaho; and

WHEREAS, legislative action will be necessary to participate in the National Health
Planning and Resources Development Act of 1974 and Social Services Amendments of 1974
available to the states, making it imperative that Idaho keep abreast of current developments
in the health care field.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the
Forty-third Idaho Legislature, the Senate and the House of Representatives concurring
therein, that a maximum of three thousand dollars of the legislative expense fund is hereby
authorized to defray travel expenses of members of the Senate Health Education and
Welfare and the House Health and Welfare Committees attending the legislative seminar on
health care problems, in 1975.

A CONCURRENT RESOLUTION
DECLARING THAT CERTAIN RULES FOR THE REGULATION OF ENCROACHMENTS UPON, IN OR ABOVE NAVIGABLE LAKES IN THE STATE OF IDAHO PROMULGATED BY THE IDAHO STATE BOARD OF LAND COMMISSIONERS PURSUANT TO AUTHORIZATION OF SECTION 4 OF CHAPTER 243, SESSION LAWS OF 1974, SECTION 58-145, IDAHO CODE, ARE, IN SOME RESPECTS, VIOLATIVE OF THE LEGISLATIVE INTENT OF THE STATUTE UNDER WHICH SUCH RULES WERE MADE AND PROPOSING THAT CERTAIN RULES BE AMENDED, MODIFIED OR DELETED IN ORDER TO CLARIFY LEGISLATIVE INTENT.

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

WHEREAS, the Stream Channel Protection Act, Section 42-3801, Idaho Code, et seq., and rules and regulations promulgated thereunder by the Director of the Idaho Department of Water Resources afforded the State no regulatory control over waters of navigable lakes of the State of Idaho; and

WHEREAS, in order to provide the State with authority to regulate encroachments upon, in or above the waters of navigable lakes, as well as the beds thereof, the Forty-second Legislature of the State of Idaho, in its Second Regular Session, enacted Senate Bill 1481 which has been codified as Section 58-142, Idaho Code, et seq.; and

WHEREAS, that legislation authorized the Board of Land Commissioners to adopt rules and regulations to effectuate the purposes and policy thereof within the limitations and standards set forth therein; and

WHEREAS, the Board of Land Commissioners has, pursuant to such authorization, adopted a set of rules which the legislature deems to be, in some respects, violative of the legislative intent of the statute under which such rules were promulgated; and

WHEREAS, the Senate and House of Representatives deem it necessary and desirable to amend and modify certain portions of the rules so adopted by the Board of Land Commissioners in order that such rules accurately reflect legislative intent in the enactment of Section 58-142, Idaho Code, et seq.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Legislature, the Senate and House of Representatives concurring therein, that the rules of the Idaho State Board of Land Commissioners, adopted pursuant to the
authorization of Section 58-145, Idaho Code, be amended and modified to delete all references to streams except as referred to in Rule 8.10.

BE IT FURTHER RESOLVED that Rule 2.110 be amended to read as follows: "Encroachments not in aid of navigation" means and includes all other encroachments on, in or above the beds or waters of a navigable lake, including landfills, bridges, utility and power lines, or other structures not constructed primarily for use in aid of navigation. It shall also include float homes moored permanently or in any one place for a substantial period of time and used as either a permanent or temporary place of abode or residence.

BE IT FURTHER RESOLVED that Rule 3.10 be amended to read as follows: No person shall hereafter make or cause to be made any encroachment on, in or above the beds or waters of any navigable lake in the State of Idaho without first making application to and receiving written approval from the Director. The placing of dredged or fill material, refuse or waste matter intended as or becoming fill material, on or in the beds or waters of any navigable lake in the State of Idaho shall be considered an encroachment and written approval by the Director is required.

BE IT FURTHER RESOLVED that Rule 3.11 be amended to read as follows: Nothing in these rules shall excuse a person seeking to make an encroachment from obtaining any additional approvals lawfully required by federal, local or other state agencies.

BE IT FURTHER RESOLVED that Rule 3.30 be amended to read as follows: Applications must be in writing on forms provided by the Department or copies. Applications and plans shall be filed in the office of the Department in Boise, together with filing fees and costs of publication where required by these rules, except that applications and plans for noncommercial navigational encroachments may be filed at any supervisory field office. Plans shall include references to the relationship of the proposed encroachment to the various water surface elevations of the lake, the line of navigability, and the use to be made of the bed as well as the relationship of the proposed encroachment to the lake boundary and vicinity thereof at the place of encroachment. If plans are larger than 8½ x 14 inches, a transparent copy must be furnished. Costs of preparation of the application, including all necessary maps and drawings, shall be paid by applicant.
BE IT FURTHER RESOLVED that Rule 4.24 be amended to read as follows:
Any person may petition the Director to appear and participate as a party in the hearing. Parties may present evidence, cross-examine witnesses and make argument on all issues involved subject to authority of the Director to limit the same so as to prevent undue repetition or delay. Parties may appear in person or by an authorized representative. All hearings shall be open to the public.

BE IT FURTHER RESOLVED that Rule 5.10 be amended to read as follows:
As a condition of the permit, the Director may require a lease or easement for use of any part of the state owned bed of the lake.

BE IT FURTHER RESOLVED that Rules 5.20, 5.21, 5.22, 5.30, 5.40, 5.50 and 5.51, be, and the same are hereby repealed, rescinded and deleted.

BE IT FURTHER RESOLVED that Rule 5.52 be amended to read as follows:
Cost of an easement or lease to the applicant may be based on the value of the property and the impairment of the State's right to control it, severance damage, or upon a flat rate fee but shall be reasonable and as a recompense to the state for the use of its property.

BE IT FURTHER RESOLVED that Rule 6.14 be amended to read as follows:
It will be presumed, subject to rebuttal, that commercial navigational encroachments or nonnavigational encroachments will have an adverse effect upon adjacent property if located closer than 25 feet to adjacent property lines and that noncommercial navigational encroachments will have a like adverse effect upon adjacent property if located closer than 10 feet from adjacent property lines. Consent of the adjacent owner or owners will automatically rebut the presumption. These distance limits shall not apply to excavated or dredged channels or basins.

BE IT FURTHER RESOLVED that Rule 9.12, be, and the same is hereby repealed, rescinded and deleted.

BE IT FURTHER RESOLVED that the Board of Land Commissioners shall prepare an index to these rules as modified and amended.

BE IT FURTHER RESOLVED that the provision of Rule 5.10, promulgated pursuant to Section 58-147(e), Idaho Code, providing that as a condition of a permit, the Director may require a lease or easement for use of any part of the state owned bed of the lake, is intended to grant the state recompense for the use of the state owned bed of a navigable lake where reasonable and it is not intended that the Director withhold or refuse to grant such lease or easement if in all other respects the proposed encroachment would be permitted.

A CONCURRENT RESOLUTION
COMMENDING THE STAFFS PERFORMING VARIOUS SERVICES TO THE LEGISLATURE.

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

   The members of the Senate, the members of the House of Representatives concurring therein, desire to express their sincere appreciation and to commend Myran H. Schlechte, Director of the Legislative Council, and all members of his staff, Mardee Wyman, Director of the Legislative MTST Center, and all of the members of her staff, Betty Lou Donnelley, Director of the Legislative Information Center, and all of the members of her staff, Clyde Koontz, Legislative Auditor, and all of the members of his staff, John Andreason, Legislative Fiscal Officer, and all of the members of his staff, and to all other attaches for the extraordinarily capable and efficient services rendered by them which contributed immeasurably to the functioning of the Legislature during the First Regular Session of the Forty-third Idaho Legislature.

A CONCURRENT RESOLUTION
PROVIDING FOR THE ESTABLISHMENT OF A COMMITTEE TO STUDY REVENUE
PROJECTIONS AND AUTHORIZING PAYMENT OF EXPENSES.

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

WHEREAS, it is the responsibility of the Legislature to provide, in cooperation with the Chief Executive, for the sound fiscal operation of the state of Idaho; and

WHEREAS, the Legislature concludes that a sound budget practice is dependent upon an accurate income projection; and

WHEREAS, the Legislature would benefit from an authoritative estimate arrived at on the basis of the best and most accurate information available.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate, in organizational session of the Forty-third Idaho Legislature, concurring, that a joint committee is hereby created and constituted to study the revenue projection. The committee shall consist of three members of the Senate, appointed by the President Pro Tempore of the Senate, no more than two of whom shall be from the same political party, and four members of the House of Representatives, appointed by the Speaker of the House, no more than two of whom shall be from the same political party. Because of the constitutional provision that makes the House of Representatives responsible for revenue raising measures, and the tradition which places revenue projection responsibility with the Revenue and Taxation Committee, it is further resolved that the Speaker of the House shall designate the chairman of the committee. The committee shall avail itself of the expert knowledge available within the state to provide the First Regular Session of the Forty-third Idaho Legislature with the most accurate revenue projection available and shall present such supporting information as may be possible.

BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate and the Speaker of the House of Representatives are authorized and directed to provide for the payment of expenses and compensation of the committee members, and the expenses of the committee including necessary staff and consultants, while meeting in pre-session meetings and to certify such compensation and expenses to the state auditor for payment.

A CONCURRENT RESOLUTION

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

WHEREAS, the Governor has informed the House and the Senate that he desires to deliver a message to a joint session of the House of Representatives and the Senate of the First Regular Session of the Forty-third Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 13, 1975.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the House of Representatives and the Senate meet in joint session on Monday, January 13, 1975, at 1 p.m. for the purpose of hearing the message from the Governor.

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 budget message to a Joint Session of the House of Representatives and the Senate of the First Regular Session of the Forty-third Idaho Legislature in the Chamber of the House of Representatives at 11 a.m., on Thursday, January 16, 1975.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the House of Representatives and the Senate meet in Joint Session at 11 a.m. on Thursday, January 16, 1975, for the purpose of hearing a budget message from the Governor.

A CONCURRENT RESOLUTION
ADOPTING FINDINGS OF A JOINT COMMITTEE ON REVENUE PROJECTIONS.

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

WHEREAS, the Legislature appointed a joint committee of the House of Representatives and the Senate to study the revenue available to the state for the 1975 fiscal year, and to consult with experts in all fields in order to present the most complete information available; and

WHEREAS, it is the desire of the Legislature to adopt the findings of this committee as to the total surplus available.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Legislature, the House of Representatives and the Senate concurring, that we find the following calculations to provide a factual representation of the total surplus available as of June 30, 1975.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance FY 1975</td>
<td>$ -0-</td>
</tr>
<tr>
<td>Add Anticipated Revenue FY 1975</td>
<td>203,672,500</td>
</tr>
<tr>
<td>Total Available</td>
<td>$203,672,500</td>
</tr>
<tr>
<td>Deduct Amount Appropriated</td>
<td>181,515,600</td>
</tr>
<tr>
<td>General Fund Surplus, June 30, 1975</td>
<td>$ 22,156,900</td>
</tr>
</tbody>
</table>

Adopted by the House February 3, 1975.
Adopted by the Senate February 6, 1975.
A CONCURRENT RESOLUTION
ADOPTING FINDINGS OF A JOINT COMMITTEE ON REVENUE PROJECTIONS.

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

WHEREAS, the Legislature appointed a joint committee of the House of Representatives and the Senate to study the revenue available to the state for the 1976 fiscal year, and to consult with experts in all fields in order to present the most complete information available; and

WHEREAS, it is the desire of the Legislature to adopt the findings of this committee as to the revenue projections in order to facilitate the appropriations process.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring, that we find the following calculations to provide a factual representation of the revenue available from the general fund for appropriation in the 1975-76 fiscal year.

Revenue Projections for 1975-76 fiscal year:

- Supreme Court/Magistrates $1,400,000
- Secretary of State 1,150,000
- State Treasurer 6,500,000
- Department of Agriculture 56,000
- Department of Finance 345,000
- Department of Insurance 8,800,000
- Department of Education -0-
- Department of Lands 75,000
- Department of Law Enforcement 600,000
- Department of Revenue:
  - Individual Income Tax** 102,000,000*
  - Corporate Income Tax** 24,500,000
  - Kilowatt Hour Tax 600,000
  - Beer Tax 2,200,000
  - Mine License Tax 225,000
  - Wine Tax 500,000
  - Cigarette Tax 7,000,000
- Miscellaneous Agencies 53,000
Transfers:

Miscellaneous 650,000
Liquor 3,000,000
Sales Tax** 63,900,000

Total Fiscal Year 1975-76

Revenue Projection $223,554,000

* Approximately $3,000,000 would have to be deducted from this figure if the
$15.00 grocery credit allowed last year is continued.

** The amounts shown are net after giving consideration to diversions for refunds and
other purposes.

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND AUTHORIZING AND DIRECTING THE
JOINT SENATE FINANCE-HOUSE APPROPRIATIONS COMMITTEE TO UNDER­
TAKE A REVIEW AND MAKE COMMENT ON APPLICATIONS FOR FEDERAL
GRANTS BY STATE AGENCIES, INSTITUTIONS AND DEPARTMENTS.

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

WHEREAS, the Legislature of the State of Idaho finds that state agencies, institutions and departments make application for federal grants, and federal monies are received in many instances in excess of federal monies authorized for expenditure in appropriation bills approved by the Legislature; and

WHEREAS, the Legislature of the State of Idaho finds that the hiring of personnel from federal grant monies frequently results in subsequent requests from state agencies, institutions and departments for funding of such positions from the general fund; and

WHEREAS, the Legislature of the State of Idaho is greatly concerned about state agencies, institutions and departments instituting programs with federal grant monies, the subsequent phasing out or loss thereof, and requests being made for funding therefor in whole or in part from the general fund; and

WHEREAS, the Legislature of the State of Idaho finds that no procedure exists for review and comment by the Legislature upon applications for federal grants during the interim between legislative sessions; and

WHEREAS, the Legislature of the State of Idaho finds that in order for the Legislature to properly discharge its responsibilities to the citizenry of the State of Idaho that there be legislative review of and comment upon federal grant applications during the interim between legislative sessions and, further, that federal grant monies may not be expended until such legislative review and comment has been exercised.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring, that the Joint Senate Finance-House Appropriations Committee be, and it is hereby authorized and directed to review applications for federal grants made by state agencies, institutions and departments during the legislative session and during the interim between legislative sessions, and to comment thereon, expressing positive, negative, or other legislative viewpoint with respect to the expenditure of such funds in the event such are received and before they are expended.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives be, and he is hereby authorized and directed to forward copies of this resolution to the director and the fiscal officer of each department of state government.

A CONCURRENT RESOLUTION

AUTHORIZING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO ACQUIRE THE NECESSARY NUMBER OF SETS OF THE IDAHO CODE TO FURNISH NEW MEMBERS OF THE FORTY-THIRD IDAHO LEGISLATURE WITH ONE SET AND TO DELIVER THE SAME TO SUCH MEMBERS; TO ACQUIRE THE NECESSARY NUMBER OF 1975 ANNOTATIONS AND POCKET SUPPLEMENTS TO THE IDAHO CODE FOR THE USE OF ALL MEMBERS OF THE FORTY-THIRD IDAHO LEGISLATURE AND TO DELIVER THE SAME TO SUCH MEMBERS; TO HOLD ENOUGH ANNOTATIONS AND POCKET SUPPLEMENTS FOR THE USE OF THE LEGISLATURE DURING SUCH TIME THE LEGISLATURE IS IN SESSION; PAYMENT FOR THE FOREGOING TO BE MADE FROM ANY FUNDS APPROPRIATED FOR THE LEGISLATIVE EXPENSE OF THIS FORTY-THIRD IDAHO LEGISLATURE.

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

BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the President of the Senate and the Speaker of the House of Representatives of the Forty-third Idaho Legislature be authorized as follows:

(1) To acquire the necessary number of sets of the Idaho Code to furnish each member of the Forty-third Idaho Legislature, who did not serve in the Forty-second Idaho Legislature, with one set and deliver the same to such members in the event the member desires such set.

(2) To acquire the necessary number of 1975 annotations and pocket supplements to the Idaho Code for the use of all members of the Forty-third Idaho Legislature and to deliver the same to such members.

(3) To acquire the necessary number of 1975 annotations and pocket supplements to the Idaho Code sets held for the use of the members of the Legislature during such time the Legislature is in session and to have such sets annotated and brought up to date.

Payment for the foregoing shall be made from any funds appropriated for the legislative expense of this Forty-third Idaho Legislature.

A CONCURRENT RESOLUTION
PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND
THE SENATE, INVITING THE GOVERNOR AND ELECTIVE OFFICIALS TO
ATTEND A PROGRAM COMMEMORATING THE BIRTH OF ABRAHAM LINCOLN.

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

WHEREAS, Abraham Lincoln did, on the 3rd of March 1863, sign the Organic Act of
the Territory of Idaho granting self-government to the great State of Idaho; and

WHEREAS, Abraham Lincoln personified those virtues so essential to the well-being
of the people of our State; and

WHEREAS, Abraham Lincoln exemplified those attributes necessary for the unity of
our Nation; and

WHEREAS, it is altogether fitting and proper that we honor the sixteenth President
of the United States of America with an appropriate program.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the
Forty-third Idaho Legislature, the House of Representatives and the Senate concurring
therein, that the House of Representatives and the Senate do meet in joint session in the
House Chamber at the hour of 11 A.M., February 12, 1975, to memorialize the birth of
Abraham Lincoln.

BE IT FURTHER RESOLVED that the Committee of the House of Representatives
appointed for this purpose meet with the similar committee of the Senate and arrange for a
suitable program.

A CONCURRENT RESOLUTION

PROVIDING FOR PRINTING THE LEGISLATIVE JOURNALS AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, Section 67-509, Idaho Code, has made provisions for the printing of the Legislative Journals;

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Senate Judiciary and Rules Committee and the House Printing and Legislative Expense Committee.

BE IT RESOLVED, by the Senate, the House of Representatives concurring, of the First Regular Session of the Forty-third Idaho Legislature, that the contract for the printing of the Legislative Journals in accordance with the provisions of law and in accordance with the written contract between the Senate Judiciary and Rules Committee and 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 and confirmed, 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 9th day of December, 1974, by and between the Senate Judiciary and Rules Committee and the House Printing and Legislative Expense Committee of the First Regular Session of the Forty-third 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:

HOUSE DAILY JOURNAL

375 copies ................................................ $20.55 per column
Additional 100 copies ...................................... $ .95 per column
Said copies to be distributed as directed by the Speaker of the House of Representatives.
SENATE DAILY JOURNAL

375 copies ................................. $20.55 per column
Additional 100 copies ................. $ .95 per column
Said copies to be distributed as directed by the President Pro Tempore of the Senate.

PERMANENT JOURNAL

275 copies each of Senate and House Journals, including five
each of Senate and House Journals of hard-bound gold lettered .......... $13.50 per column
Index pages .................................. $25.60 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 Legislative Journals, 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; that the number
of copies 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 the specifications for Senate and House
Journals of the first party shall be complied with as though set forth herein at length.

IT IS AGREED, that in the printing of the Legislative Journals, the same shall be
delivered daily on the desk of the Secretary of the Senate and the Chief Clerk of the House
not later than the hour of 9 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 final page proof of the permanent printed Journal
shall be delivered to the Secretary of the Senate and the Chief Clerk of the House not later
than twenty (20) 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 Concurrent
Resolution, has caused these presents to be executed by its proper officials.

Senate Judiciary and Rules Committee

By: EDITH MILLER KLEIN, Chm.
House Printing and Legislative Expense Committee

By: GEORGE G. DANIELSON, Chm.

Party of the first part

SYMS-YORK COMPANY

By: KARL W. BONHAM

Party of the second part.

Adopted by the House February 18, 1975. Adopted by the Senate February 22, 1975
A CONCURRENT RESOLUTION
PROVIDING FOR OFFSET PRINTING OF SENATE AND HOUSE BILLS, RESOLUTIONS AND MEMORIALS, AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, the Senate Judiciary and Rules 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, Resolutions and Memorials;

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Senate Judiciary and Rules Committee and the House Printing and Legislative Expense Committee,

BE IT RESOLVED by the Legislature of the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring, that the contract for the offset printing of the Senate and House Bills, Resolutions and Memorials, in accordance with the provisions of law and in accordance with the written contract between the Joint Committee as party of the first part, and COMET PRINTING AND LITHOGRAPH 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 AGREEMENT

THIS AGREEMENT, made and entered into this 9th day of December, 1974, by and between the SENATE JUDICIARY AND RULES COMMITTEE and the HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE of the First Regular Session of the Forty-third Idaho Legislature, hereinafter referred to as the Joint Committee, and COMET PRINTING AND LITHOGRAPH COMPANY, a corporation, hereinafter referred to as Comet.

WITNESSETH:

That pursuant to a resolution of the Joint Committee and written bids submitted to and considered by the Joint Committee, a contract of legislative printing is hereby awarded to Comet for the First Regular Session of the Forty-third Idaho Legislature upon the following terms and conditions:

1. That Comet will utilize an offset process from “Camera Ready” copies as those
terms are used and recognized in the trade, to print Senate and House Bills, Resolutions and Memorials.

2. That Comet concurrently with the execution of this contract, deliver to the Joint Committee a good and sufficient surety bond in the manner and form, and with a surety acceptable to the Joint Committee, in the sum of Five Thousand Dollars ($5,000), guaranteeing the satisfactory and faithful performance by Comet of all the terms and conditions of this contract.

3. That Comet will maintain at all times a high standard of workmanship to the end that all printing will be neat, clean, legible and with adequate contrast between print and paper to be easily read.

4. That Comet will produce all bills, resolutions and memorials with line and page numbering.

5. That Comet will insure that all bills, resolutions and memorials will have neat and proper underlining, strikeovers and deletions and that the paper used will be properly punched and sized.

6. That for the purposes of this contract, all printing will be received from and delivered to the presiding officer of each house or his designee.

7. That Comet will deliver all standard lot printed material conforming to the above requirements by 9:00 A.M. the next morning after receipt of copy, unless prior arrangements have been made.

8. Upon failure to deliver such bills in the manner and within the time herein specified, this contract may be deemed terminated forthwith at the option of the Joint Committee and recourse had against Comet bond.

9. That a standard lot of printed material will be One Thousand (1,000) copies of individual bills, resolutions or memorials at a cost of Eleven Dollars and Five Cents ($11.05) per printed page. Additional copies may be obtained by the Joint Committee in lots of One Hundred (100) or any lesser number ordered, at a cost of Ninety-five Cents ($0.95) per printed page, upon the condition that Comet be notified of the exact number more or less than One Thousand (1,000) prior to or concurrently upon receipt of the bills, resolutions or memorials by Comet.

In the event less than One Thousand (1,000) copies are ordered, a credit of Ninety-five Cents ($0.95) per printed page will be allowed for each One Hundred (100) copies and will be deducted from the standard lot price of Eleven Dollars and Five Cents ($11.05).

10. That Comet will pick up “Camera Ready” copy at least twice daily of each day that the legislature is in session.

11. That Comet will make available to and sell to the general public any bill, resolution or memorial in lots of one hundred (100) copies at a cost of Ninety-five Cents ($0.95) per printed page, provided the order for such is received prior to the time the bill is printed.
12. That this agreement shall be subject to review and reconfirmation by memorandum agreement signed by all parties to this agreement on or before November 1, 1975, to be effective for the Second Regular Session of the Forty-third Idaho Legislature.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands as of the day and year first above written.

SENATE JUDICIARY AND RULES COMMITTEE
By EDITH MILLER KLEIN, Chairman

HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE
By GEORGE G. DANIELSON, Chairman

COMET PRINTING AND LITHOGRAPH COMPANY
By KENNETH R. REIMAN, President

A CONCURRENT RESOLUTION
STATING LEGISLATIVE OBSERVATIONS; EXTENDING THE TERMS AND CONDI-
TIONS OF HOUSE CONCURRENT RESOLUTION NO. 60, SECOND REGULAR
SESSION, FORTY-SECOND LEGISLATURE; PROVIDING FOR MEMBERSHIP
ON THE WESTERN STATES FORESTRY TASK FORCE; AND AUTHORIZING
PAYMENT OF EXPENSES.

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

WHEREAS, the Western States Forestry Task Force, originally established as the
Western States Forest Industries Task Force, has begun to function and all indications are
that it is and will continue to be a vital force in the development of economic and
environmental policies in the management of the forests of the western states; and

WHEREAS, the forest industry is an integral part of Idaho's economic development.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the
Forty-third Idaho Legislature, the House of Representatives and the Senate concurring
therein, that the terms and conditions of House Concurrent Resolution Number 60, Second
Regular Session, Forty-second Idaho Legislature, be, and they are hereby, extended and
continued for and during the duration of the Forty-third Idaho Legislature.

BE IT FURTHER RESOLVED that the members of the House and Senate appointed
to the Task Force, either as original appointees or as appointees to fill vacancies on the Task
Force, holding office as of February 1, 1975, are hereby confirmed as members.

BE IT FURTHER RESOLVED that necessary expenses shall be paid from legislative
funds to individual members of the Task Force for the costs of travel, food, lodging and
twenty-five dollars a day as expenses for efforts incurred in furtherance of Task Force
business and such amounts for the members of the Task Force shall be paid from their
respective houses.

Adopted by the House February 18, 1975  Adopted by the Senate February 21, 1975.
A CONCURRENT RESOLUTION
APPROVING REALLOCATIONS AND SALARY ADJUSTMENTS OF CERTAIN CLASSIFIED AND EXEMPT POSITIONS AND APPROVING A COST-OF-LIVING INCREASE FOR STATE EMPLOYEES.

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

WHEREAS, the Legislature of the State of Idaho finds that reallocations of certain classified positions are necessary for fair and impartial treatment; and

WHEREAS, the Legislature of the State of Idaho finds that equity adjustments for certain exempt state employees is necessary for fair and impartial treatment; and

WHEREAS, the Legislature of the State of Idaho finds that a cost-of-living adjustment for all state employees is fair and equitable.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives of the First Regular Session, Forty-third Idaho Legislature concurring therein, that the allocation of positions to a compensation schedule as proposed in the executive budget document, to be effective from and after July 1, 1975, be, and the same are hereby approved; and that recommended salary adjustments for certain exempt state employees, as proposed in the executive budget document, to be effective from and after July 1, 1975, be, and the same are hereby approved, but that the total cost of the above adjustments to the general fund for fiscal year 1975-76 shall not exceed $1,618,000.

BE IT FURTHER RESOLVED that a cost-of-living salary increase for all state employees and officers, except such officers whose salaries are fixed by law and except such employees and officers whose salaries are to be adjusted as proposed in the executive budget document, be, and the same is hereby approved, effective on and after July 1, 1975, but that the total cost to the general fund for fiscal year 1975-76 shall not exceed $2,390,000.

A CONCURRENT RESOLUTION
RECOGNIZING THE ADVENT OF SLACK WATER IN THE PORT OF LEWISTON AND DEVELOPMENT OF THIS UNIQUE PORT FACILITY.

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

WHEREAS, the Idaho Legislature wishes to recognize and bring to the public attention an event which is unique in this state and an occasion with far-reaching impact; and

WHEREAS, February 15, 1975, will mark the advent of slack water at the Port of Lewiston; and

WHEREAS, February 20, 1975, will mark the date on which passage will be possible through the Port of Lewiston; and

WHEREAS, official dedication ceremonies are scheduled on June 20, 1975, at which time dignitaries from throughout our State and Nation will gather to mark the completion of an inland waterway to the State of Idaho; and

WHEREAS, the development of the Port of Lewiston will bring future economic growth to the immediate region as well as to the economy of the entire State of Idaho; and

WHEREAS, the opening of the Port coincides with the anniversary of our Nation, and this new enterprise is a fitting memorial for the occasion of the nation's bicentennial; and

WHEREAS, the Port of Lewiston, located 464 miles from the sea and 738 feet above sea level, will bring new transportation and development opportunities to the citizens of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize the accomplishment of the Port of Lewiston with great pride, and extend to the residents of the City of Lewiston and surrounding areas our congratulations for the efforts required to bring this unique facility to Lewiston. We look with confidence to the future of the State of Idaho, aided as it will be by the industry of our citizens and the commitment of our people to progress and development.

A CONCURRENT RESOLUTION
AUTHORIZING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A
STUDY OF THE RELATIONSHIP OF THE DEPARTMENT OF HEALTH AND
WELFARE AND THE PUBLIC HEALTH DISTRICTS OF THE STATE OF IDAHO,
AND TO REPORT THE RESULTS OF THEIR STUDY TO THE SECOND
REGULAR SESSION OF THE FORTY-THIRD IDAHO LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, there are seven health regions in the Department of Health and Welfare
established administratively and seven Public Health Districts established by law, all with
identical geographic boundaries; and
WHEREAS, there may be a duplication of services, administration and administrative
procedures;
NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the
Forty-third Idaho Legislature, the House of Representatives and the Senate concurring
therein, that the Legislative Council is hereby authorized and directed to undertake and
complete a study of the relationship of the Department of Health and Welfare with the
Public Health Districts, including but not limited to, the Public Health Districts' role in the
Department of Health and Welfare, the duties and functions performed by the Public Health
Districts that are not covered by the Department of Health and Welfare, and the financing
or funding requirements of the districts and the regions.

BE IT FURTHER RESOLVED that the Legislative Council shall appoint a committee
of six members of the House of Representatives, including the Chairman of the Health and
Welfare Committee, and five members of the Senate, including the Chairman of the Health,
Education and Welfare Committee, to conduct the study.

BE IT FURTHER RESOLVED that the committee is authorized and directed to
prepare its report and proposed legislation, if any, to the Second Regular Session of the
Forty-third Idaho Legislature.
Adopted by the House February 27, 1975. Adopted by the Senate March 8, 1975.
A CONCURRENT RESOLUTION

PROVIDING LEGISLATIVE AUTHORIZATION FOR THE IDAHO STATE BUILDING AUTHORITY TO CONSTRUCT FIVE BUILDINGS WITHIN THE STATE OF IDAHO TO HOUSE STATE AGENCIES.

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

WHEREAS, the Idaho Legislature has found it to be, "to the economic benefit of the citizens of the State of Idaho to provide sufficient office space and necessary related facilities for such governmental bodies and thus provide a more efficient and more economical operation of state government," as provided by Section 67-6404, Idaho Code; and

WHEREAS, current lease agreements within the cities of Lewiston, Boise, Pocatello and Idaho Falls, require an annual expenditure of $1,093,600; and

WHEREAS, those lease costs will continue to increase in the future; and

WHEREAS, continued increased building costs make it advantageous to construct state office buildings at the present time and as such construction would stimulate the local economies of Lewiston, Boise, Pocatello and Idaho Falls; and

WHEREAS, the construction of the proposed buildings would provide for the citizens of the State, one-door service from the various agencies housed within the proposed office buildings.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Department of Administration, State of Idaho, is authorized to enter into lease agreements with the Idaho State Building Authority for the purpose of providing an office building of approximately 35,000 square feet within the city of Idaho Falls, Idaho at a projected cost of $1,000,000; an office building of approximately 35,000 square feet at a projected cost of $1,000,000 within the city of Lewiston, Idaho; an office building of approximately 35,000 square feet within the city of Pocatello, Idaho, at a projected cost of $1,000,000; an office building of approximately 100,000 square feet at a projected cost of $4,000,000 within the Capitol Mall area, and shop and office space at a projected cost of $195,000 within the vicinity of Boise, Idaho.

Adopted by the House March 14, 1975. 
Adopted by the Senate March 20, 1975.
A CONCURRENT RESOLUTION
AUTHORIZING PAYMENT OF ACTUAL EXPENSES AND PER DIEM FOR MEMBERS OF THE HOUSE EDUCATION COMMITTEE AND THE SENATE HEALTH, EDUCATION AND WELFARE COMMITTEE WHO ATTENDED PRESESSION MEETINGS OF THE JOINT FINANCE-APPROPRIATIONS COMMITTEE.

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

WHEREAS, meetings were held prior to the convening of the First Regular Session of the Forty-third Idaho Legislature by the Joint Finance-Appropriations Committee for the purpose of hearing agency appropriations requests, primarily relating to matters in the field of education; and

WHEREAS, members of the germane House and Senate Committees were in attendance at these meetings for the purposes of being advised of agency appropriations requests and for contributing information for the benefit of the joint committee.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the actual expenses and per diem for members of the House Education Committee and the Senate Health, Education and Welfare Committee who attended the meetings of the Joint Finance-Appropriations Committee prior to the convening of the session are hereby authorized and directed to be paid from legislative funds.

A CONCURRENT RESOLUTION
DIRECTING THE LEGISLATIVE COUNCIL TO REVIEW THE WORK OF THE
DEPARTMENT OF WATER RESOURCES IN RE-WRITING THE WATER
DISTRIBUTION STATUTES FOR PRESENTATION TO THE SECOND REGULAR
SESSION OF THE FORTY-THIRD LEGISLATURE.
Be It Resolved by the Legislature of the State of Idaho:
    WHEREAS, the State of Idaho derives innumerable benefits from the use of water; and
    WHEREAS, current statutory provisions guiding the distribution of water have evolved from the earliest days of statehood; and
    WHEREAS, current statutory provisions for the distribution of water are, in some cases, obsolete, duplicative and overlapping; and
    WHEREAS, a comprehensive recodification of water distribution law would provide the necessary clarification to insure the continued wise use of our valuable water resources.
    NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and Senate concurring therein, that the Legislative Council is authorized and directed to appoint a committee, composed of three members of the House Resources and Conservation Committee and three members of the Senate Resources and Environment Committee, to work, in cooperation with the Department of Water Resources as the Department of Water Resources reviews, compiles and re-writes the water distribution statutes for presentation to the Second Regular Session of the Forty-third Idaho Legislature.
A CONCURRENT RESOLUTION
EXPRESSING APPRECIATION TO PHILIP E. PETERSON FOR AIDING THE FORTY-THIRD LEGISLATURE, FIRST REGULAR SESSION, BY HIS PROFESSIONAL ADVICE IN THE FIELD OF TAXATION.

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

WHEREAS, the First Regular Session of the Forty-third 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 First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we express our deep gratitude and appreciation to Philip E. Peterson for serving as counsel to the Revenue and Taxation Committee of the House of Representatives.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and he is hereby authorized and directed to forward a copy of this resolution to Mr. Peterson.

A CONCURRENT RESOLUTION

AUTHORIZING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A STUDY OF THE ADVISABILITY OF ENACTING LEGISLATION PROVIDING FOR MINIMUM STREAM FLOWS AND MINIMUM LAKE LEVELS IN THE RIVERS, STREAMS, CREEKS AND LAKES IN THE STATE OF IDAHO AND TO REPORT THE RESULTS OF THEIR STUDY TO THE SECOND REGULAR SESSION OF THE FORTY-THIRD IDAHO LEGISLATURE.

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

WHEREAS, the establishment of minimum stream flows and minimum lake levels for public waters within the State of Idaho merits careful study and consideration of the legislature; and

WHEREAS, the legislature deems that an extensive and comprehensive study of the concept of minimum stream flow and minimum lake level laws, and of the impact of such laws on resource use and resource development within this state would be advantageous and that it would be advantageous to conduct public hearings in connection with such study.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is hereby authorized and directed to undertake and complete a study of the concept of minimum stream flow and minimum lake level laws and the advisability of enacting legislation to establish minimum stream flows and minimum lake levels for public waters within the State of Idaho.

BE IT FURTHER RESOLVED that the Legislative Council shall appoint a committee of five members of the Senate, selected from among the membership of the Senate Resources and Environment Committee, including the chairman, two members from the majority party, and two members from the minority party, and five members from the House of Representatives Resources and Conservation Committee, including the chairman, two members from the majority party, and two members from the minority party, to conduct the study.

BE IT FURTHER RESOLVED that such committee is authorized to hire such consultants and appoint such advisors as the committee deems necessary to complete its task.

BE IT FURTHER RESOLVED that the committee thus appointed conduct at least four public hearings in connection with its study, one in northern Idaho, one in southwestern Idaho, one in southcentral Idaho and one in eastern Idaho.

BE IT FURTHER RESOLVED that the committee thus appointed is authorized and directed to prepare and submit its report, and to submit proposed legislation, if any, to the Second Regular Session of the Forty-third Idaho Legislature.

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 Rules Committee and the House Printing and Legislative Expense Committee,

BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, and the House of Representatives and the Senate concurring, that the contract for the printing of the Session Laws of the First Regular Session, Forty-third Idaho Legislature, and the Session Laws of any Extraordinary Sessions, Forty-third Idaho Legislature, 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 17th day of January, 1975, by and between the Joint Printing Committee of the House Printing and Legislative Expense Committee and the Senate Judiciary and Rules 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 First Regular Session of the Forty-third Legislature and the Session Laws of any Extraordinary Session of the Forty-third Legislature: $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. The party of the second part shall provide an additional quantity to be made available to the general public at $14.50 per volume, and an additional rate of $1.40 per second volume may be charged if a second volume is required. The Session Laws of any Extraordinary Session adjourned prior to June 1, 1975, shall be included in the Session Laws of the First Regular
Session. No charge shall be made by the party of the second part 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, delivered to and be ready for distribution by the Secretary of State 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. The Session Laws shall be printed and made available for distribution within 60 days after the last day on which the Governor may sign or approve bills following adjournment of the session of the legislature which enacted or passed the measures included in the Session Laws, or within 30 days after the delivery to the party of the second part of the proper title pages, certificate pages, tables of laws and statutes amended and repealed and a proper index of the contents of the Session Laws, whichever date is first in time.

Such printing and delivery of said Session Laws to the Secretary of State are to be made 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.

HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE
By ________________________________
George G. Danielson, Chairman

SENATE JUDICIARY AND RULES COMMITTEE
By ________________________________
Edith Miller Klein, Chairman

Party of the First Part

THE CAXTON PRINTERS, LTD.
By ________________________________
Jim Gipson

Party of the Second Part

A CONCURRENT RESOLUTION
PROVIDING FOR THE ESTABLISHMENT OF A COMMITTEE TO STUDY REVENUE
PROJECTIONS AND AUTHORIZING PAYMENT OF EXPENSES.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, it is the responsibility of the legislature to provide, in cooperation with
the chief executive, for the sound fiscal operation of the State of Idaho; and
WHEREAS, the legislature concludes that a sound budget practice is dependent upon
an accurate income projection; and
WHEREAS, the legislature would benefit from an authoritative estimate arrived at on
the basis of the best and most accurate information available.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the
Forty-third Idaho Legislature, the House of Representatives and the Senate concurring
therein, that a joint committee is hereby created and constituted to study the revenue
projection. The committee shall consist of three members of the Senate, appointed by the
President Pro Tempore of the Senate, no more than two of whom shall be from the same
political party, and four members of the House of Representatives, appointed by the
Speaker of the House, no more than two of whom shall be from the same political party.
Because of the constitutional provision that makes the House of Representatives responsible
for revenue raising measures, and the tradition which places revenue projection responsi­
bility with the Revenue and Taxation Committee, it is further resolved that the Speaker of
the House shall designate the chairman of the committee. The committee shall avail itself of
the expert knowledge available within the state to provide the Second Regular Session of
the Forty-third Idaho Legislature with the most accurate revenue projection available and
shall present such supporting information as may be possible.

BE IT FURTHER RESOLVED that the committee shall, with the approval of the
Speaker and the President Pro Tempore, meet at such times as are necessary.

BE IT FURTHER RESOLVED that the President of the Senate and the Speaker of
the House of Representatives are authorized and directed to provide for the payment of
expenses and compensation of the committee members, and the expenses of the committee
including necessary staff and consultants, and to certify such compensation and expenses to
the state auditor for payment.

A CONCURRENT RESOLUTION
DESIGNATING THE TIME FROM JUNE 25, 1976 TO AUGUST 1, 1976, AS IDAHO DAYS.
Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the City of Franklin is the oldest permanent white settlement and the City of Oxford is the second oldest pioneer white settlement in the State of Idaho; and
WHEREAS, both of these communities are located in Franklin County; and
WHEREAS, the development of that part of this great state is representative of the pioneer spirit of the State of Idaho; and
WHEREAS, a day in June each year has been proclaimed IDAHO DAYS and has been observed in the City of Franklin for the past sixty years; and
WHEREAS, the citizens of Franklin County, as a special bicentennial tribute, and in recognition of the great State of Idaho and its many establishments, desire to observe a six week period from June 25, 1976 to August 1, 1976, as IDAHO DAYS.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we designate the period from June 25, 1976 to August 1, 1976, as IDAHO DAYS.

A CONCURRENT RESOLUTION
DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A
STUDY OF THE POTENTIAL USE AND DEVELOPMENT OF SPACE FOR
LEGISLATIVE OFFICES AND DIRECTING THE COUNCIL TO REPORT TO THE
SECOND REGULAR SESSION OF THE FORTY-THIRD IDAHO LEGISLATURE.

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

WHEREAS, construction now taking place in the capitol mall area provides the
possibility that there will be adequate office space to meet state agency needs; and

WHEREAS, a continuing and pressing need exists to provide office space for the
members of the Idaho State Legislature; and

WHEREAS, adequate office space for legislators would be a significant improvement
and would facilitate better service to the constituency of each member of the Legislature; and

WHEREAS, areas in the basement of the State Capitol Building provide an excellent
potential for development as legislative office space.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the
Forty-third Idaho Legislature, the House of Representatives and the Senate concurring
therein, that the Legislative Council is hereby authorized and directed to undertake and
complete a study of the potential development of office space for members of the
Legislature within the State Capitol Building, particularly in the area of the basement. The
Council should consult with state officials to determine the office needs within the Capitol
Building and the availability of space, and in the event that the Council finds adequate space
is available, should advise the Legislature as to particulars of the office space for members of
the Legislature.

BE IT FURTHER RESOLVED that the Council submit its report to the Second
Regular Session of the Forty-third Idaho Legislature.

A CONCURRENT RESOLUTION

AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO CONDUCT A
STUDY OF THE PUBLIC SCHOOL FUNDING FORMULA AND OF THE
METHODS OF ALLOCATING AND ADMINISTERING CERTAIN ENDOWMENT
LAND PROCEEDS, AND TO REPORT ITS FINDINGS TO THE SECOND
REGULAR SESSION OF THE FORTY-THIRD LEGISLATURE.

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

WHEREAS, the legislature recognizes the importance of providing a system of school
finance which affords to each child in this state an opportunity for a general, uniform and
thorough education; and

WHEREAS, changes may be necessary in the present scheme of public school finance
in order to achieve this goal; and

WHEREAS, there is a need for a legislative committee to make a thorough study of
the current system of school finance, to investigate any weaknesses which may exist in this
system, and to study and propose to the legislature alternatives which may be better
designed to achieve the goal of equal educational opportunity.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the
Forty-third Idaho Legislature, the House of Representatives and the Senate concurring
therein, that the Legislative Council is hereby authorized and directed to appoint a
committee, giving consideration for membership to members of the House Revenue and
Taxation Committee, the Senate Health, Education and Welfare Committee, and the House
Education Committee. The committee thus appointed shall be charged with a study of the
public school funding formula and all matters incident thereto, and changes which may be
necessary to better achieve equality of educational opportunity.

BE IT FURTHER RESOLVED that the committee shall submit its findings and
recommendations to the Second Regular Session of the Forty-third Idaho Legislature.

Adopted by the House March 19, 1975

Adopted by the Senate March 22, 1975.
A CONCURRENT RESOLUTION
ADOPTING THE PERMANENT JOINT RULES OF THE SECOND REGULAR SESSION
OF THE FORTY-SECOND IDAHO LEGISLATURE, AS THE PERMANENT JOINT
RULES OF THE FIRST REGULAR SESSION OF THE FORTY-THIRD IDAHO
LEGISLATURE.

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

WHEREAS, it is the desire of the Senate and House of Representatives to adopt
Permanent Joint Rules for the First Regular Session of the Forty-third Idaho Legislature.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives and the
Senate of the First Regular Session, Forty-third Idaho Legislature concurring therein, that
the Permanent Joint Rules of the Second Regular Session of the Forty-second Idaho
Legislature be, and they hereby are, adopted as the Permanent Joint Rules for the First
Regular Session of the Forty-third Idaho Legislature.

A CONCURRENT RESOLUTION
CREATING AN INTERIM COMMITTEE AND DIRECTING THE COMMITTEE TO
STUDY PRESENT SALES TAX PROVISIONS FOR TAXABLE AND NONTAX-
ABLE ITEMS AND THE ADMINISTRATION OF THESE PROVISIONS; AND
AUTHORIZING AND DIRECTING THE PRESIDENT OF THE SENATE AND THE
SPEAKER OF THE HOUSE OF REPRESENTATIVES TO PAY EXPENSES FROM
LEGISLATIVE FUNDS.

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

WHEREAS, several matters have been under study by committees of the legislature in
the First Regular Session of the Forty-third Idaho Legislature relating to administration of
the state sales tax; and

WHEREAS, a complete review of the various categories of taxable and nontaxable
items should be accomplished; and

WHEREAS, these matters require further study and evaluation with the opportunity
for input by persons throughout the state familiar with these problems.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the
Forty-third Idaho Legislature, the House of Representatives and the Senate concurring
therein, that a committee shall be created composed of three members of the House
Revenue and Taxation Committee, two of whom shall be members of the majority party
and one of whom shall be a member of the minority party, all to be appointed by the
Speaker with the advice of the chairman of the Revenue and Taxation Committee, and two
members of the Senate Local Government and Taxation Committee, one of whom shall be a
member of the majority party and one of whom shall be a member of the minority party,
both to be appointed by the President Pro Tempore of the Senate with the advice of the
chairman of the Local Government and Taxation Committee. The Committee is charged
with a complete study and review of the present state sales tax provisions for taxable and
nontaxable items and the administration of these provisions.

The Committee shall submit its report and recommendations to the Second Regular
Session of the Forty-third Idaho Legislature.

BE IT FURTHER RESOLVED that the President of the Senate and the Speaker of
the House of Representatives shall pay from legislative funds to individual members of the
Committee, the costs of travel, food, lodging and twenty-five dollars a day as expenses for
efforts incurred in furtherance of committee business and they are hereby authorized and
directed to pay such amounts for the members of the Committee from their respective
houses, not to exceed a total expenditure of five thousand dollars.

Adopted by the House March 22, 1975. 
Adopted by the Senate March 22, 1975.
A CONCURRENT RESOLUTION
AUTHORIZING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
HOUSE OF REPRESENTATIVES TO ALLOCATE MONEYS FOR THE USE OF
THE LEGISLATIVE COUNCIL OUT OF THE LEGISLATIVE FUND.

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 study assignments during the interim between sessions
of the legislature; and

WHEREAS, the appropriations made by law to the Legislative Council anticipate that
moneys for the payment of legislators' allowances and travel expenses and consultant fees or
expenses not otherwise provided for should be made available from the legislative fund.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the
Forty-third Legislature, the Senate and 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 $24,000 to the Legislative Council out
of the legislative fund.

Adopted by the House March 22, 1975. 
Adopted by the Senate March 22, 1975.
A CONCURRENT RESOLUTION
PROVIDING FOR THE ADJOURNMENT OF THE FIRST REGULAR SESSION OF THE
FORTY-THIRD IDAHO LEGISLATURE AND FIXING THE TIME FOR
ADJOURNMENT SINE DIE.

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

BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature,
the House of Representatives and the Senate concurring therein, that at the hour of 11:50
p.m. on March 22, 1975, the House of Representatives and the Senate of the First Regular
Session of the Forty-third Idaho Legislature adjourn Sine Die.

SENATE JOINT MEMORIALS

(S.J.M.No. 103)

A JOINT MEMORIAL
RELATING TO THE ECONOMICS OF THE CATTLE INDUSTRY IN IDAHO; TO THE PRESIDENT OF THE UNITED STATES OF AMERICA, TO THE HONORABLE SECRETARY OF AGRICULTURE, TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO 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 First Regular Session of the Forty-third Idaho Legislature, do hereby respectfully submit that:

WHEREAS, domestic and world-wide demand for beef is continuing to grow; and
WHEREAS, increased beef production will be realized only if satisfactory prices attract necessary resources for beef production; and
WHEREAS, the cattle industry in Idaho and throughout the United States is threatened with economic disaster due in a large part to federal decisions concerning import-export of beef and grains; and
WHEREAS, United States beef producers are operating at a handicap since the United States is the only major red meat consuming country in the world still allowing wide open imports of beef; and
WHEREAS, this meat import policy has created an untenable position for United States beef producers.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring, that we most respectfully urge the President of the United States, the Secretary of Agriculture, and the Congress of the United States to recommend to other beef importing nations that
they reopen their borders and absorb some of the world’s beef surplus in order to stop the United States from becoming the “dumping ground” for the world’s excess beef.

BE IT FURTHER RESOLVED that unless other beef importing nations reopen their borders, the Congress of the United States and the President of the United States impose an embargo on beef imports into the United States in order to protect our own livestock industries and our balance of payments positions.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the Secretary of Agriculture, the President of the Senate and the Speaker of the House of Representatives in Congress and the congressional delegation representing this State in the Congress of the United States.

Adopted by the Senate February 12, 1975. 
Adopted by the House February 21, 1975.
A JOINT MEMORIAL

RELATING TO THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970; TO THE
HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED
STATES IN CONGRESS ASSEMBLED, AND TO 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 First Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Occupational Safety and Health Act of 1970 is causing hardships upon business, industry and farmers in Idaho; and

WHEREAS, everyone is concerned about the safety of America's working men and women; and

WHEREAS, changes are needed in the compliance section which allows Occupational Safety and Health Act inspectors to circumvent due process of law procedures; and

WHEREAS, there is a need to implement continuing federal funding for on-site consultive programs and changes are needed in procedures for standard setting, citations, review and appeal.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring, that we most respectfully urge the Congress of the United States either to amend the Occupational Safety and Health Act of 1970, as per some of the suggested proposed amendments noted above, to make it workable in guarding the health and safety and lives of America's working citizens, or to repeal the Occupational Safety and Health Act of 1970.

BE IT FURTHER RESOLVED that the Secretary of the Senate 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 Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States.

A JOINT MEMORIAL
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE
UNITED STATES IN CONGRESS ASSEMBLED, AND TO 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 First Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the economic condition of the elderly poor continues to rapidly decline in our State and Nation, and

WHEREAS, the plight of those who must depend greatly on Social Security for food, housing, heat, health needs, clothing and transportation and other necessities is distressingly deplorable, and

WHEREAS, the President of the United States has issued a directive that the allotted nine per cent increase in Social Security payments to be paid on July 1, 1975, be cut back to an increase of only five per cent, and

WHEREAS, there is before the United States Senate, S. Concurrent Resolution No. 2 which, when it becomes law, will cause the allotted payments of nine per cent increase to be paid to Social Security recipients, and

WHEREAS, adoption of S. Concurrent Resolution No. 2 should be a matter given highest priority by the Ninety-fourth Congress.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the Congress to act with dispatch to consider and adopt S. Concurrent Resolution No. 2 in order to provide some measure of relief to the elderly of our State and Nation.

BE IT FURTHER RESOLVED that the Secretary of the Senate 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 Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States.

A JOINT MEMORIAL
TO THE HONORABLE PRESIDENT OF THE SENATE OF THE UNITED STATES AND
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE UNITED
STATES, AND TO THE MEMBERS OF THE CONGRESSIONAL DELEGATION
REPRESENTING THE STATE OF IDAHO IN CONGRESS ASSEMBLED.

We, your Memorialists, the Senate and House of Representatives of the state of Idaho
assembled in the First Regular Session of the Forty-third Idaho Legislature, do respectfully
represent and petition as follows:

WHEREAS, the budget, as a vehicle of both policy coordination and administrative
control, is now considered one of the most effective devices of modern government; and

WHEREAS, the budget process, while serving to channel and compromise the
conflicting views in democratic systems, is of primary importance in the establishment of a
system of communication required to bring information to the proper levels for
decision-making; and

WHEREAS, at both state and national levels, a definitive change is becoming apparent
in which the legislative branches of government are demanding a greater role in the
preparation of budgets in an effort toward improving their primary function in the
appropriation of funds; and

WHEREAS, the public is becoming increasingly aware of the important constitutional
roles of both federal and state legislative branches of government, demanding increased
effectiveness and attention to duty and responsibility; and

WHEREAS, if the role of the legislative branch is to be effective in the budget process
at both the state and national levels, information must be readily available in a timely
manner concerning proposals and developments from both levels in order to intelligently
enact legislation resolving and implementing comprehensive programs for the good of the
citizens of this nation; and

WHEREAS, state legislatures are experiencing great difficulty acquiring timely and
current fiscal and policy information relating to congressional action in areas of vital fiscal
concern for effective state legislative consideration of revenue and appropriation bills.
NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the Senate and House of Representatives concurring therein, that we respectfully request that through the respective offices of the Speaker of the House and the President of the Senate, the recently created Senate and House of Representatives Budget Committees of the United States Congress be made aware of this lack of vital communication between the federal and state legislative branches of government, and that those congressional committees do institute and implement a comprehensive system designed to serve as a clearinghouse for assembling and promulgating to state legislatures all fiscal and policy information relating to congressional developments impacting state programs.

BE IT FURTHER RESOLVED that if the respective congressional legislative budget committees decide that the establishment of communications directed toward the development of state legislative expertise in budgetary and fiscal matters, is beyond their organizational scope at this time, they do then undertake to establish provisional communications directed toward the same goals until such time as a permanent system can be established.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the Honorable President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and each member of the congressional delegation representing the State of Idaho in the United States Congress.

A JOINT MEMORIAL

TO THE HONORABLE GERALD R. FORD, PRESIDENT OF THE UNITED STATES,
AND TO THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent and petition as follows:

WHEREAS, it has become an accepted maxim, by both observers and participants, that effective modern government is, at once, the result of political processes which serve to channel and compromise the conflicting views inherent in a democratic system, and administrative control which serves to implement and carry out the accepted policies so established; and

WHEREAS, the budget, now considered one of the most effective devices of modern government, has become the primary vehicle at all levels of government to establish and implement both policy coordination and administrative control; and

WHEREAS, the public is becoming increasingly aware of the important constitutional roles of both federal and state legislative branches of government, and is demanding increased effectiveness and attention to duty and responsibility; and

WHEREAS, because of this increasing public awareness, a definite change is becoming apparent in which the legislative branches of government are demanding a greater role in the preparation of budgets in an effort toward improving their primary function in the appropriation of funds; and

WHEREAS, if the role of the legislative branch is to become effective in the budget process at both the state and national levels, fiscal information must be readily available in a timely manner regarding proposals and developments from both levels in order to enact effective legislation resolving problems and issues for the common good of the citizens of this nation; and

WHEREAS, in developing cooperative functions between state and national levels, more and more federal programs are impacting state programs, and it is exceedingly difficult for state legislatures to carry out their constitutional roles under circumstances where only state executive branches are involved in the development and implementation of federal rules or regulations, and the receipt of current information relating to the organizational and fiscal impact of national programs on state programs.
NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the Senate and House of Representatives concurring therein, that we respectfully request that the Director of the Office of Management and Budget do consider the creation and implementation of an informational system which would be applicable to and lend itself to either direct provision of fiscal data to state legislatures, or would serve as an established clearinghouse for assembling and promulgating fiscal and policy information through appropriate channels of communication between the various state legislatures and the congressional budget committees and regional units of federal departments and agencies, and further would be designed to provide accurate and timely information by state, thereby enabling each state legislature to incorporate the latest available federal information into their fiscal processes for formulating total state programs and budgets, while at the same time being able to identify the direct flow of federal dollars to other levels of governmental jurisdiction within each state.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the Honorable Gerald R. Ford, President of the United States and to the Director of the Office of Management and Budget.

A JOINT MEMORIAL
TO THE HONORABLE GERALD R. FORD, PRESIDENT OF THE UNITED STATES:

We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-third Idaho Legislature, do respectfully represent and petition as follows:

WHEREAS, under the various current and traditional constitutional mandates, the state legislature constitutes a branch of government coequal to the state executive branch; and

WHEREAS, there presently exist extensive and frequently used lines of communication between the federal executive branch agencies and their parallel state executive branch agencies; and

WHEREAS, most major federal agencies have established regional offices or regional representatives who communicate and work regularly with their state executive branch counterparts, but who have not, for the most part, established a close working relationship with state legislatures and their service agencies; and

WHEREAS, state legislatures are not regularly or timely informed of potential or actual changes in federal programs, many of which impact state programs and require subsequent state legislative action; and

WHEREAS, state legislatures, and their respective legislative staffs, have experienced great and constant difficulties in making inquiries to federal agencies and in receiving responses to such inquiries; and

WHEREAS, although state executive branches of government are routinely involved in the development and implementation of federal rules or regulations affecting state programs, state legislatures and legislative staff are rarely involved in the development or implementation of such rules and regulations; and

WHEREAS, the public has become increasingly aware of the constitutional role of state legislatures and is demanding that state legislatures become more involved in determining policy and in examining the manner and extent to which the state executive branches implement statutory programs; and

WHEREAS, many federal programs have substantial fiscal impact on state programs and it is exceedingly difficult, if not impossible, for state legislatures to carry out their constitutional roles under circumstances where only the state executive branches have
current and valid information relating to the organizational and fiscal impact of federal programs on state programs.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the Senate and House of Representatives concurring therein, that we respectfully request that the President of the United States, through the honorable offices of his cabinet, do consider and direct that the needs of federal departments and agencies having regional representation, encourage key regional personnel to develop closer and continuing working relationships with state legislators and legislative staff in their respective regions in an effort to establish in depth and continuing dialogue directed toward providing state legislatures with greater access to information on federal programs and to initiate the involvement of state legislatures in the planning, development, and implementation of rules, regulations, and orders which have an impact on state programs, particularly with regard to the funding of state programs.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the Honorable Gerald R. Ford, President of the United States.

Adopted by the Senate March 19, 1975. 
Adopted by the House March 21, 1975.
A JOINT MEMORIAL
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE
UNITED STATES IN CONGRESS ASSEMBLED AND THE SENATORS AND
REPRESENTATIVES REPRESENTING THE STATE OF IDAHO IN THE
CONGRESS ASSEMBLED.

We, your Memorialists, the Senate and House of Representatives of the State of Idaho
assembled in the First Regular Session of the Forty-third Idaho Legislature, do hereby
respectfully represent that:

WHEREAS, the condition of the Idaho salmon and steelhead runs has reached such a
critical state of depletion that taking fish in Idaho waters has been severely restricted; and
WHEREAS, the runs of these fish are a natural resource of this state and a part of the
heritage to which our citizens are entitled; and
WHEREAS, other jurisdictions, including other states and the United States
government, must take immediate action if the future of the salmon and steelhead runs is to
be protected; and
WHEREAS, the United States Congress has considered legislation to extend the limits
of American waters to a two hundred mile limit; and
WHEREAS, the present limits are insufficient because they offer no protection
against over harvesting by fishing vessels, under the flags of other nations, and completely
beyond the control or influence of the state of Idaho; and
WHEREAS, adoption of the two hundred mile limit should be a matter given highest
priority by the Ninety-fourth Congress.

NOW, THEREFORE, BE IT RESOLVED by the First Regular session of the
Forty-third Idaho Legislature, the House of Representatives and the Senate concurring
herein, that we urge the Congress to act with dispatch to consider and adopt a two hundred
mile limit in order to provide protection of the native salmon and steelhead runs.
BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and he 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, and the Senators and Representatives representing the state of Idaho in Congress assembled.

Adopted by the House February 6, 1975.  
Adopted by the Senate March 14, 1975.
A JOINT MEMORIAL
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Juan Toledo, now deceased, was a natural born citizen of these United States; and

WHEREAS, Juan Toledo and Beatrice Serrano were lawfully wed while Mr. Toledo was traveling in Mexico to visit relatives residing there; and

WHEREAS, Juan Toledo was murdered by a gunman on the 6th of September, 1973, leaving behind his widow and their child; and

WHEREAS, the laws clearly provide that if Juan Toledo had survived to bring his wife and child to the United States, the rights and privileges of citizenship would have been available to them; and

WHEREAS, we believe that the laws of the United States are intended to be tempered with compassion, justice and humanity; and

WHEREAS, Beatrice Serrano Toledo is now living in Boise, Idaho, arriving in the United States on a tourist visa, and is desirous of obtaining citizenship for herself and her child; and

WHEREAS, Beatrice Serrano Toledo is a person of good character, modest and sincere, and well able to provide for her future support and the care of her child.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully urge the Congress of the United States to consider the unfortunate circumstances of Beatrice Serrano Toledo, to consider the intention of her husband, a citizen of the United States, and to take the steps necessary to extend to her the rights, duties and privileges of citizenship in the United States.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives be, and he 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 Congress, and the Senators and Representatives representing the State of Idaho in the Congress of the United States.

Adopted by the House February 22, 1975.

Adopted by the Senate March 7, 1975.
A JOINT MEMORIAL

TO THE HONORABLE ROGERS C. B. MORTON, SECRETARY, DEPARTMENT OF INTERIOR; HONORABLE FRANK CHURCH, SENATOR, STATE OF IDAHO; HONORABLE JAMES McCLURE, SENATOR, STATE OF IDAHO; HONORABLE STEVE SYMMS, CONGRESSMAN, FIRST DISTRICT, STATE OF IDAHO; AND HONORABLE GEORGE V. HANSEN, CONGRESSMAN, SECOND DISTRICT, STATE OF IDAHO.

We, your Memorialists, the Legislature of the State of Idaho, assembled in the First Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the federal Carey Act of 1894 made a specific allocation of one million acres of land and a grant of authority to the State of Idaho to sponsor irrigation projects on this land; and

WHEREAS, additional action by the federal Congress in 1908 increased this allocation and authority by a second one million acres and also by a third one million acres; and

WHEREAS, the State of Idaho has successfully used approximately six hundred thousand acres of this allocation leaving approximately 1.4 million or possibly 2.4 million acres yet to be developed; and

WHEREAS, world food needs have eliminated the price depressing surpluses of agricultural products, and, in fact, have established a ready market for most cereal, fiber and vegetable products; and

WHEREAS, the solicitor's office of the federal Bureau of Land Management has ruled that language in the federal Carey Act which states one hundred and sixty acres "per person" actually means only one hundred and sixty acres per family (man and wife); and

WHEREAS, said ruling totally obviates the personal civil rights of one spouse of the marriage contract; and

WHEREAS, there are applications for Carey Act reclamation projects currently pending in Idaho, which total in excess of 300,000 acres; and

WHEREAS, the development of this land can be achieved by Idaho people using private finance without government subsidy; and

WHEREAS, the land under application will provide family farm units for at least one thousand families, many of whom are veterans of our Nation's armed forces as provided under the veterans preference provisions of the Idaho State Carey Act; and
WHEREAS, Idaho has a private tax base of less than one-third the area of our state; and

WHEREAS, the Carey Act project applications are for desert lands, which when irrigated, will establish productive, independent family farms from land which in its native condition supports a very limited grazing economy and affords only a sparse minimal wildlife production; and

WHEREAS, the Idaho Legislature is considering a measure which will encourage Carey Act project settlers to voluntarily replace grazing, wildlife and recreation values displaced from Carey Act project lands.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring, that we most respectfully appeal the Bureau of Land Management solicitor's opinion. In light of equal protection under the Constitution, we cannot agree that "per person" can constitutionally mean per family of two people and we urge the Secretary to officially review and reverse this discriminatory opinion. We further request the full cooperation of all of our Idaho congressional delegation in the joint sponsorship of actions needed to further update and modernize the federal Carey Act of 1894, as amended in 1908.

BE IT FURTHER RESOLVED that the Chief Clerk of the House be, and he is hereby authorized and directed to forward certified copies of this memorial to the Honorable Rogers C. B. Morton, Secretary, Department of Interior; Honorable Frank Church, Senator, State of Idaho; Honorable James McClure, Senator, State of Idaho; Honorable Steve Symms, Congressman, First District, State of Idaho; and Honorable George V. Hansen, Congressman, Second District, State of Idaho.

BE IT FURTHER RESOLVED that the Speaker of the House of Representatives and the President Pro Tempore of the Senate be authorized and directed to prepare and forward an appropriate joint personal letter to each of the officials listed in the paragraph above and that this personal letter shall accompany the official copies of this memorial when it is sent to each official so named.

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE CONGRESS OF THE UNITED STATES, AND TO THE SECRETARY OF THE INTERIOR OF THE UNITED STATES RELATING TO THE USE OF TOXIC MATERIALS FOR THE CONTROL OF PREDATORS.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the range livestock business is the number one industry in the State of Idaho; and

WHEREAS, the range livestock business is presently suffering serious losses and depredations caused by predatory animals; and

WHEREAS, the game bird and game animal wildlife resources are also suffering serious losses and depredations caused by predatory animals; and

WHEREAS, present control methods are not preventing these serious and irreplaceable losses.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring, that we most respectfully urge the President of the United States to allow the Federal Fish and Wildlife Service of the Department of the Interior to use toxic materials to control predatory animals where these serious losses and depredations are occurring.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and he is hereby authorized and directed to forward copies of this Memorial to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to the Secretary of the Interior of the United States.

Adopted by the House March 6, 1975. Adopted by the Senate March 13, 1975.
A JOINT MEMORIAL

TO THE LEGISLATURE OF THE STATE OF WASHINGTON AND TO THE LEGISLATURE OF THE STATE OF OREGON.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the State of Idaho, by and through its legislature, is desirous of protecting the economically and aesthetically valuable and irreplaceable anadromous fisheries; and

WHEREAS, down river commercial fishing and other causes, have severely depleted the numbers of anadromous fish returning to Idaho to spawn; and

WHEREAS, this depletion of the resource has caused the State of Idaho to shorten its fishing seasons for anadromous fish and more importantly poses a distinct and irreparable threat to the existence of the anadromous fish runs in the State of Idaho, Washington, and Oregon; and

WHEREAS, the commercial fishing in the Columbia River drainage is presently controlled and regulated by the voting members of the Columbia River Fisheries Compact, Washington and Oregon, with Idaho as a non-voting advisor; and

WHEREAS, the State of Idaho, by and through its legislature, recognizes the benefit which may be derived from the Compact; and

WHEREAS, the State of Idaho, by and through its legislature, is in the present First Session of the Forty-third Legislature considering amendments to the Idaho Code which will bring the Idaho acceptance of the Columbia River Fisheries Compact into harmony and compliance with similar legislation pending in Oregon and Washington; and

WHEREAS, recognition is given to the value of long range consideration and continuing cooperation between the states of Oregon, Washington and Idaho; and

WHEREAS, the State of Idaho, by and through its legislature, strongly believes that the states within the Columbia River system should control its waterways rather than to permit federalization; and

WHEREAS, state control is only possible through mutual agreement and organization among the states involved; and

WHEREAS, the State of Idaho, by and through its legislature, recognizes the need for mutual agreement and organization; and
WHEREAS, the Columbia River System Water Compact previously submitted to the states for ratification, has been the subject of inaction and is now obsolete and the Idaho Legislature is in the process of repealing its acceptance of that Compact; and

WHEREAS, the Snake River forms a mutual boundary between Idaho and Oregon and Idaho and Washington; and

WHEREAS, the State of Idaho, by and through its legislature, is desirous of achieving mutual cooperation and control of the Snake River in the mutual boundary areas mentioned above and is willing to make necessary negotiations in furtherance of that result.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully urge that the State of Washington and the State of Oregon each ratify the Columbia River Fish Compact and that each respective state, by and through its respective legislature, accept the State of Idaho as a voting member on those items which do affect the anadromous fishery of Idaho.

BE IT FURTHER RESOLVED that the State of Idaho, by and through its legislature, upon rescinding its ratification of the Columbia River System Water Compact does now ask the State of Washington and the State of Oregon, to reopen negotiations that could lead to the establishment of a limited river compact to govern the Snake River where it forms a mutual boundary between Idaho and Oregon and between Idaho and Washington.

BE IT FURTHER RESOLVED that the State of Washington and the State of Oregon by and through their respective legislatures each receive a delegation from the State of Idaho and meet with them in active pursuit of these goals.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives, be, and he is hereby authorized and directed to forward copies of this Memorial to the legislature of the State of Oregon and the legislature of the State of Washington.

TO THE PRESIDENT, THE SECRETARY OF STATE AND THE SECRETARY OF AGRICULTURE OF THE UNITED STATES, AND TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED.

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the First Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, in 1974 the farmers of the United States produced the largest crop of potatoes ever produced; and

WHEREAS, this bounty of nature has resulted in millions of tons of potatoes being offered in depressed market conditions; and

WHEREAS, the farmers of the United States who have produced these potatoes are receiving less than their cost of production; and

WHEREAS, while this surplus of food exists in the United States there are millions of people in Africa, Asia and other parts of the world who are daily dying of starvation; and

WHEREAS, the United States has in operation the Food for Peace Program which is designed to provide American food stuffs to our less fortunate neighbors in other lands; and

WHEREAS, moneys are currently available from existing sources to fund the purposes proposed by this memorial; and

WHEREAS, a great opportunity exists to use our surplus American potatoes to save the lives of millions of starving citizens of the world and to demonstrate most graphically that we are truly a Nation "with malice toward none and charity for all."

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urgently request the President of the United States, the Congress of the United States, and all of the leaders of this great nation to support and include in the Food for Peace Program the purchase of at least fifty million pounds of dehydrated American grown potatoes for distribution to the starving peoples of Africa, Asia, and other parts of the world.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and he is hereby authorized and directed to forward copies of this Memorial to the President, the Secretary of State and the Secretary of Agriculture of the United States, to the Speaker of the House of Representatives of the United States and to the President of the Senate of the United States.

A JOINT MEMORIAL
TO THE HONORABLE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND THE
SENATE OF THE UNITED STATES IN CONGRESS ASSEMBLED AND THE
HONORABLE MEMBERS OF THE 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 First Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, there is now pending before the Congress of the United States S568, increasing the amount of the estate tax exemption for estate tax purposes; and

WHEREAS, the increased limit proposed in this legislation of $120,000 is a realistic maximum in view of current property values; and

WHEREAS, estate taxes now impose a heavy burden on the individual who may be faced with the loss of the family business because he cannot meet the immediate demand caused by estate and inheritance taxes; and

WHEREAS, the increased limit would facilitate and strengthen the tradition of the family business in America, passing these businesses on to the family heirs to continue their operation.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we endorse the principles of S568, and the increased amount of estate tax exemption for estate tax purposes embodied in that legislation. We commend this legislation to the Congress of the United States and urge their favorable action upon it.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and he is hereby authorized and directed to forward copies of this Memorial to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States, and to the honorable members of the congressional delegation representing the State of Idaho in the Congress of the United States.

A JOINT MEMORIAL
RELATING TO THE ECONOMICS OF THE STATE OF IDAHO AND THE NATION AND
THE CATTLE INDUSTRY IN PARTICULAR; TO THE PRESIDENT OF THE
UNITED STATES OF AMERICA, THE HONORABLE SECRETARY OF AGRICUL-
TURE, HONORABLE MEMBERS OF THE CONGRESS OF THE UNITED STATES,
AND TO THE HONORABLE MEMBERS OF THE IDAHO CONGRESSIONAL
DELEGATION.

We, your Memorialists, the House of Representatives and the Senate of the State of
Idaho assembled in the First Regular Session of the Forty-third Idaho Legislature, do hereby
respectfully submit that:

WHEREAS, the domestic beef cattle industry in the State of Idaho and the United
States is in extreme critical financial circumstances because of continued depressed live
cattle prices; and

WHEREAS, the beef cattle industry in Idaho has maintained a leading position in the
general economy that provides new wealth and many turns to the dollar investment in our
daily lives; and

WHEREAS, the United States Congress has created a loan security fund for livestock
operations with a maximum of $250,000 for a three year period that began in 1974, which
heretofore was not used to a great extent, but has now become a very possible salvation to
the retention of many family ranching units; and

WHEREAS, the loan security fund has an insufficient time limit remaining and an
inadequate maximum amount to fulfill the urgent needs now facing those engaged in the
beef cattle industry.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the
Forty-third Idaho Legislature, the House of Representatives and the Senate concurring, that
we most respectfully urge Congress to immediately extend the length of the cattle loan
security program to a period of five or seven years and increase the limits of the guarantee
to better allow recovery from the financial crisis now within the industry.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives
be, and he is hereby authorized and directed to forward copies of this Memorial to the
President of the United States, to the President of the Senate and the Speaker of the House
of Representatives of the Congress of the United States, to the Secretary of Agriculture of
the United States, and to the honorable members of the Congressional Delegation
representing the State of Idaho in the Congress of the United States.

EXECUTIVE ORDER NO. 74-1

TERMINATING THE EXISTENCE OF NINE EXECUTIVE AGENCIES

WHEREAS, the Legislative Executive Reorganization Commission has presented the Second Regular Session of the Forty-Second Legislature a proposal for the reorganization of the Executive Branch of State Government, pursuant to Article IV, Section 20, of the Constitution of the State of Idaho; and

WHEREAS, I wish to cooperate fully with and aid the Idaho Legislature in their efforts to make Idaho government more responsive to the needs of the people of the State; and

WHEREAS, as Governor of the State of Idaho, I am charged by Section 67-2510, Idaho Code, to “devise a practical and working basis for cooperation and coordination of work, eliminating duplication and overlapping of functions” in the Executive Branch of Idaho State Government;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by the authority vested in me by law, order that effective the fifteenth day of January, 1974, the existence of the following nine agencies originally created by Executive Order shall terminate:

1. State Office of Child Development
2. State Community Coordinated Child Care Council
3. Agricultural Advisory Board
4. Idaho Rural Development Council
5. Council on Juvenile Prevention and Control
6. Advisory Council for Idaho Office of Economic Opportunity
7. Governor’s Executive Committee on Data Processing
8. Coordinating Committee for Cooperative Manpower Planning System for Idaho
9. Capital Area Coordinating Council

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the fifteenth day of January, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth, and of the State the eighty-fourth.

GOVERNOR OF THE STATE OF IDAHO

SECRETARY OF STATE
WHEREAS, the nation and Idaho face an energy dilemma; and
WHEREAS, the potential for energy shortages does exist within our state; and
WHEREAS, it is the obligation of state government to make every effort to alleviate
the problems that such shortages will bring to bear upon the citizens of Idaho.

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by the
authority vested in me by law, do hereby order the creation of the IDAHO ENERGY
COUNCIL and the IDAHO OFFICE ON ENERGY.

The Energy Council housed within the Office of the Governor shall consist of the
majority and minority leaders of the Idaho Senate and the Idaho House of Representatives.
The Governor shall serve as chairman of the Council.

The Council shall serve as a policy making body for the areas of production,
distribution and consumption of energy and energy producing fuels, and in conjunction
with the Idaho Public Utilities Commission shall advise the Idaho Office on Energy. The
Council shall make such executive and legislative recommendations which they deem
necessary to reduce any shortage of energy or energy producing fuels.

The Idaho Office on Energy shall be housed within the Office of the Governor. A
director appointed by the Governor shall administer the federal mandatory petroleum
products allocation program and shall in addition:

review the policies of various departments of state government that affect the
production, distribution and consumption of energy and energy producing fuels,
maintain liaison with the government of the United States and the government of other
states to make certain that the policies and practices of this state are consistent with
national policies and practices in regard to production, distribution and consumption
of energy and energy producing fuels.

The Energy Council and the Idaho Office on Energy shall cease to exist by authority
of this executive order on January 31, 1976, or at an earlier date when determined that the
need for the two entities no longer exists.

IN WITNESS WHEREOF, I have hereunto set my hand and
cau sed to be affixed the Great Seal of the State of Idaho, at
Boise, the Capital, the seventh day of February, in the year of
our Lord nineteen hundred seventy-four, and of the Indepen­
dence of the United States of America the one hundred
ninety-eighth, and of the State the eighty-fourth.

BY THE GOVERNOR:

[Signature]

SECRETARY OF STATE
EXECUTIVE ORDER NO. 75-1

PROHIBITING THE USE OF IMPORTED BEEF PRODUCTS BY STATE AGENCIES

WHEREAS, the beef industry represents the largest cash receipt agricultural product in the State of Idaho; and

WHEREAS, 34 percent of net disposable income in the State of Idaho is attributable to the cattle industry and its related ancillary industries; and

WHEREAS, the average cattle producer in the State of Idaho raises less than 100 head of beef cattle; and

WHEREAS, the growing importation of foreign beef products represents the largest threat to the continuation of a viable cattle industry in the State of Idaho;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by the authority vested in me by law, do hereby prohibit the use of foreign beef products by state governmental agencies. State agencies which, upon issuance of this Executive Order, may be utilizing foreign beef products in their food service functions are directed to exhaust existing supplies and to refrain from any further use of such products.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the eleventh day of April, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth, and of the State the eighty-fifth.

GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

SECRETARY OF STATE
EXECUTIVE ORDER NO. 75-2

PROHIBITING THE USE OF IMPORTED DAIRY PRODUCTS BY STATE AGENCIES

WHEREAS, the sale of milk and cream by dairy producers in Idaho during 1974 represented sales of one hundred twelve million dollars; and
WHEREAS, approximately twenty-five percent of the total beef marketed within Idaho is drawn from dairy herds; and
WHEREAS, the average dairy producer's capital investment in land, equipment and cattle equals between one hundred and five hundred thousand dollars; and
WHEREAS, 2,932,000,000 pounds of milk equivalent products were imported into the United States during 1974;

NOW, THEREFORE, I, Cecil D. Andrus, Governor of the State of Idaho, by the authority vested in me by law, in order to meet the obligation of state government to alleviate problems facing an important segment of the economy, do hereby prohibit the use of foreign dairy products by state governmental agencies. State agencies which, upon issuance of this Executive Order, may be utilizing foreign dairy products in their food service functions are directed to exhaust existing supplies and to refrain from any further use of such products.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the eleventh day of April, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth, and of the State the eighty-fifth.

BY THE GOVERNOR:

Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

BY THE SECRETARY OF STATE:

Dave G. Conner
SECRETARY OF STATE
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 Forty-third Legislature of the State of Idaho, First Regular Session thereof, which convened January 13, 1975, and adjourned March 22, 1975, 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 4th day of April, 1975.

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.
INDEX

CONTENTS

Alphabetical index of laws according to subject matter ........................................ 797
Code index .................................................................................................................. 835
Numerical index of laws by bill numbers ................................................................. 849
## INDEX

1975 Session Laws — First Regular Session

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Chapter — Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ACCIDENTS</strong></td>
<td>Insurance policies, minimum standards</td>
<td>Ch205 - 569</td>
</tr>
<tr>
<td><strong>ACCOUNTANTS</strong></td>
<td>Accountancy Board, appropriation</td>
<td>Ch70 - 139</td>
</tr>
<tr>
<td></td>
<td>Accountancy Board, appropriation, supplemental</td>
<td>Ch29 - 47</td>
</tr>
<tr>
<td><strong>ADMINISTRATION</strong></td>
<td>Department, appropriation</td>
<td>Ch225 - 621</td>
</tr>
<tr>
<td></td>
<td>Department, appropriation, insurance cost</td>
<td>Ch202 - 560</td>
</tr>
<tr>
<td></td>
<td>Department, appropriation, supplemental</td>
<td>Ch202 - 560</td>
</tr>
<tr>
<td></td>
<td>Department, group insurance fund</td>
<td>Ch55 - 117</td>
</tr>
<tr>
<td></td>
<td>Department, Risk Manager, retained risk fund</td>
<td>Ch195 - 540</td>
</tr>
<tr>
<td><strong>ADVERTISING</strong></td>
<td>Highways, displays, erection, removal</td>
<td>Ch139 - 312</td>
</tr>
<tr>
<td><strong>AERONAUTICS</strong></td>
<td>Airports, eminent domain land, possession</td>
<td>Ch141 - 321</td>
</tr>
<tr>
<td></td>
<td>Airports, planning funds, approval</td>
<td>Ch113 - 232</td>
</tr>
<tr>
<td></td>
<td>Airports, zoning, authority</td>
<td>Ch111 - 229</td>
</tr>
<tr>
<td><strong>AGRICULTURE</strong></td>
<td>Bean Commission, appropriation</td>
<td>Ch70 - 139</td>
</tr>
<tr>
<td></td>
<td>Beef, marketing encouraged</td>
<td>SJM103 - 773</td>
</tr>
<tr>
<td></td>
<td>Brand inspection, appropriation</td>
<td>Ch186 - 511</td>
</tr>
<tr>
<td></td>
<td>Cattle, loan security program, extension asked</td>
<td>HJM10 - 793</td>
</tr>
<tr>
<td></td>
<td>Dairy products, fluid, sold in ¼ gallon</td>
<td>Ch231 - 634</td>
</tr>
<tr>
<td></td>
<td>Department, appropriation</td>
<td>Ch102 - 207</td>
</tr>
<tr>
<td></td>
<td>Eggs, assessments, intrastate commerce</td>
<td>Ch75 - 477</td>
</tr>
<tr>
<td></td>
<td>Eggs, handler, defined</td>
<td>Ch175 - 477</td>
</tr>
<tr>
<td></td>
<td>Farm products, when exempt, Motor Carrier Act</td>
<td>Ch253 - 684</td>
</tr>
<tr>
<td></td>
<td>Irrigation equipment, sales tax exempt</td>
<td>Ch96 - 193</td>
</tr>
<tr>
<td></td>
<td>Labor Board, appropriation</td>
<td>Ch31 - 51</td>
</tr>
<tr>
<td></td>
<td>Pea and Lentil Commission, assessments</td>
<td>Ch5 - 9</td>
</tr>
<tr>
<td></td>
<td>Potato Commission, appropriation</td>
<td>Ch70 - 139</td>
</tr>
<tr>
<td></td>
<td>Potatoes, purchase urged, Food for Peace</td>
<td>HJM7 - 791</td>
</tr>
<tr>
<td></td>
<td>Predators, control with toxic materials</td>
<td>HJM5 - 788</td>
</tr>
</tbody>
</table>
# AGRICULTURE (Continued)

- Products, allowable gross loads, highways ................................................. Ch184 - 50
- Research, Cooperative Extension Serv., appropriation ................................ Ch229 - 630
- Tractors on highways ....................................................................................... Ch131 - 288
- Wheat Commission, appropriation .................................................................. Ch70 - 139

## AIRPORTS

See AERONAUTICS

## ALCOHOL

See LIQUOR

## ALCOHOLIC BEVERAGES

See BEVERAGES, LIQUOR

## ALCOHOLISM

- Treatment Act .................................................................................................... Ch149 - 376

## AMBULANCES

- County service districts .................................................................................... Ch258 - 703

## ANIMALS

- Horses, mules, asses, brand inspection ................................................................. Ch23 - 36

## APPROPRIATIONS

- Accountancy Board ............................................................................................ Ch70 - 139
- Accountancy Board, supplemental ..................................................................... Ch29 - 47
- Administration Department ................................................................................ Ch225 - 621
- Administration Department, insurance cost increase ......................................... Ch202 - 560
- Administration Department, supplemental ........................................................ Ch202 - 560
- Agriculture Department ...................................................................................... Ch102 - 207
- Agriculture Research, Cooperative Extension Serv. .......................................... Ch229 - 630
- Agricultural Labor Board .................................................................................... Ch31 - 51
- Alcohol Safety Action Project ............................................................................. Ch200 - 557
- Apple Commission .............................................................................................. Ch70 - 139
- Arts & Humanities Commission .......................................................................... Ch178 - 483
- Athletic Director .................................................................................................. Ch70 - 139
- Attorney General ............................................................................................... Ch77 - 157
- Attorney General, litigation fund ....................................................................... Ch250 - 678
- Auditor, explore fund structure .......................................................................... Ch266 - 716
- Auditor, Bear Lake Regional Commission ........................................................ Ch228 - 629
- Auditor, state ........................................................................................................ Ch122 - 253
- Auditor, state, supplemental ............................................................................... Ch166 - 451
- Automated code search system, etc. .................................................................. Ch236 - 644
- Bean Commission ............................................................................................... Ch70 - 139
<table>
<thead>
<tr>
<th>Appropriations (Continued)</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bear Lake Regional Commission</td>
<td>Ch228 - 629</td>
</tr>
<tr>
<td>Bicentennial Commission</td>
<td>Ch187 - 513</td>
</tr>
<tr>
<td>Blind Program</td>
<td>Ch249 - 671</td>
</tr>
<tr>
<td>Boise State University</td>
<td>Ch73 - 149</td>
</tr>
<tr>
<td>Brand Inspection Program</td>
<td>Ch186 - 511</td>
</tr>
<tr>
<td>Budget Program</td>
<td>Ch249 - 671</td>
</tr>
<tr>
<td>Capitol Building, governor's office</td>
<td>Ch146 - 337</td>
</tr>
<tr>
<td>Capitol Mall, parking facilities</td>
<td>Ch146 - 337</td>
</tr>
<tr>
<td>Cherry Commission</td>
<td>Ch70 - 139</td>
</tr>
<tr>
<td>Child Development Centers</td>
<td>Ch146 - 337</td>
</tr>
<tr>
<td>Colleges &amp; Universities</td>
<td>Ch73 - 149</td>
</tr>
<tr>
<td>College of Southern Idaho, vo-tech. building</td>
<td>Ch146 - 337</td>
</tr>
<tr>
<td>Committee, presession hearings</td>
<td>SCR112 - 731</td>
</tr>
<tr>
<td>Committee, presession meetings, expenses paid</td>
<td>HCR31 - 759</td>
</tr>
<tr>
<td>Correction Department</td>
<td>Ch80 - 163</td>
</tr>
<tr>
<td>County School Fund</td>
<td>Ch144 - 333</td>
</tr>
<tr>
<td>County School Fund</td>
<td>Ch215 - 597</td>
</tr>
<tr>
<td>Dairy Products Commission</td>
<td>Ch70 - 139</td>
</tr>
<tr>
<td>Deaf &amp; Blind School</td>
<td>Ch104 - 212</td>
</tr>
<tr>
<td>Deaf &amp; Blind School, roof repairs</td>
<td>Ch99 - 203</td>
</tr>
<tr>
<td>Dentistry Board</td>
<td>Ch70 - 139</td>
</tr>
<tr>
<td>Eastern Idaho Vo-Tech. School, building</td>
<td>Ch3 - 7</td>
</tr>
<tr>
<td>Educ. Board</td>
<td>Ch68 - 135</td>
</tr>
<tr>
<td>Educ. Board, agricultural research, plant items</td>
<td>Ch11 - 16</td>
</tr>
<tr>
<td>Educ. Board, colleges &amp; universities</td>
<td>Ch73 - 149</td>
</tr>
<tr>
<td>Educ. Board, educational television</td>
<td>Ch68 - 135</td>
</tr>
<tr>
<td>Educ. Board, legal services</td>
<td>Ch239 - 648</td>
</tr>
<tr>
<td>Educ. Board, Library Board, etc.</td>
<td>Ch263 - 710</td>
</tr>
<tr>
<td>Educ. Board, 1974 appropriation decreased</td>
<td>Ch226 - 625</td>
</tr>
<tr>
<td>Educ. Board, special programs</td>
<td>Ch229 - 630</td>
</tr>
<tr>
<td>Educ. Board, Universities, roof repairs</td>
<td>Ch99 - 203</td>
</tr>
<tr>
<td>Educ. Board, University of Idaho, supplemental</td>
<td>Ch40 - 70</td>
</tr>
<tr>
<td>Educ. Board, vo-educ., rehabilitation</td>
<td>Ch76 - 154</td>
</tr>
<tr>
<td>Education Commission</td>
<td>Ch249 - 671</td>
</tr>
<tr>
<td>Education Department</td>
<td>Ch227 - 627</td>
</tr>
<tr>
<td>Education Department, 1974 changed</td>
<td>Ch221 - 613</td>
</tr>
<tr>
<td>Employment Department, office building</td>
<td>Ch87 - 180</td>
</tr>
<tr>
<td>Engineering Examiners Board</td>
<td>Ch70 - 139</td>
</tr>
<tr>
<td>Federal grants, review</td>
<td>HCR11 - 745</td>
</tr>
<tr>
<td>Finance - Appropriations Committee</td>
<td>Ch237 - 645</td>
</tr>
<tr>
<td>Finance Department</td>
<td>Ch190 - 532</td>
</tr>
<tr>
<td>Finance Department, supplemental</td>
<td>Ch30 - 49</td>
</tr>
<tr>
<td>Fish &amp; Game Department</td>
<td>Ch222 - 615</td>
</tr>
<tr>
<td>Flags, program</td>
<td>Ch249 - 671</td>
</tr>
</tbody>
</table>
### APPROPRIATIONS (Continued)

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Chapter/Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forestry programs</td>
<td></td>
<td>Ch224 - 618</td>
</tr>
<tr>
<td>General fund surplus, County School Fund, parks</td>
<td></td>
<td>Ch215 - 597</td>
</tr>
<tr>
<td>General Services Division</td>
<td></td>
<td>Ch225 - 621</td>
</tr>
<tr>
<td>Geologists Board</td>
<td></td>
<td>Ch70 - 139</td>
</tr>
<tr>
<td>Governor, Office of</td>
<td></td>
<td>Ch249 - 671</td>
</tr>
<tr>
<td>Governor, Office of, Pacific NW Commission Program</td>
<td></td>
<td>Ch165 - 448</td>
</tr>
<tr>
<td>Governor's Residence</td>
<td></td>
<td>Ch249 - 671</td>
</tr>
<tr>
<td>Health &amp; Welfare</td>
<td></td>
<td>Ch198 - 552</td>
</tr>
<tr>
<td>Health &amp; Welfare, John Hickman case</td>
<td></td>
<td>Ch37 - 65</td>
</tr>
<tr>
<td>Health &amp; Welfare, roof repairs</td>
<td></td>
<td>Ch99 - 203</td>
</tr>
<tr>
<td>Heyburn State Park, water/sewer system</td>
<td></td>
<td>Ch161 - 419</td>
</tr>
<tr>
<td>Hickman, John vs State School &amp; Hospital</td>
<td></td>
<td>Ch37 - 65</td>
</tr>
<tr>
<td>Historical Society</td>
<td></td>
<td>Ch115 - 236</td>
</tr>
<tr>
<td>Historical Society, historic sites maintenance</td>
<td></td>
<td>Ch39 - 68</td>
</tr>
<tr>
<td>Historical Society, supplemental</td>
<td></td>
<td>Ch39 - 68</td>
</tr>
<tr>
<td>Horse Racing Commission</td>
<td></td>
<td>Ch186 - 511</td>
</tr>
<tr>
<td>Horse Racing Commission, supplemental</td>
<td></td>
<td>Ch38 - 66</td>
</tr>
<tr>
<td>Human Rights</td>
<td></td>
<td>Ch249 - 671</td>
</tr>
<tr>
<td>Idaho State University</td>
<td></td>
<td>Ch73 - 149</td>
</tr>
<tr>
<td>Idaho State University, library building</td>
<td></td>
<td>Ch146 - 337</td>
</tr>
<tr>
<td>Industrial Commission</td>
<td></td>
<td>Ch69 - 137</td>
</tr>
<tr>
<td>Insurance Department</td>
<td></td>
<td>Ch101 - 206</td>
</tr>
<tr>
<td>Insurance Fund</td>
<td></td>
<td>Ch 249 - 671</td>
</tr>
<tr>
<td>Kindergartens</td>
<td></td>
<td>Ch104 - 212</td>
</tr>
<tr>
<td>Labor &amp; Industrial Services Department</td>
<td></td>
<td>Ch74 - 151</td>
</tr>
<tr>
<td>Land, endowment purchase account</td>
<td></td>
<td>Ch 215 - 597</td>
</tr>
<tr>
<td>Lands Department</td>
<td></td>
<td>Ch224 - 618</td>
</tr>
<tr>
<td>Lands Department, forest protection program</td>
<td></td>
<td>Ch19 - 26</td>
</tr>
<tr>
<td>Law Enforcement Department</td>
<td></td>
<td>Ch186 - 511</td>
</tr>
<tr>
<td>Law Enforcement Planning</td>
<td></td>
<td>Ch249 - 671</td>
</tr>
<tr>
<td>Legislative Council</td>
<td></td>
<td>Ch67 - 134</td>
</tr>
<tr>
<td>Legislative Council, automated code system</td>
<td></td>
<td>Ch236 - 644</td>
</tr>
<tr>
<td>Legislative Council, Tax Analysis Computer Service</td>
<td></td>
<td>Ch260 - 707</td>
</tr>
<tr>
<td>Legislative Council, studies, expenses</td>
<td></td>
<td>HCR46 - 771</td>
</tr>
<tr>
<td>Lewis-Clark State College</td>
<td></td>
<td>Ch73 - 149</td>
</tr>
<tr>
<td>Lewis-Clark State College, roof repairs, etc.</td>
<td></td>
<td>Ch263 - 710</td>
</tr>
<tr>
<td>Library Board</td>
<td></td>
<td>Ch115 - 236</td>
</tr>
<tr>
<td>Library Board</td>
<td></td>
<td>Ch263 - 71C</td>
</tr>
<tr>
<td>Lieutenant Governor</td>
<td></td>
<td>Ch75 - 153</td>
</tr>
<tr>
<td>Liquor Division</td>
<td></td>
<td>Ch249 - 671</td>
</tr>
<tr>
<td>Log Scaling program</td>
<td></td>
<td>Ch224 - 618</td>
</tr>
<tr>
<td>Management Analysis &amp; Information Systems</td>
<td></td>
<td>Ch249 - 671</td>
</tr>
<tr>
<td>Medicine, State Board</td>
<td></td>
<td>Ch70 - 135</td>
</tr>
<tr>
<td>Military Division</td>
<td></td>
<td>Ch249 - 671</td>
</tr>
<tr>
<td>Appropriations</td>
<td>Chapter - Page</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>----------------</td>
<td></td>
</tr>
<tr>
<td>Military Division, roof repairs</td>
<td>Ch99 - 203</td>
<td></td>
</tr>
<tr>
<td>Mineral &amp; geologic research</td>
<td>Ch224 - 618</td>
<td></td>
</tr>
<tr>
<td>Nat'l Guard Educational Fund</td>
<td>Ch249 - 671</td>
<td></td>
</tr>
<tr>
<td>Northwest College of Veterinary Medicine</td>
<td>Ch229 - 630</td>
<td></td>
</tr>
<tr>
<td>Nuclear Energy Program</td>
<td>Ch249 - 671</td>
<td></td>
</tr>
<tr>
<td>Nursing Board</td>
<td>Ch70 - 139</td>
<td></td>
</tr>
<tr>
<td>Occupational Licenses Bureau</td>
<td>Ch70 - 139</td>
<td></td>
</tr>
<tr>
<td>Optometry Board</td>
<td>Ch70 - 139</td>
<td></td>
</tr>
<tr>
<td>Outfitters &amp; Guides Board</td>
<td>Ch70 - 139</td>
<td></td>
</tr>
<tr>
<td>Pacific NW Commission Program</td>
<td>Ch165 - 448</td>
<td></td>
</tr>
<tr>
<td>Parks &amp; Recreation</td>
<td>Ch252 - 680</td>
<td></td>
</tr>
<tr>
<td>Parks &amp; Recreation, endowment land payment</td>
<td>Ch71 - 147</td>
<td></td>
</tr>
<tr>
<td>Parks &amp; Recreation, Heyburn State Park</td>
<td>Ch161 - 419</td>
<td></td>
</tr>
<tr>
<td>Parks &amp; Recreation, supplemental</td>
<td>Ch43 - 80</td>
<td></td>
</tr>
<tr>
<td>Payette River Water Rights Adjudication</td>
<td>Ch223 - 617</td>
<td></td>
</tr>
<tr>
<td>Permanent Building Fund, various projects</td>
<td>Ch146 - 337</td>
<td></td>
</tr>
<tr>
<td>Permanent Building Fund, construction, renovation, etc.</td>
<td>Ch54 - 115</td>
<td></td>
</tr>
<tr>
<td>Permanent Building Fund, Eastern Idaho Vo-Tech. School</td>
<td>Ch3 - 7</td>
<td></td>
</tr>
<tr>
<td>Personnel Commission</td>
<td>Ch225 - 621</td>
<td></td>
</tr>
<tr>
<td>Personnel System, study</td>
<td>Ch172 - 466</td>
<td></td>
</tr>
<tr>
<td>Pharmacy Board</td>
<td>Ch70 - 139</td>
<td></td>
</tr>
<tr>
<td>Police, state program</td>
<td>Ch186 - 511</td>
<td></td>
</tr>
<tr>
<td>Potato Commission</td>
<td>Ch70 - 139</td>
<td></td>
</tr>
<tr>
<td>Prune Commission</td>
<td>Ch70 - 139</td>
<td></td>
</tr>
<tr>
<td>Public Schools</td>
<td>Ch104 - 212</td>
<td></td>
</tr>
<tr>
<td>Public Utilities Commission</td>
<td>Ch41 - 71</td>
<td></td>
</tr>
<tr>
<td>Public Utilities Commission</td>
<td>Ch268 - 720</td>
<td></td>
</tr>
<tr>
<td>Public Utilities Transportation Council</td>
<td>Ch72 - 148</td>
<td></td>
</tr>
<tr>
<td>Public Works</td>
<td>Ch225 - 309</td>
<td></td>
</tr>
<tr>
<td>Public Works, construction, renovation, etc.</td>
<td>Ch54 - 115</td>
<td></td>
</tr>
<tr>
<td>Public Works, Eastern Idaho Vo-Tech. School</td>
<td>Ch3 - 7</td>
<td></td>
</tr>
<tr>
<td>Public Works, various projects</td>
<td>Ch146 - 337</td>
<td></td>
</tr>
<tr>
<td>Public Works Contractors State License Board</td>
<td>Ch70 - 139</td>
<td></td>
</tr>
<tr>
<td>Purchasing Division</td>
<td>Ch225 - 621</td>
<td></td>
</tr>
<tr>
<td>Real Estate Commission</td>
<td>Ch70 - 139</td>
<td></td>
</tr>
<tr>
<td>Retirement System</td>
<td>Ch249 - 671</td>
<td></td>
</tr>
<tr>
<td>Revenue &amp; Taxation</td>
<td>Ch123 - 255</td>
<td></td>
</tr>
<tr>
<td>Revenue &amp; Taxation, circuit breaker purposes</td>
<td>Ch199 - 556</td>
<td></td>
</tr>
<tr>
<td>Revenue &amp; Taxation, supplemental</td>
<td>Ch78 - 159</td>
<td></td>
</tr>
<tr>
<td>Revenue Projection Committee, established</td>
<td>HCR36 - 765</td>
<td></td>
</tr>
<tr>
<td>Revenue projections</td>
<td>HCR8 - 743</td>
<td></td>
</tr>
<tr>
<td>Revenue projections, estimate of surplus</td>
<td>HCR7 - 742</td>
<td></td>
</tr>
<tr>
<td>Schools, public</td>
<td>Ch104 - 212</td>
<td></td>
</tr>
<tr>
<td>Secretary of State</td>
<td>Ch178 - 483</td>
<td></td>
</tr>
</tbody>
</table>
APPROPRIATIONS (Continued)

Chapter – Page

Self-governing Agencies ........................................... Ch70 - 139
Special Services Department ..................................... Ch103 - 210
State Planning and Community Affairs ....................... Ch249 - 671
Supreme Court ......................................................... Ch79 - 162
Supreme Court ......................................................... Ch269 - 722
Supreme Court, supplemental ................................. Ch18 - 25
Teachers’ retirement ............................................... Ch104 - 212
Tourism & Industrial Development Program ................. Ch249 - 671
Transp. Board, matching federal highway fund .......... Ch15 - 20
Transp. Board, matching federal highway fund .......... Ch16 - 21
Transp. Board, state highway system ....................... Ch265 - 715
Transportation Dept. ................................................. Ch200 - 557
Transportation Dept., cities, roads .......................... Ch192 - 536
Transportation Dept., County Road Fund .................. Ch192 - 536
Transportation Dept., highway needs study ............... Ch114 - 234
Treasurer, state ......................................................... Ch100 - 205
Treasurer, state, explore fund structure ................... Ch266 - 716
Uniform State Laws Program .................................. Ch178 - 483
University of Idaho .................................................. Ch73 - 149
University of Idaho, programs, equipment ................. Ch263 - 710
University of Idaho, supplemental ........................... Ch40 - 70
U of I Board of Regents, agricultural research .......... Ch11 - 16
U of I Board of Regents, special programs ................. Ch229 - 630
Veterinary Science Building, Caldwell ..................... Ch146 - 337
Vocational Education, rehabilitation ....................... Ch76 - 154
Vocational Education Board, training needs ............... Ch10 - 15
Water Resources Dept. .............................................. Ch98 - 201
Water Resources Dept., Payette River ....................... Ch223 - 617
Wheat Commission ................................................... Ch70 - 139
Women’s Commission ............................................... Ch249 - 671

ARBITRATION

Uniform Act .......................................................... Ch117 - 240

ARTS

Performing, liquor fund distribution ........................ Ch160 - 414

ARTS AND HUMANITIES

Commission, appropriation ...................................... Ch178 - 483

ASSAULT

See CRIMINAL OFFENSES AND PROCEDURES

ASSES

Brand inspection ..................................................... Ch23 - 36
<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATHLETICS</td>
<td></td>
</tr>
<tr>
<td>State Director, appropriation</td>
<td>Ch70 - 139</td>
</tr>
<tr>
<td>ATTORNEY GENERAL</td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>Ch77 - 157</td>
</tr>
<tr>
<td>Appropriation, litigation fund</td>
<td>Ch250 - 678</td>
</tr>
<tr>
<td>Litigation Fund, appropriation</td>
<td>Ch250 - 678</td>
</tr>
<tr>
<td>ATTORNEYS</td>
<td></td>
</tr>
<tr>
<td>County, claims hearings, attendance</td>
<td>Ch36 - 64</td>
</tr>
<tr>
<td>License fees, increased</td>
<td>Ch257 - 702</td>
</tr>
<tr>
<td>Prosecuting, salaries</td>
<td>Ch259 - 706</td>
</tr>
<tr>
<td>Prosecuting, salaries</td>
<td>Ch140 - 319</td>
</tr>
<tr>
<td>AUDITOR, STATE</td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>Ch122 - 253</td>
</tr>
<tr>
<td>Appropriation, Bear Lake Commission</td>
<td>Ch228 - 629</td>
</tr>
<tr>
<td>Appropriation, explore fund structure</td>
<td>Ch266 - 716</td>
</tr>
<tr>
<td>Appropriation, supplemental</td>
<td>Ch166 - 451</td>
</tr>
<tr>
<td>AUDITORIUMS</td>
<td></td>
</tr>
<tr>
<td>Districts, elections</td>
<td>Ch154 - 395</td>
</tr>
<tr>
<td>BALLOTS</td>
<td></td>
</tr>
<tr>
<td>Absentee, delivery</td>
<td>Ch66 - 132</td>
</tr>
<tr>
<td>BANKS AND BANKING</td>
<td></td>
</tr>
<tr>
<td>Corporate Take-overs Act</td>
<td>Ch248 - 662</td>
</tr>
<tr>
<td>Examination, fees of Finance Dept.</td>
<td>Ch191 - 534</td>
</tr>
<tr>
<td>3ARBERS</td>
<td></td>
</tr>
<tr>
<td>Defined, training, licenses</td>
<td>Ch84 - 170</td>
</tr>
<tr>
<td>3EANS</td>
<td></td>
</tr>
<tr>
<td>Commission, appropriation</td>
<td>Ch70 - 139</td>
</tr>
<tr>
<td>3EAR LAKE REGIONAL COMMISSION</td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>Ch228 - 629</td>
</tr>
<tr>
<td>3EEF</td>
<td></td>
</tr>
<tr>
<td>Marketing encouraged</td>
<td>SJM103 - 773</td>
</tr>
<tr>
<td>3EER</td>
<td></td>
</tr>
<tr>
<td>Price schedules</td>
<td>Ch151 - 383</td>
</tr>
</tbody>
</table>
### BEVERAGES

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcoholic, military ID acceptable</td>
<td>Ch179 - 485</td>
</tr>
<tr>
<td>Beer, wine, price schedules</td>
<td>Ch151 - 383</td>
</tr>
</tbody>
</table>

### BICENTENNIAL COMMISSION

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>Ch187 - 513</td>
</tr>
</tbody>
</table>

### BIDS

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cities, counties, competitive, minimum</td>
<td>Ch34 - 60</td>
</tr>
<tr>
<td>School districts, repairs, equipment, minimum</td>
<td>Ch109 - 222</td>
</tr>
<tr>
<td>Work projects, competitive, avoiding penalty</td>
<td>Ch95 - 192</td>
</tr>
</tbody>
</table>

### BILLS

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative, identified for journal</td>
<td>Ch9 - 14</td>
</tr>
</tbody>
</table>

### BLAINE COUNTY

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judges, resident chambers established</td>
<td>Ch35 - 63</td>
</tr>
</tbody>
</table>

### BLIND

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deaf &amp; Blind School, appropriation</td>
<td>Ch104 - 212</td>
</tr>
<tr>
<td>Program, appropriation</td>
<td>Ch249 - 671</td>
</tr>
</tbody>
</table>

### BOISE STATE UNIVERSITY

See COLLEGES AND UNIVERSITIES

### BONDS

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Irrigation Districts, elections, dams</td>
<td>Ch48 - 9</td>
</tr>
<tr>
<td>Pollution control facilities, private industry</td>
<td>Ch52 - 10</td>
</tr>
<tr>
<td>School districts, capacity</td>
<td>Ch88 - 181</td>
</tr>
<tr>
<td>Title insurance agents</td>
<td>Ch209 - 58</td>
</tr>
</tbody>
</table>

### BRAND INSPECTION

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horses, mules, asses</td>
<td>Ch23 - 3</td>
</tr>
</tbody>
</table>

### BUDGETS

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>County, amendment, additional revenue</td>
<td>Ch153 - 39</td>
</tr>
<tr>
<td>Emmettsville School District</td>
<td>Ch83 - 16</td>
</tr>
<tr>
<td>Federal, information supplied legislature</td>
<td>SJM110 - 77</td>
</tr>
<tr>
<td>Fiscal information, federal, supplied legislature</td>
<td>SJM111 - 77</td>
</tr>
<tr>
<td>Governor, message to legislature</td>
<td>HCR3 - 74</td>
</tr>
<tr>
<td>Program, appropriation</td>
<td>Ch249 - 67</td>
</tr>
<tr>
<td>School districts, preparation time</td>
<td>Ch46 - 8</td>
</tr>
</tbody>
</table>

### BUILDINGS

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Code Advisory Act</td>
<td>Ch180 - 48</td>
</tr>
<tr>
<td>Topic</td>
<td>Chapter/Page</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>BUILDINGS (Continued)</td>
<td></td>
</tr>
<tr>
<td>Employment Department, funds to build</td>
<td>Ch87-180</td>
</tr>
<tr>
<td>State, authorization to construct five</td>
<td>HCR28-758</td>
</tr>
<tr>
<td>CAMPAIGNS</td>
<td></td>
</tr>
<tr>
<td>Fund, created, income tax credit</td>
<td>Ch132-290</td>
</tr>
<tr>
<td>Political contributions, tax credit</td>
<td>Ch170-460</td>
</tr>
<tr>
<td>CANDIDATES</td>
<td></td>
</tr>
<tr>
<td>House, declaration of office</td>
<td>Ch230-633</td>
</tr>
<tr>
<td>Legislative, declaration of office</td>
<td>Ch230-633</td>
</tr>
<tr>
<td>Political contributions, tax credit</td>
<td>Ch170-460</td>
</tr>
<tr>
<td>CAPITOL MALL</td>
<td></td>
</tr>
<tr>
<td>Appropriation, remodeling, landscaping</td>
<td>Ch54-115</td>
</tr>
<tr>
<td>Office building, construction authorized</td>
<td>HCR28-758</td>
</tr>
<tr>
<td>CAREY ACT</td>
<td>See LAND, RECLAMATION</td>
</tr>
<tr>
<td>CATTLE</td>
<td></td>
</tr>
<tr>
<td>Loan security program, extension asked</td>
<td>HJM10-793</td>
</tr>
<tr>
<td>CHILDREN</td>
<td></td>
</tr>
<tr>
<td>Exceptional, education, contracts, limit</td>
<td>Ch50-97</td>
</tr>
<tr>
<td>Juvenile Delinquency Prevention Program</td>
<td>Ch159-410</td>
</tr>
<tr>
<td>Support enforcement services, authority</td>
<td>Ch264-712</td>
</tr>
<tr>
<td>CHIROPRACTORS</td>
<td></td>
</tr>
<tr>
<td>Board, Chiropractic examiners, terms</td>
<td>Ch26-41</td>
</tr>
<tr>
<td>CIGARETTES</td>
<td></td>
</tr>
<tr>
<td>Tax, distribution, Tumor Registry Fund</td>
<td>Ch56-120</td>
</tr>
<tr>
<td>Tax, distribution, Tumor Registry Fund</td>
<td>Ch57-121</td>
</tr>
<tr>
<td>CITIES</td>
<td></td>
</tr>
<tr>
<td>Arts, performing, liquor fund distribution</td>
<td>Ch160-414</td>
</tr>
<tr>
<td>Bids, competitive, $5,000 minimum</td>
<td>Ch34-60</td>
</tr>
<tr>
<td>Land use, local planning</td>
<td>Ch188-515</td>
</tr>
<tr>
<td>Local improvement districts, assessment roll</td>
<td>Ch93-189</td>
</tr>
<tr>
<td>Local improvement districts, establishment, protests</td>
<td>Ch168-456</td>
</tr>
<tr>
<td>Mayor, city manager plan, direct election</td>
<td>Ch203-564</td>
</tr>
<tr>
<td>Roads, appropriation</td>
<td>Ch192-536</td>
</tr>
</tbody>
</table>
### CIVIL ACTIONS
- Attorney fees, recovery - Ch65 - 131
- Foreign judgments, recording - Ch14 - 19
- Motor vehicle titles, attachments - Ch171 - 463
- Open accounts, etc., attorney fees, recovery - Ch65 - 131

### CIVIL DEFENSE
See DISASTERS

### COLLEGES AND UNIVERSITIES
- Appropriation - Ch73 - 149
- BSU, appropriation - Ch73 - 149
- BSU, appropriation, science building - Ch54 - 115
- College of Southern Idaho, appropriation, vo-tech building - Ch146 - 337
- ISU, appropriation - Ch73 - 149
- ISU, appropriation, library building - Ch54 - 115
- ISU, appropriation, library building - Ch146 - 337
- Junior, appropriation - Ch73 - 149
- Lewis-Clark, appropriation - Ch73 - 149
- Lewis-Clark, appropriation, roof repairs, etc. - Ch263 - 710
- Money, borrow, no issuance of bonds - Ch118 - 246
- NW College of Veterinary Medicine, appropriation - Ch229 - 630
- Roof repairs, appropriation - Ch99 - 203
- U of I, appropriation - Ch73 - 149
- U of I, appropriation, agricultural research - Ch11 - 16
- U of I, appropriation, programs, equipment - Ch263 - 710
- U of I, appropriation, supplemental - Ch40 - 70
- U of I, Bd. of Regents, appropriation, special programs - Ch229 - 630

### COLUMBIA INTERSTATE COMPACT
Repealed - Ch20 - 29

### COLUMBIA RIVER COMPACT
- Anadromous fish resource, maintained & preserved - Ch233 - 637
- Expiration between Washington, Oregon - Ch233 - 637
- Ratification asked of Washington, Oregon - HJM6 - 789

### COMMODITY COMMISSIONS
- Pea and Lentil, assessments - Ch5 - 9

### CONSTITUTION
- U.S., amendments, advisory vote - Ch125 - 258

### CORPORATIONS
- Corporate Take-overs Act - Ch248 - 662
### IDAHO SESSION LAWS

**CORPORATIONS (Continued)**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Securities, brokers exempt, usury law</td>
<td>Ch251 - 679</td>
</tr>
</tbody>
</table>

**CORRECTION**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department, appropriation</td>
<td>Ch80 - 163</td>
</tr>
<tr>
<td>Imprisonment, term, computation</td>
<td>Ch201 - 559</td>
</tr>
<tr>
<td>Parole, revocation hearings</td>
<td>Ch247 - 661</td>
</tr>
</tbody>
</table>

**COSMETOLOGY**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>License, renewal fee, expiration</td>
<td>Ch1 - 3</td>
</tr>
</tbody>
</table>

**COTTAGE SITES**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leasing program</td>
<td>Ch128 - 280</td>
</tr>
</tbody>
</table>

**COUNTIES**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambulance service district</td>
<td>Ch258 - 703</td>
</tr>
<tr>
<td>Assessor, sales tax funds, fee for services</td>
<td>Ch155 - 398</td>
</tr>
<tr>
<td>Attorney, claims hearings, attendance</td>
<td>Ch36 - 64</td>
</tr>
<tr>
<td>Bids, competitive, $5,000 minimum</td>
<td>Ch34 - 60</td>
</tr>
<tr>
<td>Budget, amendment, additional revenue</td>
<td>Ch153 - 393</td>
</tr>
<tr>
<td>Commissioners, salaries</td>
<td>Ch267 - 718</td>
</tr>
<tr>
<td>Fair Districts, commissioners, mileage rate</td>
<td>Ch7 - 11</td>
</tr>
<tr>
<td>Fair Districts, meeting date</td>
<td>Ch7 - 11</td>
</tr>
<tr>
<td>Fire Protection Dists, annexation/subdistricting</td>
<td>Ch219 - 610</td>
</tr>
<tr>
<td>Hospital boards, contracting powers</td>
<td>Ch91 - 187</td>
</tr>
<tr>
<td>Hospital boards, members, terms</td>
<td>Ch58 - 122</td>
</tr>
<tr>
<td>Land use, local planning</td>
<td>Ch188 - 515</td>
</tr>
<tr>
<td>Pollution control facilities, bonds</td>
<td>Ch52 - 105</td>
</tr>
<tr>
<td>Prosecuting attorneys, salaries</td>
<td>Ch259 - 706</td>
</tr>
<tr>
<td>Prosecuting attorneys, salaries</td>
<td>Ch140 - 319</td>
</tr>
<tr>
<td>Road Fund, appropriation</td>
<td>Ch192 - 536</td>
</tr>
<tr>
<td>School fund, appropriation</td>
<td>Ch144 - 333</td>
</tr>
<tr>
<td>School fund, appropriation</td>
<td>Ch215 - 597</td>
</tr>
<tr>
<td>Schools, mill levy established</td>
<td>Ch144 - 333</td>
</tr>
<tr>
<td>Weather modification districts, establishment</td>
<td>Ch145 - 334</td>
</tr>
<tr>
<td>Weeds, extermination, eradication, cost</td>
<td>Ch134 - 295</td>
</tr>
</tbody>
</table>

**COURTS**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil actions, attorney fees, recovery</td>
<td>Ch65 - 131</td>
</tr>
<tr>
<td>Civil actions, open accounts, etc., attorney fees</td>
<td>Ch65 - 131</td>
</tr>
<tr>
<td>District, Clerk, recall election</td>
<td>Ch137 - 302</td>
</tr>
<tr>
<td>Foreign judgments, recording</td>
<td>Ch14 - 19</td>
</tr>
<tr>
<td>Interpreters, fees, appointment</td>
<td>Ch64 - 130</td>
</tr>
<tr>
<td>Judges, Blaine County, resident chambers established</td>
<td>Ch35 - 63</td>
</tr>
</tbody>
</table>
COURTS (Continued)

Name change, permissible, 18 years or older
Procedural statutes, obsolete, repealed
Retired magistrates, may hold court
Special proceedings, Uniform Arbitration Act
Supreme, appropriation
Supreme, appropriation, supplemental

COYOTE
See PREDATORS

CRIME
See CRIMINAL OFFENSES AND PROCEDURES

CRIMINAL OFFENSES AND PROCEDURES

Interpreters, fees, appointment
Parole, unlawful revocation deleted

CURBS
Construction for handicapped, standards

DAIRY PRODUCTS
See AGRICULTURE, MILK AND MILK PRODUCTS

DAMS
Irrigation Districts, bond elections

DAYLIGHT SAVING TIME
No changes, southern Idaho
Exemption from, repeal of law

DEAF
Deaf & Blind School, appropriation

DENTISTRY
Board, appropriation
Dental care, consent

DISABILITY
Insurance, group plans, replacement

DISASTERS
Disaster Preparedness Act of 1975
<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>DRIVERS</td>
<td></td>
</tr>
<tr>
<td>Licenses, examination in any county</td>
<td>Ch169 - 459</td>
</tr>
<tr>
<td>Speed limit, 55 mph, $5.00 fine retained</td>
<td>Ch185 - 509</td>
</tr>
<tr>
<td>Training, reimbursement to district</td>
<td>Ch213 - 593</td>
</tr>
<tr>
<td>DRUGS</td>
<td></td>
</tr>
<tr>
<td>Marihuana, definition</td>
<td>Ch196 - 545</td>
</tr>
<tr>
<td>Prescription, labeling requirements</td>
<td>Ch92 - 188</td>
</tr>
<tr>
<td>EDUCATION</td>
<td></td>
</tr>
<tr>
<td>Board, approp.</td>
<td>Ch68 - 135</td>
</tr>
<tr>
<td>Board, approp., agric. research, plant outlay</td>
<td>Ch11 - 16</td>
</tr>
<tr>
<td>Board, approp., colleges &amp; universities</td>
<td>Ch73 - 149</td>
</tr>
<tr>
<td>Board, approp., Deaf and Blind School</td>
<td>Ch104 - 212</td>
</tr>
<tr>
<td>Board, approp., educational TV</td>
<td>Ch68 - 135</td>
</tr>
<tr>
<td>Board, approp., legal services</td>
<td>Ch239 - 648</td>
</tr>
<tr>
<td>Board, approp., Library Board, etc.</td>
<td>Ch263 - 710</td>
</tr>
<tr>
<td>Board, approp., 1974, decreased</td>
<td>Ch226 - 625</td>
</tr>
<tr>
<td>Board, approp., roof repairs</td>
<td>Ch99 - 203</td>
</tr>
<tr>
<td>Board, approp., special programs</td>
<td>Ch229 - 630</td>
</tr>
<tr>
<td>Board, approp., teachers' retirement</td>
<td>Ch104 - 212</td>
</tr>
<tr>
<td>Board, approp., U of I, supplemental</td>
<td>Ch40 - 70</td>
</tr>
<tr>
<td>Board, approp., vo-educ., rehabilitation</td>
<td>Ch76 - 154</td>
</tr>
<tr>
<td>Commission, appropriation</td>
<td>Ch249 - 671</td>
</tr>
<tr>
<td>Department, appropriation</td>
<td>Ch227 - 627</td>
</tr>
<tr>
<td>Department, appropriation, 1974 changed</td>
<td>Ch221 - 613</td>
</tr>
<tr>
<td>Driver training, reimbursement allowed</td>
<td>Ch213 - 593</td>
</tr>
<tr>
<td>Exceptional children, contracts, limit</td>
<td>Ch50 - 97</td>
</tr>
<tr>
<td>Handicapped, ancillary personnel, funding</td>
<td>Ch218 - 609</td>
</tr>
<tr>
<td>Higher, borrow money without bond issue</td>
<td>Ch118 - 246</td>
</tr>
<tr>
<td>Kindergartens, established, nonmandatory</td>
<td>Ch42 - 73</td>
</tr>
<tr>
<td>Schs., Board of Trustees, compensation</td>
<td>Ch82 - 167</td>
</tr>
<tr>
<td>Schs., districts, budgets, preparation</td>
<td>Ch46 - 85</td>
</tr>
<tr>
<td>Schs., funding, formula, study</td>
<td>HCR39 - 768</td>
</tr>
<tr>
<td>Schs., loitering, misdemeanor</td>
<td>Ch107 - 218</td>
</tr>
<tr>
<td>Schs., pupil transfers, tuition not charged</td>
<td>Ch22 - 34</td>
</tr>
<tr>
<td>Student teachers, registration, protection</td>
<td>Ch45 - 84</td>
</tr>
<tr>
<td>Vocational, appropriation</td>
<td>Ch76 - 154</td>
</tr>
<tr>
<td>Vocational Board, approp., training needs</td>
<td>Ch10 - 15</td>
</tr>
<tr>
<td>EGGS</td>
<td></td>
</tr>
<tr>
<td>Assessments, intrastate commerce</td>
<td>Ch175 - 477</td>
</tr>
<tr>
<td>Handler, defined</td>
<td>Ch175 - 477</td>
</tr>
</tbody>
</table>
## ELECTIONS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absentee ballots, delivery</td>
<td>Ch66 - 132</td>
</tr>
<tr>
<td>Auditorium districts</td>
<td>Ch154 - 395</td>
</tr>
<tr>
<td>Campaign Fund, contribution, tax credit</td>
<td>Ch132 - 290</td>
</tr>
<tr>
<td>Campaign Fund, created</td>
<td>Ch132 - 290</td>
</tr>
<tr>
<td>House candidate, declaration of office</td>
<td>Ch230 - 633</td>
</tr>
<tr>
<td>Irrigation Districts, judges, polling place</td>
<td>Ch240 - 649</td>
</tr>
<tr>
<td>Legislative, declaration of office</td>
<td>Ch230 - 633</td>
</tr>
<tr>
<td>Mayor, city manager plan</td>
<td>Ch203 - 564</td>
</tr>
<tr>
<td>Polling place outside of precinct</td>
<td>Ch94 - 191</td>
</tr>
<tr>
<td>Precinct committeemen, filling vacancies</td>
<td>Ch21 - 30</td>
</tr>
<tr>
<td>Presidential primary</td>
<td>Ch174 - 469</td>
</tr>
<tr>
<td>Recall, clerk of district court</td>
<td>Ch137 - 302</td>
</tr>
<tr>
<td>Recall, petitions, time limit</td>
<td>Ch137 - 302</td>
</tr>
<tr>
<td>Registrars, precinct, appointment</td>
<td>Ch21 - 30</td>
</tr>
<tr>
<td>Registration, cancelled/nonvoting 4 years</td>
<td>Ch124 - 257</td>
</tr>
<tr>
<td>School trustees, tie vote</td>
<td>Ch181 - 497</td>
</tr>
</tbody>
</table>

## ELECTRICITY

See also UTILITIES

Curtailment during emergencies                                     Ch238 - 646

## EMINENT DOMAIN

Land for airports, immediate possession                             Ch141 - 321

## EMPLOYEES AND EMPLOYMENT

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deferred compensation plan</td>
<td>Ch270 - 723</td>
</tr>
<tr>
<td>Department, appropriation, office buildings</td>
<td>Ch87 - 180</td>
</tr>
<tr>
<td>Employment Security Tax, wage base</td>
<td>Ch126 - 259</td>
</tr>
<tr>
<td>Life insurance</td>
<td>Ch207 - 575</td>
</tr>
<tr>
<td>State, cost-of-living increase, yearly</td>
<td>Ch143 - 331</td>
</tr>
<tr>
<td>State, per diem/mileage allowance</td>
<td>Ch44 - 83</td>
</tr>
<tr>
<td>State, personnel system, law amended</td>
<td>Ch164 - 434</td>
</tr>
<tr>
<td>State, political activity</td>
<td>Ch164 - 434</td>
</tr>
<tr>
<td>State, retirement, monthly salary defined</td>
<td>Ch217 - 604</td>
</tr>
<tr>
<td>State, salaries, per executive budget document</td>
<td>HCR24 - 755</td>
</tr>
<tr>
<td>Unemployment benefits, pregnancy covered</td>
<td>Ch47 - 86</td>
</tr>
<tr>
<td>Unemployment compensation, on/off indicators</td>
<td>Ch127 - 275</td>
</tr>
<tr>
<td>Workmen's Comp benefits, lump sum payment</td>
<td>Ch13 - 18</td>
</tr>
</tbody>
</table>

## EMPLOYMENT

See EMPLOYEES AND EMPLOYMENT

## EMPLOYMENT SECURITY LAW

Tax, wage base                                                        Ch126 - 259
EMPLOYMENT SECURITY LAW (Continued)

Unemployment benefits, pregnancy covered .......................... Ch47 - 86
Unemployment compensation, on/off indicators ....................... Ch127 - 275

ENERGY
Curtailment during emergencies ........................................ Ch238 - 646

ENGINEERS
Engineering Examiners Board, approp. ................................. Ch70 - 139

ENVIRONMENT
Environmental protection services, fees ............................... Ch182 - 499

ESTATES
Income tax, part-time/nonresidents ..................................... Ch32 - 52
Tax, exemption increase urged of Congress ............................ HJM9 - 792

EUTHANASIA
See DEATH

FAIRS
Districts, commissioners, mileage rate ............................... Ch7 - 11
Districts, meeting date .................................................. Ch7 - 11

FARM IMPLEMENTS
Dealers, franchises, regulated .......................................... Ch97 - 197

FARMs
See AGRICULTURE

FEDERAL GOVERNMENT
See GOVERNMENT

FINANCE
Corporate Take-overs Act ............................................... Ch248 - 662
Department, appropriation ................................................. Ch190 - 532
Department, appropriation, supplemental .............................. Ch30 - 49
Department, banks, examination, fees .................................. Ch191 - 534
Finance-Approp. Committee, appropriation ........................... Ch237 - 645
Finance-Approp. Committee, presession expenses paid ............... HCR31 - 759
Finance-Approp. Committee, presession hearings ..................... SCR112 - 731

FIRE
Insurance, cancellation notice, 20 days .............................. Ch208 - 577
812  IDAHO SESSION LAWS

FIRES
Protection Dist., annexation/subdistricting .......................... Ch219 - 610

FISH AND GAME
Anadromous, resource preserved .................................................. Ch233 - 637
Columbia River Compact, ratification asked ................................. HJM6 - 789
Department, appropriation .......................................................... Ch222 - 615
Department, reorganization ......................................................... Ch129 - 282
Game, holding cooler requirement struck .................................. Ch85 - 176
Laws, Legislative Council study .................................................. SCR107 - 726
Salmon, steelhead, American waters, limit ................................. HJM2 - 783

FLAGS
State, program, appropriation ................................................... Ch249 - 671

FOOD
Beef, marketing encouraged ...................................................... SJM103 - 773
Income tax credit, $15.00 ......................................................... Ch138 - 309

FORESTS AND FORESTRY
Log Scaling Program, appropriation ............................................ Ch224 - 618
Products, transportation ............................................................. Ch243 - 653
Programs, appropriation ........................................................... Ch224 - 618
Protection program, appropriation .............................................. Ch19 - 26
Task Force, continued ............................................................... HCR23 - 754

FRANCHISES
Farm implement dealers, regulations ........................................... Ch97 - 197

FRANKLIN COUNTY
Idaho Days designated ............................................................... HCR37 - 766

FRUIT
Apple Commission, appropriation ............................................... Ch70 - 139
Cherry Commission, appropriation ............................................. Ch70 - 139
Prune Commission, appropriation .............................................. Ch70 - 139

FUNDS
Airports, planning, approval ..................................................... Ch113 - 232
Endowment, Investment Board, functions, reports ......................... Ch197 - 549
Liquor, distribution, performing arts .......................................... Ch160 - 414
Motor Vehicle, transfer to Highway Fund .................................... Ch119 - 249
Public, investment in sinking funds, income ............................... Ch24 - 39
Surplus, state, investment ......................................................... Ch2 - 5
GAME
See FISH AND GAME

GAS
Manufactured, curtailment during emergencies .................................................. Ch238 - 646
Natural, curtailment during emergencies .............................................................. Ch238 - 646

GENERAL SERVICES
Division, appropriation ............................................................................................. Ch225 - 621

GEOLOGISTS
Board, appropriation ................................................................................................ Ch70 - 139

GEOTHERMAL
See MINES AND MINING

GOVERNMENT
Federal programs, information to legislature ........................................................... SJM112 - 781
State Building Authority, construct 5 buildings .................................................... HCR28 - 758
State, deferred compensation plan/employees ....................................................... Ch270 - 723
State, employee's, officers, per diem/mileage ......................................................... Ch44 - 83
State, group insurance fund ................................................................................... Ch55 - 117
State horse designated ............................................................................................ Ch116 - 239
State, Investment Board, membership .................................................................. Ch244 - 655
State, purchasing division, rules and regulations .................................................. Ch254 - 686
State records, transfer to Historical Society ......................................................... Ch177 - 482
State, reorganization, Fish and Game Department .............................................. Ch129 - 282

GOVERNOR
Budget message to Legislature .............................................................................. HCR3 - 741
Office of, appropriation ......................................................................................... Ch249 - 671
Residence, appropriation ....................................................................................... Ch249 - 671
State of State Message to Legislature ................................................................... HCR2 - 740

GRANTS
Federal, Finance-Approp. Comm. review ............................................................... HCR11 - 745

HANDEGUNS
See GUNS

HANDICAPPED
Ancillary personnel, education, funding ................................................................. Ch218 - 609
Curbs construction, standards ............................................................................... Ch210 - 582
Education, contracts, limit ..................................................................................... Ch50 - 97
### HEALTH AND WELFARE

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcoholism and Intoxication Treatment Act</td>
<td>Ch149</td>
<td>376</td>
</tr>
<tr>
<td>Care facilities, study</td>
<td>SCR116</td>
<td>732</td>
</tr>
<tr>
<td>Child support, authority</td>
<td>Ch264</td>
<td>712</td>
</tr>
<tr>
<td>Department, appropriation</td>
<td>Ch198</td>
<td>552</td>
</tr>
<tr>
<td>Department, appropriation, John Hickman</td>
<td>Ch37</td>
<td>65</td>
</tr>
<tr>
<td>Department, appropriation, roof repairs</td>
<td>Ch99</td>
<td>203</td>
</tr>
<tr>
<td>Districts, Legislative Council study</td>
<td>HCR26</td>
<td>757</td>
</tr>
<tr>
<td>Environmental protection, fees for service</td>
<td>Ch182</td>
<td>499</td>
</tr>
<tr>
<td>Game meat, holding cooler requirement struck</td>
<td>Ch85</td>
<td>176</td>
</tr>
<tr>
<td>Health care seminar, expenses for legislators</td>
<td>SCR118</td>
<td>734</td>
</tr>
<tr>
<td>Home health agencies, proprietary, licenses</td>
<td>Ch59</td>
<td>123</td>
</tr>
<tr>
<td>Hospitalization, consent</td>
<td>Ch60</td>
<td>124</td>
</tr>
<tr>
<td>Hospitals, patient information, confidentiality</td>
<td>Ch133</td>
<td>294</td>
</tr>
<tr>
<td>Insurance, group plans, replacement</td>
<td>Ch204</td>
<td>565</td>
</tr>
<tr>
<td>Insurance policies, minimum standards</td>
<td>Ch205</td>
<td>569</td>
</tr>
<tr>
<td>Medical, dental care, consent</td>
<td>Ch60</td>
<td>124</td>
</tr>
<tr>
<td>Prescription drugs, labeling requirements</td>
<td>Ch92</td>
<td>188</td>
</tr>
<tr>
<td>Youth Services Center, appropriation</td>
<td>Ch54</td>
<td>115</td>
</tr>
</tbody>
</table>

### HEYBURN STATE PARK

| Appropriation, water/sewer system                                      | Ch161    | 419   |

### HICKMAN, JOHN

| Appropriation, vs. State School & Hospital                             | Ch37     | 65    |

### HIGHWAYS

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising displays, erection and removal</td>
<td>Ch139</td>
<td>312</td>
</tr>
<tr>
<td>Agricultural products, allowable gross loads</td>
<td>Ch184</td>
<td>502</td>
</tr>
<tr>
<td>Beautification Act</td>
<td>Ch139</td>
<td>312</td>
</tr>
<tr>
<td>Bids, minimum amount</td>
<td>Ch89</td>
<td>183</td>
</tr>
<tr>
<td>District commissioners, salaries</td>
<td>Ch112</td>
<td>231</td>
</tr>
<tr>
<td>Farm tractors on</td>
<td>Ch131</td>
<td>288</td>
</tr>
<tr>
<td>Fund, transfer of Motor Vehicle Fund</td>
<td>Ch119</td>
<td>249</td>
</tr>
<tr>
<td>Good Roads Districts, bids, minimum amount</td>
<td>Ch89</td>
<td>183</td>
</tr>
<tr>
<td>Multistate Transportation Agreement</td>
<td>Ch51</td>
<td>99</td>
</tr>
<tr>
<td>Needs study</td>
<td>Ch114</td>
<td>234</td>
</tr>
<tr>
<td>Railroad grade crossings, stops not necessary</td>
<td>Ch211</td>
<td>583</td>
</tr>
<tr>
<td>Speed limit, 55 mph, $5.00 fine retained</td>
<td>Ch185</td>
<td>509</td>
</tr>
<tr>
<td>State system, appropriation</td>
<td>Ch265</td>
<td>715</td>
</tr>
<tr>
<td>Traffic signals, conformance/Uniform Devices</td>
<td>Ch110</td>
<td>225</td>
</tr>
<tr>
<td>Transportation Board, appropriation</td>
<td>Ch16</td>
<td>21</td>
</tr>
<tr>
<td>Weight limitations, exceptions</td>
<td>Ch167</td>
<td>453</td>
</tr>
<tr>
<td>HISTORIC SITES</td>
<td>Chapter – Page</td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------------</td>
<td></td>
</tr>
<tr>
<td>Preservation</td>
<td>Ch142 - 324</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HISTORICAL SOCIETIES</th>
<th>Chapter – Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>State, appropriation</td>
<td>Ch115 - 236</td>
</tr>
<tr>
<td>State, appropriation, historic sites</td>
<td>Ch39 - 68</td>
</tr>
<tr>
<td>State, appropriation, supplemental</td>
<td>Ch39 - 68</td>
</tr>
<tr>
<td>State records, transfer to</td>
<td>Ch177 - 482</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HORSE RACING</th>
<th>Chapter – Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission, appropriation</td>
<td>Ch186 - 511</td>
</tr>
<tr>
<td>Commission, appropriation, supplemental</td>
<td>Ch38 - 66</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HORSES</th>
<th>Chapter – Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appaloosa, designated state horse</td>
<td>Ch116 - 239</td>
</tr>
<tr>
<td>Brand inspection</td>
<td>Ch23 - 36</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HOSPITALS</th>
<th>Chapter – Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>County boards, contracting powers</td>
<td>Ch91 - 187</td>
</tr>
<tr>
<td>County boards, members, terms</td>
<td>Ch58 - 122</td>
</tr>
<tr>
<td>Hospitalization, consent</td>
<td>Ch60 - 124</td>
</tr>
<tr>
<td>Malpractice ins., Hospital-Medical Liability Act</td>
<td>Ch162 - 422</td>
</tr>
<tr>
<td>Malpractice ins., period of 2 years</td>
<td>Ch163 - 427</td>
</tr>
<tr>
<td>Malpractice ins., study</td>
<td>SCR117 - 733</td>
</tr>
<tr>
<td>Medical equipment, leased, tax exempt</td>
<td>Ch53 - 114</td>
</tr>
<tr>
<td>Patient information, confidentiality</td>
<td>Ch133 - 294</td>
</tr>
<tr>
<td>Veterans, jurisdiction of property</td>
<td>Ch62 - 128</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HOUSING</th>
<th>Chapter – Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Factory-built, Building Code Advisory Act</td>
<td>Ch180 - 486</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HUMAN RIGHTS</th>
<th>Chapter – Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission, members, compensation</td>
<td>Ch176 - 481</td>
</tr>
<tr>
<td>Program, appropriation</td>
<td>Ch149 - 671</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IDAHO DAYS</th>
<th>Chapter – Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designated in Franklin County</td>
<td>HCR37 - 766</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IDAHO STATE UNIVERSITY</th>
<th>Chapter – Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>See COLLEGES AND UNIVERSITIES</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INCOME TAX</th>
<th>Chapter – Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>See TAX AND TAXATION</td>
<td></td>
</tr>
</tbody>
</table>
INDUSTRIAL COMMISSION

- Appropriation .................................................. Ch69 - 137
- Commissioners, salaries ........................................ Ch241 - 650

INITIATIVES

See also SUNSHINE INITIATIVE

INSURANCE

- Accident/health policies, minimum standards .................. Ch205 - 569
- Corporate Take-overs Act ........................................ Ch248 - 662
- Countersigning agents, commission ................................ Ch261 - 708
- Deferred compensation plan, state employees .................. Ch270 - 723
- Department, appropriation ........................................ Ch101 - 206
- Disability, group plans, replacement ............................ Ch204 - 565
- Examination expense .............................................. Ch207 - 575
- Fire, cancellation notice, 20 days ............................... Ch208 - 577
- Fund, appropriation ............................................. Ch249 - 671
- Group plans, fund, state government ............................ Ch55 - 117
- Health/accident policies, minimum standards ................. Ch205 - 569
- Health, group plans, replacement ............................... Ch204 - 565
- Insurer, administrative penalties ............................... Ch246 - 658
- Investment of funds ............................................ Ch207 - 575
- Life employee ..................................................... Ch207 - 575
- Life, loans, maximum interest rate ............................. Ch232 - 635
- Malpractice, available for interim of 2 years ............... Ch163 - 427
- Malpractice, study ............................................... SCR117 - 733
- Motor vehicles, liability, mandatory ........................... Ch158 - 407
- Premium tax, retirement allowances ............................ Ch206 - 573
- Retained Risk Fund, state government ........................ Ch195 - 540
- Title, agents, bonds ............................................ Ch209 - 580

INTEREST

- Life insurance policy loans, maximum rate .................... Ch232 - 635
- School warrants .................................................. Ch108 - 220
- Securities, state, municipalities, tax exempt ................ Ch90 - 184

INTERPRETERS

See COURTS

INVESTMENTS

- Board, functions, investments, reports ........................ Ch197 - 549
- Board, membership ............................................. Ch244 - 655
- Insurance companies ............................................ Ch207 - 575
- Public funds, income from sinking fund ....................... Ch24 - 39
INVESTMENTS (Continued)

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Securities, brokers exempt, usury law</td>
<td>Ch251-679</td>
</tr>
<tr>
<td>Surplus funds, state</td>
<td>Ch2-5</td>
</tr>
</tbody>
</table>

IRRIGATION

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Districts, bond elections, dams</td>
<td>Ch48-90</td>
</tr>
<tr>
<td>Districts, construction contracts, bidding</td>
<td>Ch49-94</td>
</tr>
<tr>
<td>Districts, election judges, polling place</td>
<td>Ch240-649</td>
</tr>
<tr>
<td>Equipment, agricultural, sales tax exempt</td>
<td>Ch96-193</td>
</tr>
</tbody>
</table>

JOURNALS

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative, bill identification</td>
<td>Ch9-14</td>
</tr>
</tbody>
</table>

JUDGES

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blaine County, resident chambers established</td>
<td>Ch35-63</td>
</tr>
<tr>
<td>District Court, town sites, responsibility</td>
<td>Ch214-594</td>
</tr>
<tr>
<td>Retired magistrates, may hold court</td>
<td>Ch25-40</td>
</tr>
</tbody>
</table>

JUNIOR COLLEGES

See COLLEGES AND UNIVERSITIES

JUVENILES

See CHILDREN

KINDERGARTENS

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>Ch104-212</td>
</tr>
<tr>
<td>Established, nonmandatory</td>
<td>Ch42-73</td>
</tr>
</tbody>
</table>

LABOR

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Board, appropriation</td>
<td>Ch31-51</td>
</tr>
</tbody>
</table>

LABOR AND INDUSTRIAL SERVICES

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department, appropriation</td>
<td>Ch74-151</td>
</tr>
</tbody>
</table>

LAKES

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Encroachment, rules amended</td>
<td>SCR120-735</td>
</tr>
<tr>
<td>Stream flow, minimum, study</td>
<td>HCR34-762</td>
</tr>
</tbody>
</table>

LAND

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airports, eminent domain, immediate possession</td>
<td>Ch141-321</td>
</tr>
<tr>
<td>Board, lake encroachment rules amended</td>
<td>SCR120-735</td>
</tr>
<tr>
<td>Carey Act, clarification of &quot;per person&quot;</td>
<td>HJM4-786</td>
</tr>
<tr>
<td>Carey Act, developments, restoration</td>
<td>Ch61-127</td>
</tr>
<tr>
<td>Department, appropriation</td>
<td>Ch54-115</td>
</tr>
<tr>
<td>Department, appropriation</td>
<td>Ch224-618</td>
</tr>
</tbody>
</table>
**LAND (Continued)**

- Department, appropriation, forest protection ........................................... Ch19 - 26
- Department, cottage site leasing program .................................................. Ch128 - 280
- Endowment, payment, appropriation ............................................................ Ch71 - 147
- Endowment purchase account, appropriation ............................................... Ch215 - 597
- Land Grant Committee, created .................................................................... SCR111 - 727
- Resources, Columbia Interstate Compact, repealed ........................................ Ch20 - 29
- Townsites, judge, dist. court, responsibility .................................................. Ch214 - 594

**LAND USE**

- Local Planning Act of 1975 ............................................................................. Ch188 - 515

**LAW ENFORCEMENT**

- Department, appropriation ............................................................................. Ch186 - 511
- Juvenile Delinquency Prevention Act, duties .................................................. Ch159 - 410
- Officers, assistance, suppression of violence ................................................. Ch130 - 287
- Planning, appropriation .................................................................................. Ch249 - 671
- Planning Commission, membership ................................................................. Ch159 - 410
- Police, state program, appropriation ............................................................... Ch186 - 511

**LEGISLATIVE COUNCIL**

- Appreciation expressed to .............................................................................. SCR122 - 738
- Appreciation .................................................................................................... Ch67 - 134
- Appropriation, code search system ................................................................. Ch236 - 644
- Appropriation, studies, for expenses ............................................................... HCR46 - 771
- Appropriation, Tax Analysis, Computer Service ........................................... Ch260 - 707
- Fish and Game laws, study ............................................................................. SCR107 - 726
- Health Care Facilities, study .......................................................................... SCR116 - 732
- Health Districts, study ................................................................................... HCR26 - 757
- Malpractice insurance, study ......................................................................... SCR117 - 733
- Members, travel allowance .............................................................................. Ch245 - 657
- Office space for legislators, study ................................................................. HCR38 - 767
- Personnel System, study ................................................................................ SCR106 - 725
- Personnel System, study, appropriation ......................................................... Ch172 - 466
- School funding, formula, study ..................................................................... HCR39 - 768
- Stream flow, minimum, study ....................................................................... HCR34 - 762
- Water distribution laws, study ....................................................................... HCR32 - 760

**LEGISLATURE**

- Adjournment sine die ....................................................................................... HCR47 - 772
- Attaches, appreciation expressed to ............................................................... SCR122 - 738
- Bills, printing contract ..................................................................................... HCR22 - 751
- Code books for legislators .............................................................................. HCR15 - 746
- Code search system, appropriation ................................................................. Ch236 - 644
<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal fiscal information supplied</td>
<td>SJM110 - 777</td>
</tr>
<tr>
<td>Federal fiscal information supplied</td>
<td>SJM111 - 779</td>
</tr>
<tr>
<td>Federal programs, information supplied</td>
<td>SJM112 - 781</td>
</tr>
<tr>
<td>Finance-Approp. Comm., appropriation</td>
<td>Ch237 - 645</td>
</tr>
<tr>
<td>Finance-Approp. Comm., presession expenses paid</td>
<td>HCR31 - 759</td>
</tr>
<tr>
<td>Finance-Approp. Comm., review federal grants</td>
<td>HCR11 - 745</td>
</tr>
<tr>
<td>Forestry Task Force, continued</td>
<td>HCR23 - 754</td>
</tr>
<tr>
<td>Governor's budget message</td>
<td>HCR3 - 741</td>
</tr>
<tr>
<td>Governor's State of State Message</td>
<td>HCR2 - 740</td>
</tr>
<tr>
<td>Health Care Seminar, expenses for legislators</td>
<td>SCR118 - 734</td>
</tr>
<tr>
<td>Highways, Needs Study Committee</td>
<td>Ch114 - 234</td>
</tr>
<tr>
<td>Journals, bill identification</td>
<td>Ch9 - 14</td>
</tr>
<tr>
<td>Journals, printing contract</td>
<td>HCR20 - 748</td>
</tr>
<tr>
<td>Land Grants Committee, created</td>
<td>SCR111 - 727</td>
</tr>
<tr>
<td>Legis., Council members, travel allowance</td>
<td>Ch245 - 657</td>
</tr>
<tr>
<td>Legislators, travel allowances</td>
<td>Ch183 - 500</td>
</tr>
<tr>
<td>Lincoln, Abraham, joint session in honor</td>
<td>HCR18 - 747</td>
</tr>
<tr>
<td>Office space/legislators, study</td>
<td>HCR38 - 767</td>
</tr>
<tr>
<td>Organizational Session, acts ratified</td>
<td>SCR102 - 724</td>
</tr>
<tr>
<td>Revenue Projection Committee established</td>
<td>HCR1 - 739</td>
</tr>
<tr>
<td>Revenue Projection Committee established</td>
<td>HCR36 - 765</td>
</tr>
<tr>
<td>Rules, joint, adoption</td>
<td>HCR42 - 769</td>
</tr>
<tr>
<td>Sales tax, study</td>
<td>HCR43 - 770</td>
</tr>
<tr>
<td>Session laws, printing contract</td>
<td>HCR35 - 763</td>
</tr>
<tr>
<td>Sessions, convene 1st Monday, January</td>
<td>Ch194 - 539</td>
</tr>
<tr>
<td>U.S. Constitution amendments, advisory vote</td>
<td>Ch125 - 258</td>
</tr>
<tr>
<td>LENTILS</td>
<td></td>
</tr>
<tr>
<td>Assessments</td>
<td>Ch5 - 9</td>
</tr>
<tr>
<td>LEWIS-CLARK STATE COLLEGE</td>
<td></td>
</tr>
<tr>
<td>See COLLEGES AND UNIVERSITIES</td>
<td></td>
</tr>
<tr>
<td>LEWISTON PORT</td>
<td></td>
</tr>
<tr>
<td>Development, accomplishment recognized</td>
<td>HCR25 - 756</td>
</tr>
<tr>
<td>LIBRARIES</td>
<td></td>
</tr>
<tr>
<td>School-community, mill levy increased</td>
<td>Ch105 - 215</td>
</tr>
<tr>
<td>State, Board, appropriation</td>
<td>Ch115 - 236</td>
</tr>
<tr>
<td>State, Board, appropriation</td>
<td>Ch263 - 710</td>
</tr>
<tr>
<td>LICENSES</td>
<td></td>
</tr>
<tr>
<td>Attorneys, fees increased</td>
<td>Ch257 - 702</td>
</tr>
</tbody>
</table>
LICENSSES (Continued)  
Barbers ................................................... Ch84 - 170  
Cosmetology, renewal fee, expiration .................................. Ch1 - 3  
Drivers, examination in any county ....................................... Ch169 - 459  
Home health agencies, proprietary ....................................... Ch59 - 123  
Occupational Licenses Bureau, appropriation .......................... Ch70 - 139  
Psychologists, examination fee .......................................... Ch27 - 42  
Recreational vehicles ....................................................... Ch148 - 372

LIEUTENANT GOVERNOR  
Appropriation ....... .................................................. Ch75 - 153

LINCOLN, ABRAHAM  
Legislature, joint session in honor ........................................ HCR18 - 747

LIQUOR  
Alcohol Safety Action Project, appropriation ........................ Ch200 - 557  
Division, appropriation ..................................................... Ch249 - 671  
Funds, distribution, performing arts ...................................... Ch160 - 414  
Intoxication Treatment Act .................................................. Ch149 - 376  
Sales, military ID card acceptable ......................................... Ch179 - 485

LIVESTOCK  
Migratory, personal property tax ......................................... Ch157 - 405  
Migratory, tax, double assessment deleted ................................ Ch157 - 405

LOCAL IMPROVEMENT DISTRICTS  
Assessment roll, confirmation .............................................. Ch93 - 189  
Establishment, protests ...................................................... Ch168 - 456

LOGGING  
See FORESTS AND FORESTRY

MAGISTRATES  
See COURTS, JUDGES

MARIHUANA  
Definition ................................................................. Ch196 - 545

MEAT  
Game holding cooler requirement struck ................................ Ch85 - 176

MEDICAL  
See HEALTH AND WELFARE
# MEDICINE

<table>
<thead>
<tr>
<th>Board, appropriation</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ch70 - 139</td>
</tr>
</tbody>
</table>

# MEETINGS

<table>
<thead>
<tr>
<th>Public, smoking prohibited</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ch121 - 252</td>
</tr>
</tbody>
</table>

# MEMORIALS, HOUSE

<table>
<thead>
<tr>
<th>American waters, 200 mile limit be adopted</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HJM2 - 783</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Carey Act land, clarification of “per person”</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HJM4 - 786</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cattle, loan security program, extension asked</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HJM10 - 793</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Columbia River Fish Compact ratification asked</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HJM6 - 789</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estate tax, exemption increase urged of Congress</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HJM9 - 792</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Potatoes, purchased urged, Food for Peace</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HJM7 - 791</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Predators, control with toxic materials urged</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HJM5 - 788</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Toledo, Beatrice Serrano, citizenship rights asked</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HJM3 - 785</td>
</tr>
</tbody>
</table>

# MEMORIALS, SENATE

<table>
<thead>
<tr>
<th>Beef, marketing encouraged</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SJM103 - 773</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Federal fiscal information supplied Legislature</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SJM110 - 777</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Federal fiscal information supplied Legislature</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SJM111 - 779</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Federal programs, information supplied Legislature</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SJM112 - 781</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OSHA, amendment or repeal asked</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SJM104 - 775</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Social Security, 9% increase urged</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SJM108 - 776</td>
</tr>
</tbody>
</table>

# MILITARY AND MILITIA

<table>
<thead>
<tr>
<th>Armories, construction</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ch54 - 115</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Court-martial, adoption of code</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ch147 - 339</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department, appropriation, roof repairs</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ch99 - 203</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Disaster Preparedness Act of 1975</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ch212 - 584</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Liquor sales, ID card acceptable</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ch179 - 485</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Military Division, appropriation</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ch249 - 671</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Military Justice Code, adoption</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ch147 - 339</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nat’l Guard Educational Fund, appropriation</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ch249 - 671</td>
</tr>
</tbody>
</table>

# MILK AND MILK PRODUCTS

<table>
<thead>
<tr>
<th>Dairy Products Commission, appropriation</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ch70 - 139</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fluid products, sold in 3/4 gallon</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ch231 - 634</td>
</tr>
</tbody>
</table>

# MINES AND MINING

<table>
<thead>
<tr>
<th>Mineral and geologic research, appropriation</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ch224 - 618</td>
</tr>
</tbody>
</table>

# MOTOR CARRIER ACT

<table>
<thead>
<tr>
<th>Farm products, transported by farmer, exempt.</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ch253 - 684</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Permits, etc., fees</th>
<th>Chapter -- Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ch262 - 709</td>
</tr>
</tbody>
</table>
## MOTOR VEHICLES

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable gross loads, agricultural products</td>
<td>Ch184 - 502</td>
</tr>
<tr>
<td>Dealers, manufacturer licensees, contracts</td>
<td>Ch17 - 22</td>
</tr>
<tr>
<td>Driving left of center of roadway</td>
<td>Ch110 - 225</td>
</tr>
<tr>
<td>Farm tractors on highways</td>
<td>Ch131 - 288</td>
</tr>
<tr>
<td>Fund, transfer to Highway Fund annually</td>
<td>Ch119 - 249</td>
</tr>
<tr>
<td>Insurance, liability, mandatory</td>
<td>Ch158 - 407</td>
</tr>
<tr>
<td>Railroad grade crossings, when stops not necessary</td>
<td>Ch211 - 583</td>
</tr>
<tr>
<td>Recreational, license fees, tax exempt</td>
<td>Ch148 - 372</td>
</tr>
<tr>
<td>Speed limit, 55 mph, $5.00 fine retained</td>
<td>Ch185 - 509</td>
</tr>
<tr>
<td>Title, debtor's interest, attachment</td>
<td>Ch171 - 463</td>
</tr>
<tr>
<td>Traffic signals, conformance with Uniform Devices</td>
<td>Ch110 - 225</td>
</tr>
<tr>
<td>Weight limitations, exceptions</td>
<td>Ch167 - 453</td>
</tr>
<tr>
<td>Width on highways, exceptions</td>
<td>Ch131 - 288</td>
</tr>
</tbody>
</table>

## MULES

- Brand inspection: Ch23 - 36

## NAME CHANGE

- Permissible, 18 years or older: Ch63 - 129

## NATIONAL GUARD

- Court-martial, adoption of code: Ch147 - 339
- Military Justice Code, adoption: Ch147 - 339

## NUCLEAR ENERGY

- Program, appropriation: Ch249 - 671

## NURSING

- Board, appropriation: Ch70 - 139

## OCCUPATIONAL LICENSES BUREAU

See LICENSES

## OCCUPATIONAL SAFETY AND HEALTH ACT

- Repeal or amendment asked of Congress: SJM104 - 775

## OFFICERS

- Retirement, supplemental system for widows: Ch193 - 537
- State, per diem/mileage allowance: Ch44 - 83

## OPTOMETRISTS

- Optometry Board, appropriation: Ch70 - 139
OSHA
See OCCUPATIONAL SAFETY AND HEALTH ACT

OUTFITTERS AND GUIDES
Board, appropriation .................................................. Ch70 - 139

PARKS AND RECREATION
Appropriation, endowment land purchase account .................. Ch215 - 597
Department, appropriation .............................................. Ch252 - 680
Department, appropriation, endowment land ......................... Ch71 - 147
Department, appropriation, Heyburn State Park .................... Ch161 - 419
Department, appropriation, housing .................................. Ch54 - 115
Department, appropriation, supplemental ........................... Ch43 - 80

PAROLE
Revocation hearings .................................................... Ch247 - 661
Unlawful revocation deleted, post conviction ......................... Ch8 - 13

PEACE OFFICERS
See POLICEMEN

PEAS
Assessments ................................................................. Ch5 - 9

PERFORMING ARTS
See ARTS

PERJURY
See CRIMINAL OFFENSES AND PROCEDURES

PERMANENT BUILDING FUND
Appropriation, construction, renovation, etc. ....................... Ch54 - 115
Appropriation, Eastern Idaho Vo-Tech School ....................... Ch3 - 7
Appropriation, various projects ..................................... Ch146 - 337

PERSONNEL COMMISSION
Appropriation ............................................................... Ch225 - 621

PERSONNEL SYSTEM
Law amended ................................................................. Ch164 - 434
Study .......................................................... SCR106 - 725
Study, appropriation ..................................................... Ch172 - 466

PETEERSON, PHILIP
Appreciation expressed for tax assistance ............................ HCR33 - 761
<table>
<thead>
<tr>
<th>PHARMACISTS</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pharmacy Board, appropriation</td>
<td>.</td>
<td>Ch70 - 139</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PHYSICIANS</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malpractice insurance, available for two years</td>
<td>.</td>
<td>Ch163 - 427</td>
</tr>
<tr>
<td>Malpractice insurance, Hospital-Medical Liability</td>
<td>.</td>
<td>Ch162 - 422</td>
</tr>
<tr>
<td>Malpractice insurance, study</td>
<td>.</td>
<td>SCR117 - 733</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PLANNING</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airports, funds, approval</td>
<td>.</td>
<td>Ch113 - 232</td>
</tr>
<tr>
<td>State and Community Affairs, appropriation</td>
<td>.</td>
<td>Ch249 - 671</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PLUMBING</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board, members' compensation</td>
<td>.</td>
<td>Ch120 - 250</td>
</tr>
<tr>
<td>Certificate of competency, exemptions</td>
<td>.</td>
<td>Ch173 - 467</td>
</tr>
<tr>
<td>Uniform Plumbing Code applies</td>
<td>.</td>
<td>Ch120 - 250</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>POLICEMEN</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency assistance, suppression of violence</td>
<td>.</td>
<td>Ch130 - 287</td>
</tr>
<tr>
<td>State, appropriation</td>
<td>.</td>
<td>Ch186 - 511</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>POLLUTION</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control facilities, bonds, issuance</td>
<td>.</td>
<td>Ch52 - 105</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>POTATOES</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission, appropriation</td>
<td>.</td>
<td>Ch70 - 139</td>
</tr>
<tr>
<td>Food for Peace, purchase of potatoes urged</td>
<td>.</td>
<td>HJM7 - 791</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PRECINCTS</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committeemen, filling vacancies</td>
<td>.</td>
<td>Ch21 - 30</td>
</tr>
<tr>
<td>Polling place located outside of</td>
<td>.</td>
<td>Ch94 - 191</td>
</tr>
<tr>
<td>Registrars, appointment</td>
<td>.</td>
<td>Ch21 - 30</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PREDATORS</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control with toxic materials urged</td>
<td>.</td>
<td>HJM5 - 788</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PRINTING</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative, bills, contract</td>
<td>.</td>
<td>HCR22 - 751</td>
</tr>
<tr>
<td>Legislative, journals, contract</td>
<td>.</td>
<td>HCR20 - 748</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PRISONERS</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Imprisonment, term, computation</td>
<td>.</td>
<td>Ch201 - 559</td>
</tr>
<tr>
<td>Parole, revocation hearings</td>
<td>.</td>
<td>Ch247 - 661</td>
</tr>
</tbody>
</table>
### PROPERTY

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disaster Preparedness Act of 1975</td>
<td>Ch212 - 584</td>
</tr>
<tr>
<td>Real estate brokers/salesmen, educational requirements</td>
<td>Ch234 - 639</td>
</tr>
<tr>
<td>Tax, circuit breaker, household income</td>
<td>Ch255 - 697</td>
</tr>
<tr>
<td>Tax, circuit breaker, percentage reduction</td>
<td>Ch255 - 697</td>
</tr>
<tr>
<td>Tax, collection, year reference deleted</td>
<td>Ch235 - 643</td>
</tr>
<tr>
<td>Tax, declaration of property</td>
<td>Ch216 - 599</td>
</tr>
<tr>
<td>Tax, inheritance, veteran's compensation</td>
<td>Ch255 - 697</td>
</tr>
<tr>
<td>Tax, leasehold improvements</td>
<td>Ch156 - 401</td>
</tr>
<tr>
<td>Tax, migratory livestock</td>
<td>Ch157 - 405</td>
</tr>
<tr>
<td>Tax, recreational vehicles, exempt</td>
<td>Ch148 - 372</td>
</tr>
<tr>
<td>Tax, transient</td>
<td>Ch156 - 401</td>
</tr>
<tr>
<td>Tax, valuation assessment notice</td>
<td>Ch216 - 599</td>
</tr>
</tbody>
</table>

### PROSECUTING ATTORNEYS

See ATTORNEYS

### PSYCHOLOGISTS

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licenses, examination fee</td>
<td>Ch27 - 42</td>
</tr>
</tbody>
</table>

### PUBLIC UTILITIES

See UTILITIES

### PUBLIC WORKS

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractors State License Board, appropriation</td>
<td>Ch70 - 139</td>
</tr>
<tr>
<td>Division, appropriation</td>
<td>Ch225 - 621</td>
</tr>
<tr>
<td>Division, appropriation, construction, renovation</td>
<td>Ch54 - 115</td>
</tr>
<tr>
<td>Division, appropriation, Eastern Idaho Vo-Tech School</td>
<td>Ch3 - 7</td>
</tr>
<tr>
<td>Division, appropriation, various projects</td>
<td>Ch146 - 337</td>
</tr>
<tr>
<td>Purchases, work projects, competitive bids</td>
<td>Ch95 - 192</td>
</tr>
</tbody>
</table>

### PURCHASING AGENT

See PURCHASING DIVISION

### PURCHASING DIVISION

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>Ch225 - 621</td>
</tr>
<tr>
<td>Risk Manager, retained risk fund</td>
<td>Ch195 - 540</td>
</tr>
<tr>
<td>State, administrator, powers and duties</td>
<td>Ch254 - 686</td>
</tr>
<tr>
<td>Supplies, stocks, rules and regulations</td>
<td>Ch254 - 686</td>
</tr>
</tbody>
</table>

### RADIO

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment, exempt from sales tax</td>
<td>Ch152 - 389</td>
</tr>
</tbody>
</table>

### RAILROADS

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade crossings, when stops not necessary</td>
<td>Ch211 - 583</td>
</tr>
</tbody>
</table>
REAL ESTATE
Commission, appropriation ............................................. Ch70 - 139
Salesmen, brokers, educational requirements ........................ Ch234 - 639

RECLAMATION
Carey Act developments, restoration ................................. Ch61 - 127
Carey Act land, clarification of “per person” ........................ HJM4 - 786

RECORDS
State, historical, transfer to Society ................................ Ch177 - 482

RECREATIONAL VEHICLES
License fees ........................................................................ Ch148 - 372
Property tax, exempt .......................................................... Ch148 - 372

REGISTRARS
Precinct, appointment ....................................................... Ch21 - 30

REORGANIZATION, STATE GOVERNMENT
Fish and Game Department ............................................... Ch129 - 282

RESOLUTIONS, CONCURRENT, HOUSE
Buildings, state, authorization to construct ........................ HCR28 - 758
Code books for legislators ................................................ HCR15 - 746
Federal grants, Finance-Appropriations Committee review .... HCR11 - 745
Finance-Appropriations Committee presession meetings, expenses HCR31 - 759
Forestry Task Force, continued ........................................ HCR23 - 754
Governor’s budget message .............................................. HCR3 - 741
Governor’s State of State Message .................................... HCR2 - 740
Health Districts, Legislative Council study ....................... HCR26 - 757
Idaho Days designated, Franklin County .......................... HCR37 - 766
Legislative Council studies, appropriation ....................... HCR46 - 771
Legislators, office space, study ....................................... HCR38 - 767
Legislature, adjournment sine die ................................... HCR47 - 772
Legislature, Joint Rules, adoption .................................... HCR42 - 765
Legislature, printing contract, bills ................................. HCR22 - 751
Legislature, printing contracts, journals ........................ HCR20 - 746
Lewiston Port, development, recognized ........................ HCR25 - 756
Lincoln, Abraham, joint session in honor ......................... HCR18 - 747
Peterson, Phil, appreciation expressed to ....................... HCR33 - 761
Revenue Projection Committee, established .................... HCR1 - 735
Revenue Projection Committee, established .................... HCR36 - 764
Revenue projections ........................................................ HCR8 - 747
Revenue projections, estimate of surplus ........................ HCR7 - 747
RESOLUTIONS, CONCURRENT, HOUSE (Continued)  
Sales tax, study ........................................ HCR43 - 770  
School funding, formula, study ....................... HCR39 - 768  
Session laws, printing contract ......................... HCR35 - 763  
State employees, salaries, per executive budget document ............... HCR24 - 755  
Stream flow, minimum, study ............................. HCR34 - 762  
Water distribution laws, study ............................ HCR32 - 760

RESOLUTIONS, CONCURRENT, SENATE  
Finance-Appropriations Committee, presession hearings SCR112 - 731  
Fish and Game laws, study ............................... SCR107 - 726  
Health care facilities, study ............................ SCR116 - 732  
Health care seminar, expenses for legislators SCR118 - 734  
Land Grant Committee, created ........................ SCR111 - 727  
Legislature, attaches, appreciation expressed to SCR122 - 738  
Legislature, Organizational Session, acts ratified SCR102 - 724  
Malpractice insurance, study ............................... SCR117 - 733  
Personnel system, study .................................. SCR106 - 725

RETIRED  
System, appropriation .................................. Ch249 - 671  
System, average monthly salary defined ................. Ch217 - 604  
System, supplemental, widows/governors, etc. ............... Ch193 - 537

REVENUE  
Projection Committee, established ....................... HCR1 - 739  
Projection Committee, established ....................... HCR36 - 765  
Projections .............................................. HCR8 - 743  
Projections, estimate of surplus ......................... HCR7 - 742  
Rev. & Tax. Dept., approp. ............................... Ch123 - 255  
Rev. & Tax. Dept., approp., circuit breaker ........ Ch199 - 556  
Rev. & Tax. Dept., approp., supplemental ................ Ch78 - 159

RIVERS  
Payette, water rights adjudication, approp. ............... Ch223 - 617  
Stream flow, minimum, study ............................. HCR34 - 762

RULES  
Legislature, Joint ....................................... HCR42 - 769

SALARIES  
Average, monthly defined/retirement system ............... Ch217 - 604  
County commissioners .................................... Ch267 - 718  
Highway district commissioners .......................... Ch112 - 231
SALARIES (Continued)

Industrial Commission, commissioners
Prosecuting attorneys
Prosecuting attorneys
Public Utilities Commission, administrative
Public Utilities Commission, commissioners
State employees, cost-of-living adjustment
State employees, per executive budget document
Tax Commission, commissioners

SALMON RIVER
See RIVERS

SCHOOLS
Board, teachers/nonrenewable contract, criteria
County, fund, appropriation
County, fund, appropriation
County, mill levy established
Districts, bonding capacity
Districts, budgets, preparation time
Districts, repairs, equipment, minimum
Eastern Idaho Vo-Tech, technology bldg.
Emmettsville Dist., propose budget by May
Funding, formula, study
Handicapped, ancillary personnel, funding
Kindergartens, established, nonmandatory
Lease expenditures, Plant Facilities Fund
Libraries, school-community, mill levy
Loitering, disruptive influence, misdemeanor
Plant facilities levy, 20 mills
Plant Facilities Fund, lease expenditures
Public, appropriation
Social Security, personnel, payment
Student teachers, registration, protection
Teachers, nonrenewable contract, criteria
Teachers' retirement, appropriation
Trustee election, tie vote
Trustees board, compensation
Tuition, transfer of pupils, not charged
Warrants, interest

SEARCH WARRANTS
See CRIMINAL OFFENSES AND PROCEDURES
<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter/Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECRETARY OF STATE</td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>Ch178-483</td>
</tr>
<tr>
<td>SECURITIES</td>
<td></td>
</tr>
<tr>
<td>Brokers exempt from usury law</td>
<td>Ch251-679</td>
</tr>
<tr>
<td>Investment Board, functions, reports</td>
<td>Ch197-549</td>
</tr>
<tr>
<td>Tax exempt, issued by state/municipalities</td>
<td>Ch90-184</td>
</tr>
<tr>
<td>SELF-GOVERNING AGENCIES</td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>Ch70-139</td>
</tr>
<tr>
<td>SENIOR CITIZENS</td>
<td></td>
</tr>
<tr>
<td>Income tax credit, $20</td>
<td>Ch138-309</td>
</tr>
<tr>
<td>Social Security, 9% increase urged</td>
<td>SJM108-776</td>
</tr>
<tr>
<td>SESSION LAWS</td>
<td></td>
</tr>
<tr>
<td>Printing contract</td>
<td>HCR35-763</td>
</tr>
<tr>
<td>SEWERAGE</td>
<td></td>
</tr>
<tr>
<td>Districts, streets, utilities, tax exempt</td>
<td>Ch28-43</td>
</tr>
<tr>
<td>Recreational districts, authority deleted</td>
<td>Ch189-529</td>
</tr>
<tr>
<td>SMOKING</td>
<td></td>
</tr>
<tr>
<td>Public meetings, prohibited</td>
<td>Ch121-252</td>
</tr>
<tr>
<td>SOCIAL SECURITY</td>
<td></td>
</tr>
<tr>
<td>Nine percent increase urged</td>
<td>SJM108-776</td>
</tr>
<tr>
<td>School district personnel, payment</td>
<td>Ch150-381</td>
</tr>
<tr>
<td>SPECIAL SERVICES</td>
<td></td>
</tr>
<tr>
<td>Department, appropriation</td>
<td>Ch103-210</td>
</tr>
<tr>
<td>STATE PLANNING &amp; COMMUNITY AFFAIRS</td>
<td></td>
</tr>
<tr>
<td>See PLANNING</td>
<td></td>
</tr>
<tr>
<td>STATUTES</td>
<td></td>
</tr>
<tr>
<td>Courts, procedural, obsolete, repealed</td>
<td>Ch242-651</td>
</tr>
<tr>
<td>SUPREME COURT</td>
<td></td>
</tr>
<tr>
<td>See COURTS</td>
<td></td>
</tr>
<tr>
<td>FAX AND TAXATION</td>
<td></td>
</tr>
<tr>
<td>Ad valorem, valuation assessment notice</td>
<td>Ch216-599</td>
</tr>
</tbody>
</table>
### TAX AND TAXATION (Continued)

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter – Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cigarette, distribution, Tumor Registry Fund</td>
<td>Ch56 - 120</td>
</tr>
<tr>
<td>Cigarette, distribution, Tumor Registry Fund</td>
<td>Ch57 - 121</td>
</tr>
<tr>
<td>Circuit breaker, household income defined</td>
<td>Ch255 - 697</td>
</tr>
<tr>
<td>Circuit breaker, inheritance counted as income</td>
<td>Ch255 - 697</td>
</tr>
<tr>
<td>Circuit breaker, percentage reduction struck</td>
<td>Ch255 - 697</td>
</tr>
<tr>
<td>Circuit breaker, veterans' compensation</td>
<td>Ch255 - 697</td>
</tr>
<tr>
<td>Commission, appropriation</td>
<td>Ch78 - 159</td>
</tr>
<tr>
<td>Commission, commissioners, salaries</td>
<td>Ch241 - 650</td>
</tr>
<tr>
<td>Estate, exemption increase urged of Congress</td>
<td>HJM9 - 792</td>
</tr>
<tr>
<td>Hospitals, leased medical equipment</td>
<td>Ch53 - 114</td>
</tr>
<tr>
<td>Income, certain interest exempt</td>
<td>Ch90 - 184</td>
</tr>
<tr>
<td>Income, credit, $15</td>
<td>Ch138 - 309</td>
</tr>
<tr>
<td>Income, date change, conform to IRS</td>
<td>Ch12 - 17</td>
</tr>
<tr>
<td>Income, depletion allowance reference struck</td>
<td>Ch33 - 57</td>
</tr>
<tr>
<td>Income distraint, period of limitation</td>
<td>Ch86 - 178</td>
</tr>
<tr>
<td>Income, election campaign fund credit</td>
<td>Ch132 - 290</td>
</tr>
<tr>
<td>Income, nonresidents, credit paid other states</td>
<td>Ch106 - 216</td>
</tr>
<tr>
<td>Income, nonresidents, part-time residents</td>
<td>Ch32 - 52</td>
</tr>
<tr>
<td>Legislative Analysis Computer Service, approp.</td>
<td>Ch260 - 707</td>
</tr>
<tr>
<td>Political contributions, credit</td>
<td>Ch170 - 460</td>
</tr>
<tr>
<td>Property, collection, year reference deleted</td>
<td>Ch235 - 643</td>
</tr>
<tr>
<td>Property, inheritance, veteran’s compensation</td>
<td>Ch255 - 697</td>
</tr>
<tr>
<td>Property, leasehold improvements</td>
<td>Ch156 - 401</td>
</tr>
<tr>
<td>Property, migratory livestock</td>
<td>Ch157 - 405</td>
</tr>
<tr>
<td>Property, recreational vehicles, exempt</td>
<td>Ch148 - 372</td>
</tr>
<tr>
<td>Property, taxpayer’s declaration</td>
<td>Ch216 - 599</td>
</tr>
<tr>
<td>Property, valuation assessment notice</td>
<td>Ch216 - 599</td>
</tr>
<tr>
<td>Rev. &amp; Tax. Dept., appropriation</td>
<td>Ch123 - 255</td>
</tr>
<tr>
<td>Rev. &amp; Tax. Dept., approp. circuit breaker purposes</td>
<td>Ch199 - 556</td>
</tr>
<tr>
<td>Rev. &amp; Tax. Dept., approp., supplemental</td>
<td>Ch78 - 159</td>
</tr>
<tr>
<td>Sales, broadcasting equipment exempt</td>
<td>Ch152 - 389</td>
</tr>
<tr>
<td>Sales, county assessor, fee for services</td>
<td>Ch155 - 398</td>
</tr>
<tr>
<td>Sales, irrigation-agricultural equipment, exempt</td>
<td>Ch96 - 193</td>
</tr>
<tr>
<td>Sales, study</td>
<td>HCR43 - 770</td>
</tr>
<tr>
<td>Transient, assessment, declaration</td>
<td>Ch156 - 401</td>
</tr>
<tr>
<td>Water/Sewer Dists, streets, utilities, exempt</td>
<td>Ch28 - 43</td>
</tr>
</tbody>
</table>

### TEACHERS

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter – Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Handicapped, ancillary, funding</td>
<td>Ch218 - 609</td>
</tr>
<tr>
<td>Nonrenewable contract, criteria</td>
<td>Ch256 - 700</td>
</tr>
<tr>
<td>Retirement, appropriation</td>
<td>Ch104 - 212</td>
</tr>
<tr>
<td>Student, registration, protection</td>
<td>Ch45 - 84</td>
</tr>
</tbody>
</table>
TELEVISION
Educational, appropriation ......................................................... Ch68 - 135
Equipment, exempt from sales tax ............................................. Ch152 - 389

TIME
See DAYLIGHT SAVING TIME

TITLE INSURANCE
See INSURANCE

TOLEDO, BEATRICE SERRANO
Citizenship rights asked of Congress .......................................... HJM3 - 785

TOURISM & INDUSTRIAL DEVELOPMENT
Program, appropriation ............................................................ Ch249 - 671

TOWN SITES
Judge, District Court, responsibilities ........................................ Ch214 - 594

TRAFFIC SAFETY
See SAFETY

TRANSPORTATION
Board, approp., matching federal hwy. fund ................................ Ch15 - 20
Board, approp., matching federal hwy. fund ................................ Ch16 - 21
Board, approp., highway system .................................................. Ch265 - 715
Department, approp. ................................................................. Ch200 - 557
Department, approp., cities, roads ............................................. Ch192 - 536
Department, approp., County Road Fund ..................................... Ch192 - 536
Department, Highway Beautification Act ...................................... Ch139 - 312
Multistate Highway Transportation Agreement ............................. Ch51 - 99

TREASURER, STATE
Appropriation ............................................................................... Ch100 - 205
Appropriation, explore fund structure ......................................... Ch266 - 716
Sinking fund, investment, income from ....................................... Ch24 - 39
Surplus funds, investment ............................................................. Ch2 - 5

TRUSTS
Income tax, part-time/nonresidents .............................................. Ch32 - 52

TUMOR REGISTRY
Fund, distribution of cigarette tax money ...................................... Ch57 - 121
Fund, moneys increased ............................................................. Ch56 - 120
UNIVERSITY OF IDAHO
See COLLEGES AND UNIVERSITIES

UTILITIES
Motor Carrier Act, permits, etc., fees ........................................... Ch262 - 709
Public, Commission, admin. salaries, expenses ............................... Ch135 - 297
Public, Commission, appropriation ................................................ Ch41 - 71
Public, Commission, appropriation ................................................ Ch268 - 720
Public, commissioners, salaries ..................................................... Ch241 - 650
Public, Transp. Council, appropriation ........................................... Ch72 - 148
Rate increase, hearings, time limit ................................................ Ch81 - 166

VETERANS
Hospital, jurisdiction of property .................................................. Ch62 - 128
Property tax, compensation is income ........................................... Ch255 - 697

VETERINARY MEDICINE
Northwest college, appropriation ................................................... Ch229 - 630

VOCATIONAL EDUCATION
See EDUCATION

VOCATIONAL SCHOOLS
See SCHOOLS

VOTERS
Registration cancelled/nonvoting 4 years ....................................... Ch124 - 257

WAGES
See SALARIES

WATER
American waters, 200 mile limit .................................................... HJM2 - 783
Columbia Interstate Compact repealed ............................................ Ch20 - 29
Laws, Legislative Council Study .................................................... HCR32 - 760
Irrigation dists., construction contracts, bids ................................ Ch49 - 94
Payette River, rights adjudication, approp. ................................... Ch223 - 617
Recreational water & sewer dist., authority ................................... Ch189 - 529
Resources Dept., appropriation ..................................................... Ch98 - 201
Stream flow, minimum, study ....................................................... HCR34 - 762
Water/Sewer dists., streets, utilities, tax exempt ............................ Ch28 - 43

WEATHER
Modification districts, establishment ............................................. Ch145 - 334
<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>WEEDS</td>
<td>Ch134</td>
<td>295</td>
</tr>
<tr>
<td>Extermination, eradication, cost</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WHEAT</td>
<td>Ch70</td>
<td>139</td>
</tr>
<tr>
<td>Commission, appropriation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WINE</td>
<td>Ch151</td>
<td>383</td>
</tr>
<tr>
<td>Price schedules</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WOMEN</td>
<td>Ch249</td>
<td>671</td>
</tr>
<tr>
<td>Commission, appropriation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WORKMEN'S COMPENSATION</td>
<td>Ch13</td>
<td>18</td>
</tr>
<tr>
<td>Benefits, lump sum payment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ZONING</td>
<td>Ch111</td>
<td>229</td>
</tr>
<tr>
<td>Airports, authority</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Planning Act of 1975</td>
<td>Ch188</td>
<td>515</td>
</tr>
</tbody>
</table>
# TABLE OF AMENDMENTS, REPEALS, ADDITIONS AND REFERENCES

## TO

THE SECTIONS OF THE IDAHO CODE

BY THE

1975 SESSION LAWS

Code index listing code citation, action and session law chapter number for bills which passed.

<table>
<thead>
<tr>
<th>Title</th>
<th>Code</th>
<th>Action</th>
<th>Session Law Chapter Number</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>TITLE 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-215</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-706</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-707</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-708</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-709</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-710</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-806</td>
<td></td>
<td>Amended - Ch.35</td>
<td></td>
<td>.63</td>
</tr>
<tr>
<td>1-901 thru 1-904</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-906</td>
<td></td>
<td>Amended - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-1601</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-1602</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-1604</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-1605</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-1608</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-1609</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-1610</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-1611</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-1617 thru 1-1621</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-1801</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>1-2221</td>
<td></td>
<td>Amended - Ch.25</td>
<td></td>
<td>.40</td>
</tr>
<tr>
<td>TITLE 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-504</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>2-505</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>TITLE 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-206</td>
<td></td>
<td>Repealed - Ch.242</td>
<td></td>
<td>.651</td>
</tr>
<tr>
<td>3-409</td>
<td></td>
<td>Amended - Ch.257</td>
<td></td>
<td>.702</td>
</tr>
</tbody>
</table>
### TITLE 5
<table>
<thead>
<tr>
<th>Section</th>
<th>Status</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 1</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>5-301</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>5-303</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>5-307</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>5-312 thru 5-318</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>5-320</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>5-322 thru 5-325</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>5-405 thru 5-407</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>5-501 thru 5-504</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>5-506</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>5-507</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>5-511</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>5-512</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>Ch. 6 thru Ch. 9</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
</tbody>
</table>

### TITLE 7
<table>
<thead>
<tr>
<th>Section</th>
<th>Status</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 1</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>7-306</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>7-307</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>Ch. 5</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>7-721</td>
<td>Amended - Ch.141</td>
<td>.321</td>
</tr>
<tr>
<td>7-802</td>
<td>Amended - Ch.63</td>
<td>.129</td>
</tr>
<tr>
<td>Ch. 9</td>
<td>New Chapter Added - Ch.117</td>
<td>.240</td>
</tr>
<tr>
<td>Ch. 9</td>
<td>Repealed - Ch.117</td>
<td>.240</td>
</tr>
</tbody>
</table>

### TITLE 8
<table>
<thead>
<tr>
<th>Section</th>
<th>Status</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 4</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>8-506A</td>
<td>Amended - Ch.171</td>
<td>.463</td>
</tr>
</tbody>
</table>

### TITLE 9
<table>
<thead>
<tr>
<th>Section</th>
<th>Status</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9-205</td>
<td>New Section Added - Ch.64</td>
<td>.130</td>
</tr>
<tr>
<td>9-205</td>
<td>Repealed - Ch.64</td>
<td>.130</td>
</tr>
<tr>
<td>9-701</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>9-702</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>9-703</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>9-705</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>9-707</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>Ch. 8 thru Ch. 12</td>
<td>Repealed - Ch.242</td>
<td>.651</td>
</tr>
<tr>
<td>9-1603</td>
<td>Amended - Ch.64</td>
<td>.130</td>
</tr>
<tr>
<td>Title</td>
<td>Section(s)</td>
<td>Repealed/Amended</td>
</tr>
<tr>
<td>-------</td>
<td>------------</td>
<td>------------------</td>
</tr>
<tr>
<td>TITLE 10</td>
<td>Ch. 4</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>10-501 thru 10-508</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>Ch. 10</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>10-1101</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>10-1102</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>10-1103</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>10-1104</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>10-1105</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>10-1107</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>10-1108</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>10-1111</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>10-1112</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>10-1113</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>10-1114</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>10-1306A</td>
<td>New Section Added – Ch. 14</td>
</tr>
<tr>
<td>TITLE 12</td>
<td>12-101 thru 12-106</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>12-108 thru 12-113</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>12-115</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>12-116</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>12-117</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>12-120</td>
<td>Amended – Ch. 65</td>
</tr>
<tr>
<td></td>
<td>Ch. 2 thru Ch. 5</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>12-601 thru 12-611</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td>TITLE 17</td>
<td>17-202</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>17-204</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td></td>
<td>17-205</td>
<td>Repealed - Ch. 242</td>
</tr>
<tr>
<td>TITLE 18</td>
<td>18-309</td>
<td>Amended – Ch. 201</td>
</tr>
<tr>
<td></td>
<td>18-711</td>
<td>Amended – Ch. 130</td>
</tr>
<tr>
<td></td>
<td>18-4628</td>
<td>New Section Added – Ch. 243</td>
</tr>
<tr>
<td></td>
<td>18-4628</td>
<td>Repealed – Ch. 243</td>
</tr>
<tr>
<td>Title 18 (Continued)</td>
<td>Page</td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>18-4629 New Section Added - Ch.243</td>
<td>654</td>
<td></td>
</tr>
<tr>
<td>18-5904 Amended - Ch.121</td>
<td>252</td>
<td></td>
</tr>
<tr>
<td>18-5905 Amended - Ch.121</td>
<td>252</td>
<td></td>
</tr>
<tr>
<td>18-5906 Amended - Ch.121</td>
<td>252</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title 19</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>19-4901 Amended - Ch.8</td>
<td>13</td>
</tr>
<tr>
<td>19-5101 Amended - Ch.159</td>
<td>410</td>
</tr>
<tr>
<td>19-5102 Amended - Ch.159</td>
<td>410</td>
</tr>
<tr>
<td>19-5109 Amended - Ch.159</td>
<td>412</td>
</tr>
<tr>
<td>19-5114 Amended - Ch.159</td>
<td>413</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title 20</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20-229 Amended - Ch.247</td>
<td>661</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title 21</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>21-105 Amended - Ch.113</td>
<td>232</td>
</tr>
<tr>
<td>21-503 Amended - Ch.111</td>
<td>229</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title 22</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>22-306 Amended - Ch.7</td>
<td>11</td>
</tr>
<tr>
<td>22-307 Amended - Ch.7</td>
<td>11</td>
</tr>
<tr>
<td>22-2448 Amended - Ch.134</td>
<td>295</td>
</tr>
<tr>
<td>22-3515 Amended - Ch.5</td>
<td>9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title 23</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>23-404 Amended - Ch.160</td>
<td>415</td>
</tr>
<tr>
<td>23-405 Amended - Ch.160</td>
<td>416</td>
</tr>
<tr>
<td>23-408 New Section Added - Ch.160</td>
<td>414</td>
</tr>
<tr>
<td>23-929 Amended - Ch.179</td>
<td>485</td>
</tr>
<tr>
<td>23-1013 Amended - Ch.179</td>
<td>485</td>
</tr>
<tr>
<td>23-1029 Amended - Ch.151</td>
<td>383</td>
</tr>
<tr>
<td>23-1033 New Section Added - Ch.151</td>
<td>384</td>
</tr>
<tr>
<td>23-1033 Repealed - Ch.151</td>
<td>384</td>
</tr>
<tr>
<td>23-1325 New Section Added - Ch.151</td>
<td>386</td>
</tr>
<tr>
<td>23-1325 Repealed - Ch.151</td>
<td>386</td>
</tr>
<tr>
<td>23-1329 Amended - Ch.151</td>
<td>387</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title 25</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>25-1106A Amended - Ch.23</td>
<td>36</td>
</tr>
<tr>
<td>25-1402 Amended - Ch.23</td>
<td>36</td>
</tr>
<tr>
<td>25-1402A New Section Added - Ch.23</td>
<td>37</td>
</tr>
</tbody>
</table>
### IDAHO SESSION LAWS

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TITLE 26</strong></td>
<td></td>
</tr>
<tr>
<td>26-802</td>
<td>Amended - Ch.191</td>
</tr>
<tr>
<td>26-803</td>
<td>Amended - Ch.191</td>
</tr>
<tr>
<td><strong>TITLE 30</strong></td>
<td></td>
</tr>
<tr>
<td>30-1434A</td>
<td>New Section Added - Ch.251</td>
</tr>
<tr>
<td>30-1501</td>
<td>New Section Added - Ch.248</td>
</tr>
<tr>
<td><strong>TITLE 31</strong></td>
<td></td>
</tr>
<tr>
<td>31-1412</td>
<td>Amended - Ch.219</td>
</tr>
<tr>
<td>31-1605</td>
<td>Amended - Ch.153</td>
</tr>
<tr>
<td>31-3104</td>
<td>Amended - Ch.267</td>
</tr>
<tr>
<td>31-3113</td>
<td>Amended - Ch.259</td>
</tr>
<tr>
<td>31-3113</td>
<td>Amended - Ch.140</td>
</tr>
<tr>
<td>31-3603</td>
<td>Amended - Ch.58</td>
</tr>
<tr>
<td>31-3615</td>
<td>Amended - Ch.91</td>
</tr>
<tr>
<td>31-3908</td>
<td>Repealed - Ch.188</td>
</tr>
<tr>
<td>31-4003</td>
<td>New Section Added - Ch.258</td>
</tr>
<tr>
<td><strong>TITLE 32</strong></td>
<td></td>
</tr>
<tr>
<td>32-2110A</td>
<td>Amended - Ch.160</td>
</tr>
<tr>
<td><strong>TITLE 33</strong></td>
<td></td>
</tr>
<tr>
<td>33-201</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>33-208</td>
<td>New Section Added - Ch.42</td>
</tr>
<tr>
<td>33-302</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>33-503</td>
<td>Amended - Ch.181</td>
</tr>
<tr>
<td>33-504</td>
<td>Amended - Ch.181</td>
</tr>
<tr>
<td>33-506</td>
<td>Amended - Ch.82</td>
</tr>
<tr>
<td>33-512</td>
<td>Amended - Ch.107</td>
</tr>
<tr>
<td>33-513</td>
<td>Amended - Ch.256</td>
</tr>
<tr>
<td>33-601</td>
<td>Amended - Ch.109</td>
</tr>
<tr>
<td>33-702</td>
<td>Amended - Ch.108</td>
</tr>
<tr>
<td>33-801</td>
<td>Amended - Ch.46</td>
</tr>
<tr>
<td>33-804</td>
<td>Amended - Ch.220</td>
</tr>
<tr>
<td>33-901</td>
<td>Amended - Ch.136</td>
</tr>
<tr>
<td>33-1001</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>33-1002</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>33-1103</td>
<td>Amended - Ch.88</td>
</tr>
<tr>
<td>33-1201</td>
<td>Amended - Ch.45</td>
</tr>
<tr>
<td>33-1402</td>
<td>Amended - Ch.22</td>
</tr>
<tr>
<td>33-1403</td>
<td>Amended - Ch.22</td>
</tr>
<tr>
<td>33-1707</td>
<td>Amended - Ch.213</td>
</tr>
<tr>
<td>TITLE 33 (Continued)</td>
<td>Amended</td>
</tr>
<tr>
<td>----------------------</td>
<td>---------</td>
</tr>
<tr>
<td>33-2004</td>
<td>- Ch.50</td>
</tr>
<tr>
<td>33-2005A</td>
<td>- Ch.218</td>
</tr>
<tr>
<td>33-2601</td>
<td>- Ch.105</td>
</tr>
<tr>
<td>33-3804</td>
<td>- Ch.118</td>
</tr>
<tr>
<td>33-3810</td>
<td>- Ch.118</td>
</tr>
<tr>
<td>TITLE 34</td>
<td></td>
</tr>
<tr>
<td>34-102</td>
<td>- Ch.174</td>
</tr>
<tr>
<td>34-406</td>
<td>- Ch.21</td>
</tr>
<tr>
<td>34-435</td>
<td>- Ch.124</td>
</tr>
<tr>
<td>34-502</td>
<td>- Ch.21</td>
</tr>
<tr>
<td>34-601</td>
<td>- Ch.174</td>
</tr>
<tr>
<td>34-614A</td>
<td>New Section Added - Ch.230</td>
</tr>
<tr>
<td>34-624</td>
<td>- Ch.174</td>
</tr>
<tr>
<td>34-704</td>
<td>- Ch.174</td>
</tr>
<tr>
<td>34-713</td>
<td>- Ch.174</td>
</tr>
<tr>
<td>34-714</td>
<td>Amended - Ch.21</td>
</tr>
<tr>
<td>34-902</td>
<td>- Ch.174</td>
</tr>
<tr>
<td>34-1003</td>
<td>- Ch.66</td>
</tr>
<tr>
<td>34-1205</td>
<td>- Ch.174</td>
</tr>
<tr>
<td>34-1208</td>
<td>- Ch.174</td>
</tr>
<tr>
<td>34-1701</td>
<td>- Ch.137</td>
</tr>
<tr>
<td>34-1704</td>
<td>- Ch.137</td>
</tr>
<tr>
<td>34-1706</td>
<td>- Ch.137</td>
</tr>
<tr>
<td>34-1707</td>
<td>- Ch.137</td>
</tr>
<tr>
<td>34-1712</td>
<td>- Ch.137</td>
</tr>
<tr>
<td>34-1713</td>
<td>- Ch.137</td>
</tr>
<tr>
<td>TITLE 36</td>
<td></td>
</tr>
<tr>
<td>36-101</td>
<td>Amended - Ch.129</td>
</tr>
<tr>
<td>36-104</td>
<td>Amended - Ch.129</td>
</tr>
<tr>
<td>36-117</td>
<td>Repealed - Ch.129</td>
</tr>
<tr>
<td>TITLE 37</td>
<td></td>
</tr>
<tr>
<td>37-1520</td>
<td>Amended - Ch.175</td>
</tr>
<tr>
<td>37-1523</td>
<td>Amended - Ch.175</td>
</tr>
<tr>
<td>37-1523A</td>
<td>New Section Added - Ch.175</td>
</tr>
<tr>
<td>37-1524</td>
<td>Amended - Ch.175</td>
</tr>
<tr>
<td>37-1915</td>
<td>Amended - Ch.85</td>
</tr>
<tr>
<td>37-2204A</td>
<td>New Section Added - Ch.92</td>
</tr>
<tr>
<td>37-2701</td>
<td>Amended - Ch.196</td>
</tr>
<tr>
<td>TITLE 39</td>
<td></td>
</tr>
<tr>
<td>39-119</td>
<td>New Section Added - Ch.182</td>
</tr>
<tr>
<td>Title</td>
<td>Section</td>
</tr>
<tr>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td>39</td>
<td>3-2715</td>
</tr>
<tr>
<td>39</td>
<td>3-2710</td>
</tr>
<tr>
<td>39</td>
<td>3-2702</td>
</tr>
<tr>
<td>39</td>
<td>3-2701</td>
</tr>
<tr>
<td>39</td>
<td>3-1312</td>
</tr>
<tr>
<td>39</td>
<td>3-1303a</td>
</tr>
<tr>
<td>39</td>
<td>3-130</td>
</tr>
<tr>
<td>39</td>
<td>3-128</td>
</tr>
<tr>
<td>39</td>
<td>3-120</td>
</tr>
<tr>
<td>39</td>
<td>3-112</td>
</tr>
<tr>
<td>39</td>
<td>3-100</td>
</tr>
<tr>
<td>39</td>
<td>3-99</td>
</tr>
<tr>
<td>39</td>
<td>3-98</td>
</tr>
<tr>
<td>40</td>
<td>4-1003</td>
</tr>
<tr>
<td>40</td>
<td>4-1618</td>
</tr>
<tr>
<td>40</td>
<td>4-2812</td>
</tr>
<tr>
<td>40</td>
<td>4-2823</td>
</tr>
<tr>
<td>40</td>
<td>4-2828</td>
</tr>
<tr>
<td>40</td>
<td>4-2829</td>
</tr>
<tr>
<td>40</td>
<td>4-2830</td>
</tr>
<tr>
<td>40</td>
<td>4-2830</td>
</tr>
<tr>
<td>40</td>
<td>4-2836</td>
</tr>
<tr>
<td>40</td>
<td>4-2837</td>
</tr>
<tr>
<td>40</td>
<td>4-2837</td>
</tr>
<tr>
<td>41</td>
<td>4-228</td>
</tr>
<tr>
<td>41</td>
<td>4-327</td>
</tr>
<tr>
<td>41</td>
<td>4-338</td>
</tr>
<tr>
<td>41</td>
<td>4-402</td>
</tr>
<tr>
<td>41</td>
<td>4-735</td>
</tr>
<tr>
<td>41</td>
<td>4-1077</td>
</tr>
<tr>
<td>41</td>
<td>4-1909</td>
</tr>
<tr>
<td>41</td>
<td>4-2024</td>
</tr>
<tr>
<td>41</td>
<td>4-2401</td>
</tr>
<tr>
<td>41</td>
<td>4-2711</td>
</tr>
<tr>
<td>42</td>
<td>4-2039</td>
</tr>
<tr>
<td>42</td>
<td>4-3202</td>
</tr>
<tr>
<td>42</td>
<td>4-3202A</td>
</tr>
<tr>
<td>42</td>
<td>4-3218</td>
</tr>
<tr>
<td>42</td>
<td>4-3403</td>
</tr>
<tr>
<td>42</td>
<td>4-3404</td>
</tr>
<tr>
<td>TITLE 43</td>
<td>Page</td>
</tr>
<tr>
<td>----------</td>
<td>------</td>
</tr>
<tr>
<td>43-206 Amended – Ch.240</td>
<td>.649</td>
</tr>
<tr>
<td>43-901 New Section Added – Ch.49</td>
<td>94</td>
</tr>
<tr>
<td>43-901 Repealed – Ch.49</td>
<td>94</td>
</tr>
<tr>
<td>43-2203 Amended – Ch.48</td>
<td>90</td>
</tr>
<tr>
<td>43-2204 Amended – Ch.48</td>
<td>92</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TITLE 46</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 5 Repealed – Ch.147</td>
<td>.342</td>
</tr>
<tr>
<td>46-805 Repealed – Ch.147</td>
<td>.342</td>
</tr>
<tr>
<td>Ch. 9 Repealed – Ch.147</td>
<td>.342</td>
</tr>
<tr>
<td>Ch. 10 New Chapter Added – Ch.212</td>
<td>.584</td>
</tr>
<tr>
<td>Ch. 10 Repealed – Ch.212</td>
<td>.584</td>
</tr>
<tr>
<td>Ch. 11 New Chapter Added – Ch.147</td>
<td>.342</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TITLE 49</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>49-155 Amended – Ch.148</td>
<td>.372</td>
</tr>
<tr>
<td>49-232 thru New Sections Added – Ch.158</td>
<td>.407</td>
</tr>
<tr>
<td>49-237 Amended – Ch.169</td>
<td>.459</td>
</tr>
<tr>
<td>49-316 Amended – Ch.110</td>
<td>.725</td>
</tr>
<tr>
<td>49-601 New Section Added – Ch.110</td>
<td>.225</td>
</tr>
<tr>
<td>49-605 Repealed – Ch.110</td>
<td>.225</td>
</tr>
<tr>
<td>49-606 New Section Added – Ch.110</td>
<td>.227</td>
</tr>
<tr>
<td>49-606 Repealed – Ch.110</td>
<td>.227</td>
</tr>
<tr>
<td>49-701 Amended – Ch.185</td>
<td>.509</td>
</tr>
<tr>
<td>49-713 Amended – Ch.110</td>
<td>.227</td>
</tr>
<tr>
<td>49-749 Amended – Ch.211</td>
<td>.583</td>
</tr>
<tr>
<td>49-751 New Section Added – Ch.110</td>
<td>.228</td>
</tr>
<tr>
<td>49-751 Repealed – Ch.110</td>
<td>.228</td>
</tr>
<tr>
<td>49-901 Amended – Ch.184</td>
<td>.503</td>
</tr>
<tr>
<td>49-901A Amended – Ch.167</td>
<td>.453</td>
</tr>
<tr>
<td>49-913 Amended – Ch.131</td>
<td>.288</td>
</tr>
<tr>
<td>49-1302 Amended – Ch.119</td>
<td>.249</td>
</tr>
<tr>
<td>49-2414 Amended – Ch.17</td>
<td>.22</td>
</tr>
<tr>
<td>Ch. 28 New Chapter Added – Ch.148</td>
<td>.374</td>
</tr>
<tr>
<td>Ch. 28 New Chapter Added – Ch.51</td>
<td>.99</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TITLE 50</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>50-341 Amended – Ch.34</td>
<td>.60</td>
</tr>
<tr>
<td>50-418 Amended – Ch.94</td>
<td>.191</td>
</tr>
<tr>
<td>50-809 Amended – Ch.203</td>
<td>.564</td>
</tr>
<tr>
<td>Ch. 11 Repealed – Ch.188</td>
<td>.516</td>
</tr>
<tr>
<td>Ch. 12 Repealed – Ch.188</td>
<td>.516</td>
</tr>
<tr>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>--------</td>
<td>------</td>
</tr>
<tr>
<td>Title 50 (Continued)</td>
<td></td>
</tr>
<tr>
<td>50-1714</td>
<td>Amended – Ch .168</td>
</tr>
<tr>
<td>50-1715</td>
<td>Amended – Ch .168</td>
</tr>
<tr>
<td>50-1716</td>
<td>Amended – Ch .168</td>
</tr>
<tr>
<td>50-1718</td>
<td>Amended – Ch .93</td>
</tr>
<tr>
<td>50-1720</td>
<td>Amended – Ch .93</td>
</tr>
<tr>
<td>Title 54</td>
<td></td>
</tr>
<tr>
<td>54-502</td>
<td>Amended – Ch .84</td>
</tr>
<tr>
<td>54-503</td>
<td>Amended – Ch .84</td>
</tr>
<tr>
<td>54-505</td>
<td>Amended – Ch .84</td>
</tr>
<tr>
<td>54-506</td>
<td>Amended – Ch .84</td>
</tr>
<tr>
<td>54-507</td>
<td>Amended – Ch .84</td>
</tr>
<tr>
<td>54-516</td>
<td>Amended – Ch .84</td>
</tr>
<tr>
<td>54-518</td>
<td>Amended – Ch .84</td>
</tr>
<tr>
<td>54-701</td>
<td>Amended – Ch .26</td>
</tr>
<tr>
<td>54-818</td>
<td>Amended – Ch 1</td>
</tr>
<tr>
<td>54-2029</td>
<td>Amended – Ch .234</td>
</tr>
<tr>
<td>54-2307</td>
<td>Amended – Ch .27</td>
</tr>
<tr>
<td>Title 56</td>
<td></td>
</tr>
<tr>
<td>56-203A</td>
<td>New Section Added – Ch .264</td>
</tr>
<tr>
<td>56-203A</td>
<td>Repealed – Ch .264</td>
</tr>
<tr>
<td>56-203B</td>
<td>New Section Added – Ch .264</td>
</tr>
<tr>
<td>56-203C</td>
<td>New Section Added – Ch .264</td>
</tr>
<tr>
<td>Title 57</td>
<td></td>
</tr>
<tr>
<td>57-601A</td>
<td>New Section Added – Ch .24</td>
</tr>
<tr>
<td>57-718</td>
<td>Amended – Ch 244</td>
</tr>
<tr>
<td>57-719</td>
<td>Amended – Ch .247</td>
</tr>
<tr>
<td>57-720</td>
<td>Amended – Ch .197</td>
</tr>
<tr>
<td>57-722</td>
<td>Amended – Ch .197</td>
</tr>
<tr>
<td>57-724</td>
<td>Amended – Ch .197</td>
</tr>
<tr>
<td>57-725</td>
<td>Amended – Ch .197</td>
</tr>
<tr>
<td>57-727</td>
<td>Amended – Ch .244</td>
</tr>
<tr>
<td>57-1701</td>
<td>Amended – Ch .56</td>
</tr>
<tr>
<td>Title 58</td>
<td></td>
</tr>
<tr>
<td>58-707</td>
<td>Amended – Ch .62</td>
</tr>
<tr>
<td>58-801</td>
<td>Amended – Ch .214</td>
</tr>
<tr>
<td>58-805</td>
<td>Amended – Ch .214</td>
</tr>
<tr>
<td>58-807</td>
<td>Amended – Ch .214</td>
</tr>
<tr>
<td>58-808</td>
<td>Amended – Ch .214</td>
</tr>
<tr>
<td>58-809</td>
<td>Amended – Ch .214</td>
</tr>
<tr>
<td>Title 58 (Continued)</td>
<td>Page</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>58-810 Amended - Ch.214</td>
<td>.596</td>
</tr>
<tr>
<td>58-815 Amended - Ch.214</td>
<td>.596</td>
</tr>
<tr>
<td>Title 59</td>
<td></td>
</tr>
<tr>
<td>59-115 Amended - Ch.150</td>
<td>.381</td>
</tr>
<tr>
<td>59-510 Amended - Ch.241</td>
<td>.650</td>
</tr>
<tr>
<td>59-902 Amended - Ch.21</td>
<td>.32</td>
</tr>
<tr>
<td>59-905 Amended - Ch.21</td>
<td>.33</td>
</tr>
<tr>
<td>59-906 Amended - Ch.21</td>
<td>.33</td>
</tr>
<tr>
<td>59-907 Repealed - Ch.21</td>
<td>.33</td>
</tr>
<tr>
<td>59-1210 Amended - Ch.55</td>
<td>.117</td>
</tr>
<tr>
<td>59-1213 New Section Added - Ch.55</td>
<td>.118</td>
</tr>
<tr>
<td>59-1214 New Section Added - Ch.55</td>
<td>.118</td>
</tr>
<tr>
<td>59-1302 Amended - Ch.217</td>
<td>.604</td>
</tr>
<tr>
<td>Ch. 15 New Chapter Added - Ch.193</td>
<td>.537</td>
</tr>
<tr>
<td>Title 61</td>
<td></td>
</tr>
<tr>
<td>61-622 Amended - Ch.81</td>
<td>.166</td>
</tr>
<tr>
<td>61-801 Amended - Ch.253</td>
<td>.684</td>
</tr>
<tr>
<td>61-812 Amended - Ch.262</td>
<td>.709</td>
</tr>
<tr>
<td>61-1001 Amended - Ch.135</td>
<td>.297</td>
</tr>
<tr>
<td>61-1002 Amended - Ch.135</td>
<td>.297</td>
</tr>
<tr>
<td>61-1004 Amended - Ch.135</td>
<td>.298</td>
</tr>
<tr>
<td>61-1009 Amended - Ch.135</td>
<td>.298</td>
</tr>
<tr>
<td>Title 63</td>
<td></td>
</tr>
<tr>
<td>63-105K Amended - Ch.53</td>
<td>.114</td>
</tr>
<tr>
<td>63-105P Amended - Ch.148</td>
<td>.373</td>
</tr>
<tr>
<td>63-107 Amended - Ch.36</td>
<td>.64</td>
</tr>
<tr>
<td>63-112 Repealed - Ch.157</td>
<td>.405</td>
</tr>
<tr>
<td>63-117 Amended - Ch.255</td>
<td>.697</td>
</tr>
<tr>
<td>63-120 Amended - Ch.255</td>
<td>.698</td>
</tr>
<tr>
<td>63-125 Amended - Ch.255</td>
<td>.699</td>
</tr>
<tr>
<td>63-203 New Section Added - Ch.216</td>
<td>.600</td>
</tr>
<tr>
<td>63-203 Repealed - Ch.216</td>
<td>.599</td>
</tr>
<tr>
<td>63-207 Amended - Ch.216</td>
<td>.600</td>
</tr>
<tr>
<td>63-208 New Section Added - Ch.216</td>
<td>.600</td>
</tr>
<tr>
<td>63-208 Repealed - Ch.216</td>
<td>.600</td>
</tr>
<tr>
<td>63-210 Amended - Ch.216</td>
<td>.601</td>
</tr>
<tr>
<td>63-211 Amended - Ch.216</td>
<td>.602</td>
</tr>
<tr>
<td>63-212 Amended - Ch.216</td>
<td>.602</td>
</tr>
<tr>
<td>63-213 Amended - Ch.216</td>
<td>.602</td>
</tr>
<tr>
<td>63-216 Amended - Ch.157</td>
<td>.405</td>
</tr>
<tr>
<td>TITLE 63</td>
<td>Page</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>63-405  Amended - Ch.216</td>
<td>602</td>
</tr>
<tr>
<td>63-1201 Amended - Ch.156</td>
<td>401</td>
</tr>
<tr>
<td>63-1202 Amended - Ch.216</td>
<td>603</td>
</tr>
<tr>
<td>63-1203 Amended - Ch.157</td>
<td>405</td>
</tr>
<tr>
<td>63-1204 Amended - Ch.148</td>
<td>373</td>
</tr>
<tr>
<td>63-1208 Repealed - Ch.157</td>
<td>643</td>
</tr>
<tr>
<td>63-1210 Amended - Ch.216</td>
<td>405</td>
</tr>
<tr>
<td>63-1302 Amended - Ch.156</td>
<td>402</td>
</tr>
<tr>
<td>63-1403 Amended - Ch.156</td>
<td>402</td>
</tr>
<tr>
<td>63-1404 Amended - Ch.156</td>
<td>402</td>
</tr>
<tr>
<td>63-1405 Amended - Ch.156</td>
<td>403</td>
</tr>
<tr>
<td>63-1406 Amended - Ch.156</td>
<td>404</td>
</tr>
<tr>
<td>63-2520 Amended - Ch.57</td>
<td>121</td>
</tr>
<tr>
<td>63-3004 Amended - Ch.12</td>
<td>17</td>
</tr>
<tr>
<td>63-3022 Amended - Ch.33</td>
<td>57</td>
</tr>
<tr>
<td>63-3022 Amended - Ch.90</td>
<td>184</td>
</tr>
<tr>
<td>63-3024 Amended - Ch.138</td>
<td>309</td>
</tr>
<tr>
<td>63-3024 Amended - Ch.170</td>
<td>460</td>
</tr>
<tr>
<td>63-3027 Amended - Ch.32</td>
<td>52</td>
</tr>
<tr>
<td>63-3027A New Section Added - Ch.32</td>
<td>56</td>
</tr>
<tr>
<td>63-3029 Amended - Ch.106</td>
<td>216</td>
</tr>
<tr>
<td>63-3057 Amended - Ch.86</td>
<td>178</td>
</tr>
<tr>
<td>63-3065 Amended - Ch.86</td>
<td>178</td>
</tr>
<tr>
<td>63-3088 New Section Added - Ch.132</td>
<td>291</td>
</tr>
<tr>
<td>63-3622 Amended - Ch.152</td>
<td>389</td>
</tr>
<tr>
<td>63-3622 Amended - Ch.96</td>
<td>193</td>
</tr>
<tr>
<td>63-3638 Amended - Ch.155</td>
<td>398</td>
</tr>
<tr>
<td>TITLE 67</td>
<td></td>
</tr>
<tr>
<td>67-404  Amended - Ch.194</td>
<td>539</td>
</tr>
<tr>
<td>67-412  Amended - Ch.183</td>
<td>500</td>
</tr>
<tr>
<td>67-431  Amended - Ch.245</td>
<td>657</td>
</tr>
<tr>
<td>67-514  New Section Added - Ch.9</td>
<td>14</td>
</tr>
<tr>
<td>67-1210 Amended - Ch.2</td>
<td>5</td>
</tr>
<tr>
<td>67-2008 Amended - Ch.44</td>
<td>83</td>
</tr>
<tr>
<td>67-2026 thru 67-2031</td>
<td></td>
</tr>
<tr>
<td>67-2026 Repealed - Ch.177</td>
<td>481</td>
</tr>
<tr>
<td>67-2302 Repealed - Ch.254</td>
<td>696</td>
</tr>
<tr>
<td>67-2303 Repealed - Ch.254</td>
<td>696</td>
</tr>
<tr>
<td>67-2402 Amended - Ch.164</td>
<td>446</td>
</tr>
<tr>
<td>67-4506 New Section Added - Ch.116</td>
<td>239</td>
</tr>
<tr>
<td>Ch. 46 New Chapter Added - Ch.142</td>
<td>324</td>
</tr>
<tr>
<td>Title 67 (Continued)</td>
<td>Page</td>
</tr>
<tr>
<td>----------------------</td>
<td>------</td>
</tr>
<tr>
<td>Ch. 46</td>
<td></td>
</tr>
<tr>
<td>67-4927</td>
<td>Repealed - Ch. 142</td>
</tr>
<tr>
<td>67-4929</td>
<td>Repealed - Ch. 160</td>
</tr>
<tr>
<td>67-4930</td>
<td>New Section Added - Ch. 154</td>
</tr>
<tr>
<td>67-5302</td>
<td>Amended - Ch. 164</td>
</tr>
<tr>
<td>67-5303</td>
<td>Amended - Ch. 164</td>
</tr>
<tr>
<td>67-5307</td>
<td>Amended - Ch. 164</td>
</tr>
<tr>
<td>67-5309</td>
<td>Amended - Ch. 164</td>
</tr>
<tr>
<td>67-5309A</td>
<td>Amended - Ch. 164</td>
</tr>
<tr>
<td>67-5317</td>
<td>New Section Added - Ch. 164</td>
</tr>
<tr>
<td>67-5327</td>
<td>Amended - Ch. 164</td>
</tr>
<tr>
<td>67-5329</td>
<td>Amended - Ch. 164</td>
</tr>
<tr>
<td>67-5330</td>
<td>Amended - Ch. 164</td>
</tr>
<tr>
<td>67-5332</td>
<td>Repealed - Ch. 164</td>
</tr>
<tr>
<td>67-5333</td>
<td>Repeal ed - Ch. 164</td>
</tr>
<tr>
<td>67-5336</td>
<td>Amended - Ch. 164</td>
</tr>
<tr>
<td>67-5315 thru 67-5737</td>
<td>New Sections Added - Ch. 254</td>
</tr>
<tr>
<td>67-5315 thru 67-5737</td>
<td></td>
</tr>
<tr>
<td>67-5737</td>
<td>Repealed - Ch. 254</td>
</tr>
<tr>
<td>67-5751A</td>
<td>New Section Added - Ch. 177</td>
</tr>
<tr>
<td>67-5753</td>
<td>Amended - Ch. 195</td>
</tr>
<tr>
<td>67-5754</td>
<td>Amended - Ch. 195</td>
</tr>
<tr>
<td>67-5755</td>
<td>Amended - Ch. 195</td>
</tr>
<tr>
<td>67-5756</td>
<td>Amended - Ch. 195</td>
</tr>
<tr>
<td>67-5757</td>
<td>Amended - Ch. 195</td>
</tr>
<tr>
<td>67-5759</td>
<td>New Section Added - Ch. 195</td>
</tr>
<tr>
<td>67-5904</td>
<td>Amended - Ch. 176</td>
</tr>
<tr>
<td>Ch. 65</td>
<td>New Chapter Added - Ch. 188</td>
</tr>
<tr>
<td>TITLE 71</td>
<td></td>
</tr>
<tr>
<td>71-238</td>
<td>Amended - Ch. 231</td>
</tr>
<tr>
<td>TITLE 72</td>
<td></td>
</tr>
<tr>
<td>72-404</td>
<td>Amended - Ch. 13</td>
</tr>
<tr>
<td>72-410</td>
<td>Amended - Ch. 13</td>
</tr>
<tr>
<td>72-1315A</td>
<td></td>
</tr>
<tr>
<td>72-1328</td>
<td>Amended - Ch. 126</td>
</tr>
<tr>
<td>72-1349</td>
<td>Amended - Ch. 126</td>
</tr>
<tr>
<td>72-1350</td>
<td>New Section Added - Ch. 126</td>
</tr>
<tr>
<td>72-1350</td>
<td>Repeal ed - Ch. 126</td>
</tr>
<tr>
<td>72-1351</td>
<td>Amended - Ch. 126</td>
</tr>
<tr>
<td>72-1366</td>
<td>Amended - Ch. 47</td>
</tr>
<tr>
<td>72-1367A</td>
<td>Amended - Ch. 127</td>
</tr>
<tr>
<td>IDAHO SESSION LAWS</td>
<td>847</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----</td>
</tr>
<tr>
<td>1963 SESSION LAWS</td>
<td>Page</td>
</tr>
<tr>
<td>Ch. 105</td>
<td>Amended – Ch.83</td>
</tr>
</tbody>
</table>

### 1974 SESSION LAWS

| Ch. 49 | Amended – Ch.4 | .8 |
| Ch. 49 | Repealed – Ch.6 | .10 |
| Ch. 216, Sec. 1 & 2 | Amended – Ch.166 | .451 |
| Ch. 217, Sec. 1 & 2 | Amended – Ch.39 | .68 |
| Ch. 255, Sec. 1 | Amended – Ch.221 | .613 |
| Ch. 258, Sec. 1 & 2 | Amended – Ch.226 | .625 |
| Ch. 259, Sec. 1 & 2 | Amended – Ch.165 | .448 & .449 |
| Ch. 262, Sec. 2 | Amended – Ch.30 | .49 |
| Ch. 275, Sec. 1 & 10 | Amended – Ch.29 | .47 & .48 |
| Ch. 276, Sec. 1 | Amended – Ch.18 | .25 |
| Ch. 280, Sec. 1 & 3 | Amended – Ch.19 | .26 & .27 |
| Ch. 281, Sec. 1 | Amended – Ch.78 | .159 |
| Ch. 281, Sec. 2 | Amended – Ch.78 | .159 |
| Ch. 281, Sec. 3 | Amended – Ch.78 | .160 |
| Ch. 281, Sec. 4 | Amended – Ch.78 | .160 |
| Ch. 313, Sec. 1 | Amended – Ch.41 | .71 |
| Ch. 313, Sec. 2 | Amended – Ch.41 | .71 |
| Ch. 314, Sec. 1 & 2 | Amended – Ch.43 | .80 & .81 |
| Ch. 316, Sec. 1, 3 & 4 | Amended – Ch.202 | .560 & .561 |
| Ch. 318, Sec. 1 & 4 | Amended – Ch.38 | .66 |
| Ch. 319, Sec. 1 | Amended – Ch.239 | .648 |

### MISCELLANEOUS

SB 1207, as passed in the First Regular Session, Forty-third Legislature.
Repealed – Ch.269 | .722 |

### 1974 EXECUTIVE ORDERS

Executive Order No. 74-1 | .793a |
Executive Order No. 74-2 | .793b |

### 1975 EXECUTIVE ORDERS

Executive Order No. 75-1 | .793c |
Executive Order No. 75-2 | .793d |
NUMERICAL LIST OF SENATE BILLS

That passed both the Senate and House, became law and the chapter number of such Bill appearing in the 1975 Session Laws.

<table>
<thead>
<tr>
<th>Senate Bill</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1005</td>
<td>Ch128 - 280</td>
</tr>
<tr>
<td>1012</td>
<td>Ch245 - 657</td>
</tr>
<tr>
<td>1013</td>
<td>Ch180 - 486</td>
</tr>
<tr>
<td>1014</td>
<td>Ch120 - 250</td>
</tr>
<tr>
<td>1015</td>
<td>Ch4 - 8</td>
</tr>
<tr>
<td>1016</td>
<td>Ch1 - 3</td>
</tr>
<tr>
<td>1018</td>
<td>Ch48 - 90</td>
</tr>
<tr>
<td>1019</td>
<td>Ch49 - 94</td>
</tr>
<tr>
<td>1020</td>
<td>Ch240 - 649</td>
</tr>
<tr>
<td>1025</td>
<td>Ch164 - 434</td>
</tr>
<tr>
<td>1032</td>
<td>Ch2 - 5</td>
</tr>
<tr>
<td>1036</td>
<td>Ch169 - 459</td>
</tr>
<tr>
<td>1038</td>
<td>Ch125 - 258</td>
</tr>
<tr>
<td>1042</td>
<td>Ch242 - 651</td>
</tr>
<tr>
<td>1043</td>
<td>Ch8 - 13</td>
</tr>
<tr>
<td>1050</td>
<td>Ch23 - 36</td>
</tr>
<tr>
<td>1051</td>
<td>Ch17 - 22</td>
</tr>
<tr>
<td>1054</td>
<td>Ch170 - 460</td>
</tr>
<tr>
<td>1058</td>
<td>Ch171 - 463</td>
</tr>
<tr>
<td>1059</td>
<td>Ch181 - 497</td>
</tr>
<tr>
<td>1065</td>
<td>Ch117 - 240</td>
</tr>
<tr>
<td>1066</td>
<td>Ch201 - 559</td>
</tr>
<tr>
<td>1070</td>
<td>Ch251 - 679</td>
</tr>
<tr>
<td>1071</td>
<td>Ch51 - 99</td>
</tr>
<tr>
<td>1072</td>
<td>Ch22 - 34</td>
</tr>
<tr>
<td>1073</td>
<td>Ch160 - 414</td>
</tr>
<tr>
<td>1074</td>
<td>Ch24 - 39</td>
</tr>
<tr>
<td>1077</td>
<td>Ch25 - 40</td>
</tr>
<tr>
<td>1078</td>
<td>Ch172 - 466</td>
</tr>
<tr>
<td>1079</td>
<td>Ch183 - 500</td>
</tr>
<tr>
<td>1081</td>
<td>Ch243 - 653</td>
</tr>
<tr>
<td>1083</td>
<td>Ch173 - 467</td>
</tr>
<tr>
<td>1086</td>
<td>Ch247 - 661</td>
</tr>
<tr>
<td>Senate Bill</td>
<td>Chapter - Page</td>
</tr>
<tr>
<td>-------------</td>
<td>----------------</td>
</tr>
<tr>
<td>1090</td>
<td>Ch85 - 176</td>
</tr>
<tr>
<td>1094</td>
<td>Ch88 - 515</td>
</tr>
<tr>
<td>1101</td>
<td>Ch26 - 41</td>
</tr>
<tr>
<td>1105</td>
<td>Ch174 - 469</td>
</tr>
<tr>
<td>1107</td>
<td>Ch27 - 42</td>
</tr>
<tr>
<td>1109</td>
<td>Ch197 - 549</td>
</tr>
<tr>
<td>1110</td>
<td>Ch124 - 257</td>
</tr>
<tr>
<td>1111</td>
<td>Ch81 - 166</td>
</tr>
<tr>
<td>1125</td>
<td>Ch84 - 170</td>
</tr>
<tr>
<td>1130</td>
<td>Ch52 - 105</td>
</tr>
<tr>
<td>1132</td>
<td>Ch179 - 485</td>
</tr>
<tr>
<td>1134</td>
<td>Ch119 - 249</td>
</tr>
<tr>
<td>1138</td>
<td>Ch238 - 646</td>
</tr>
<tr>
<td>1140</td>
<td>Ch168 - 456</td>
</tr>
<tr>
<td>1142</td>
<td>Ch28 - 43</td>
</tr>
<tr>
<td>1147</td>
<td>Ch50 - 97</td>
</tr>
<tr>
<td>1150</td>
<td>Ch126 - 259</td>
</tr>
<tr>
<td>1153</td>
<td>Ch127 - 275</td>
</tr>
<tr>
<td>1156</td>
<td>Ch182 - 499</td>
</tr>
<tr>
<td>1157</td>
<td>Ch246 - 658</td>
</tr>
<tr>
<td>1160</td>
<td>Ch159 - 410</td>
</tr>
<tr>
<td>1162</td>
<td>Ch196 - 545</td>
</tr>
<tr>
<td>1168</td>
<td>Ch11 - 16</td>
</tr>
<tr>
<td>1169</td>
<td>Ch29 - 47</td>
</tr>
<tr>
<td>1170</td>
<td>Ch18 - 25</td>
</tr>
<tr>
<td>1171</td>
<td>Ch195 - 540</td>
</tr>
<tr>
<td>1172</td>
<td>Ch177 - 482</td>
</tr>
<tr>
<td>1173</td>
<td>Ch176 - 481</td>
</tr>
<tr>
<td>1174</td>
<td>Ch6 - 10</td>
</tr>
<tr>
<td>1175</td>
<td>Ch19 - 26</td>
</tr>
<tr>
<td>1177</td>
<td>Ch30 - 49</td>
</tr>
<tr>
<td>1178</td>
<td>Ch83 - 168</td>
</tr>
<tr>
<td>1179</td>
<td>Ch118 - 246</td>
</tr>
<tr>
<td>1182</td>
<td>Ch31 - 51</td>
</tr>
<tr>
<td>1184</td>
<td>Ch82 - 167</td>
</tr>
<tr>
<td>1185</td>
<td>Ch121 - 252</td>
</tr>
<tr>
<td>1186</td>
<td>Ch162 - 422</td>
</tr>
<tr>
<td>1187</td>
<td>Ch194 - 539</td>
</tr>
<tr>
<td>1188</td>
<td>Ch244 - 655</td>
</tr>
<tr>
<td>1190</td>
<td>Ch15 - 20</td>
</tr>
<tr>
<td>1191</td>
<td>Ch16 - 21</td>
</tr>
<tr>
<td>1193</td>
<td>Ch70 - 139</td>
</tr>
<tr>
<td>1194</td>
<td>Ch80 - 163</td>
</tr>
<tr>
<td>Senate Bill</td>
<td>Chapter - Page</td>
</tr>
<tr>
<td>-------------</td>
<td>----------------</td>
</tr>
<tr>
<td>1195</td>
<td>Ch71 - 147</td>
</tr>
<tr>
<td>1196</td>
<td>Ch72 - 148</td>
</tr>
<tr>
<td>1197</td>
<td>Ch73 - 149</td>
</tr>
<tr>
<td>1199</td>
<td>Ch74 - 151</td>
</tr>
<tr>
<td>1200</td>
<td>Ch75 - 153</td>
</tr>
<tr>
<td>1202</td>
<td>Ch175 - 477</td>
</tr>
<tr>
<td>1203</td>
<td>Ch76 - 154</td>
</tr>
<tr>
<td>1204</td>
<td>Ch78 - 159</td>
</tr>
<tr>
<td>1206</td>
<td>Ch77 - 157</td>
</tr>
<tr>
<td>1207</td>
<td>Ch79 - 162</td>
</tr>
<tr>
<td>1208</td>
<td>Ch122 - 253</td>
</tr>
<tr>
<td>1210</td>
<td>Ch193 - 537</td>
</tr>
<tr>
<td>1213</td>
<td>Ch123 - 255</td>
</tr>
<tr>
<td>1214</td>
<td>Ch248 - 662</td>
</tr>
<tr>
<td>1215</td>
<td>Ch161 - 419</td>
</tr>
<tr>
<td>1216</td>
<td>Ch178 - 483</td>
</tr>
<tr>
<td>1217</td>
<td>Ch192 - 536</td>
</tr>
<tr>
<td>1218</td>
<td>Ch167 - 453</td>
</tr>
<tr>
<td>1219</td>
<td>Ch184 - 502</td>
</tr>
<tr>
<td>1222</td>
<td>Ch250 - 678</td>
</tr>
<tr>
<td>1223</td>
<td>Ch165 - 448</td>
</tr>
<tr>
<td>1224</td>
<td>Ch189 - 529</td>
</tr>
<tr>
<td>1225</td>
<td>Ch191 - 534</td>
</tr>
<tr>
<td>1226</td>
<td>Ch166 - 451</td>
</tr>
<tr>
<td>1228</td>
<td>Ch187 - 513</td>
</tr>
<tr>
<td>1229</td>
<td>Ch163 - 427</td>
</tr>
<tr>
<td>1230</td>
<td>Ch241 - 650</td>
</tr>
<tr>
<td>1232</td>
<td>Ch190 - 532</td>
</tr>
<tr>
<td>1233</td>
<td>Ch198 - 552</td>
</tr>
<tr>
<td>1234</td>
<td>Ch202 - 560</td>
</tr>
<tr>
<td>1236</td>
<td>Ch200 - 557</td>
</tr>
<tr>
<td>1237</td>
<td>Ch186 - 511</td>
</tr>
<tr>
<td>1238</td>
<td>Ch249 - 671</td>
</tr>
<tr>
<td>1239</td>
<td>Ch239 - 648</td>
</tr>
<tr>
<td>1240</td>
<td>Ch199 - 556</td>
</tr>
</tbody>
</table>
NUMERICAL LIST OF HOUSE BILLS

That passed the Senate and House, became law and the chapter number of such Bill appearing in the 1975 Session Laws.

<table>
<thead>
<tr>
<th>House Bill</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Ch235 - 643</td>
</tr>
<tr>
<td>9</td>
<td>Ch156 - 401</td>
</tr>
<tr>
<td>10</td>
<td>Ch157 - 405</td>
</tr>
<tr>
<td>13</td>
<td>Ch5 - 9</td>
</tr>
<tr>
<td>14</td>
<td>Ch86 - 178</td>
</tr>
<tr>
<td>15</td>
<td>Ch32 - 52</td>
</tr>
<tr>
<td>16</td>
<td>Ch33 - 57</td>
</tr>
<tr>
<td>17</td>
<td>Ch47 - 86</td>
</tr>
<tr>
<td>19</td>
<td>Ch87 - 180</td>
</tr>
<tr>
<td>22</td>
<td>Ch205 - 569</td>
</tr>
<tr>
<td>23</td>
<td>Ch204 - 565</td>
</tr>
<tr>
<td>25</td>
<td>Ch12 - 17</td>
</tr>
<tr>
<td>27</td>
<td>Ch13 - 18</td>
</tr>
<tr>
<td>28</td>
<td>Ch9 - 14</td>
</tr>
<tr>
<td>31</td>
<td>Ch34 - 60</td>
</tr>
<tr>
<td>32</td>
<td>Ch203 - 564</td>
</tr>
<tr>
<td>36</td>
<td>Ch7 - 11</td>
</tr>
<tr>
<td>37</td>
<td>Ch21 - 30</td>
</tr>
<tr>
<td>39</td>
<td>Ch207 - 575</td>
</tr>
<tr>
<td>40</td>
<td>Ch206 - 573</td>
</tr>
<tr>
<td>41</td>
<td>Ch270 - 723</td>
</tr>
<tr>
<td>42</td>
<td>Ch129 - 282</td>
</tr>
<tr>
<td>52</td>
<td>Ch254 - 686</td>
</tr>
<tr>
<td>53</td>
<td>Ch230 - 633</td>
</tr>
<tr>
<td>55</td>
<td>Ch106 - 216</td>
</tr>
<tr>
<td>57</td>
<td>Ch53 - 114</td>
</tr>
<tr>
<td>58</td>
<td>Ch56 - 120</td>
</tr>
<tr>
<td>60</td>
<td>Ch3 - 7</td>
</tr>
<tr>
<td>62</td>
<td>Ch141 - 321</td>
</tr>
<tr>
<td>63</td>
<td>Ch110 - 225</td>
</tr>
<tr>
<td>65</td>
<td>Ch111 - 229</td>
</tr>
<tr>
<td>66</td>
<td>Ch185 - 509</td>
</tr>
<tr>
<td>67</td>
<td>Ch220 - 612</td>
</tr>
<tr>
<td>House Bill</td>
<td>Chapter - Page</td>
</tr>
<tr>
<td>------------</td>
<td>----------------</td>
</tr>
<tr>
<td>69</td>
<td>Ch88 - 181</td>
</tr>
<tr>
<td>72</td>
<td>Ch20 - 29</td>
</tr>
<tr>
<td>75</td>
<td>Ch208 - 577</td>
</tr>
<tr>
<td>76</td>
<td>Ch55 - 117</td>
</tr>
<tr>
<td>77</td>
<td>Ch57 - 121</td>
</tr>
<tr>
<td>82</td>
<td>Ch14 - 19</td>
</tr>
<tr>
<td>84</td>
<td>Ch219 - 610</td>
</tr>
<tr>
<td>85</td>
<td>Ch62 - 128</td>
</tr>
<tr>
<td>92</td>
<td>Ch262 - 709</td>
</tr>
<tr>
<td>96</td>
<td>Ch142 - 324</td>
</tr>
<tr>
<td>97</td>
<td>Ch89 - 183</td>
</tr>
<tr>
<td>100</td>
<td>Ch257 - 702</td>
</tr>
<tr>
<td>103</td>
<td>Ch90 - 184</td>
</tr>
<tr>
<td>104</td>
<td>Ch10 - 15</td>
</tr>
<tr>
<td>105</td>
<td>Ch42 - 73</td>
</tr>
<tr>
<td>106</td>
<td>Ch46 - 85</td>
</tr>
<tr>
<td>119</td>
<td>Ch91 - 187</td>
</tr>
<tr>
<td>122</td>
<td>Ch45 - 84</td>
</tr>
<tr>
<td>123</td>
<td>Ch44 - 83</td>
</tr>
<tr>
<td>124</td>
<td>Ch58 - 122</td>
</tr>
<tr>
<td>125</td>
<td>Ch92 - 188</td>
</tr>
<tr>
<td>127</td>
<td>Ch213 - 593</td>
</tr>
<tr>
<td>129</td>
<td>Ch154 - 395</td>
</tr>
<tr>
<td>134</td>
<td>Ch232 - 635</td>
</tr>
<tr>
<td>135</td>
<td>Ch209 - 580</td>
</tr>
<tr>
<td>140</td>
<td>Ch35 - 63</td>
</tr>
<tr>
<td>141</td>
<td>Ch36 - 64</td>
</tr>
<tr>
<td>143</td>
<td>Ch93 - 189</td>
</tr>
<tr>
<td>148</td>
<td>Ch59 - 123</td>
</tr>
<tr>
<td>149</td>
<td>Ch94 - 191</td>
</tr>
<tr>
<td>151</td>
<td>Ch61 - 127</td>
</tr>
<tr>
<td>155</td>
<td>Ch105 - 215</td>
</tr>
<tr>
<td>156</td>
<td>Ch37 - 65</td>
</tr>
<tr>
<td>158</td>
<td>Ch218 - 609</td>
</tr>
<tr>
<td>159</td>
<td>Ch38 - 66</td>
</tr>
<tr>
<td>161</td>
<td>Ch95 - 192</td>
</tr>
<tr>
<td>162</td>
<td>Ch39 - 68</td>
</tr>
<tr>
<td>163</td>
<td>Ch60 - 124</td>
</tr>
<tr>
<td>164</td>
<td>Ch40 - 70</td>
</tr>
<tr>
<td>165</td>
<td>Ch212 - 584</td>
</tr>
<tr>
<td>168</td>
<td>Ch63 - 129</td>
</tr>
<tr>
<td>169</td>
<td>Ch64 - 130</td>
</tr>
<tr>
<td>173</td>
<td>Ch65 - 131</td>
</tr>
<tr>
<td>House Bill</td>
<td>Chapter - Page</td>
</tr>
<tr>
<td>------------</td>
<td>----------------</td>
</tr>
<tr>
<td>174</td>
<td>Ch152 - 389</td>
</tr>
<tr>
<td>175</td>
<td>Ch216 - 599</td>
</tr>
<tr>
<td>177</td>
<td>Ch41 - 71</td>
</tr>
<tr>
<td>178</td>
<td>Ch231 - 634</td>
</tr>
<tr>
<td>180</td>
<td>Ch214 - 594</td>
</tr>
<tr>
<td>182</td>
<td>Ch66 - 132</td>
</tr>
<tr>
<td>183</td>
<td>Ch153 - 393</td>
</tr>
<tr>
<td>195</td>
<td>Ch155 - 398</td>
</tr>
<tr>
<td>188</td>
<td>Ch43 - 80</td>
</tr>
<tr>
<td>190</td>
<td>Ch96 - 193</td>
</tr>
<tr>
<td>191</td>
<td>Ch255 - 697</td>
</tr>
<tr>
<td>192</td>
<td>Ch107 - 218</td>
</tr>
<tr>
<td>193</td>
<td>Ch158 - 407</td>
</tr>
<tr>
<td>194</td>
<td>Ch234 - 639</td>
</tr>
<tr>
<td>195</td>
<td>Ch261 - 708</td>
</tr>
<tr>
<td>198</td>
<td>Ch217 - 604</td>
</tr>
<tr>
<td>199</td>
<td>Ch116 - 239</td>
</tr>
<tr>
<td>201</td>
<td>Ch54 - 115</td>
</tr>
<tr>
<td>202</td>
<td>Ch112 - 231</td>
</tr>
<tr>
<td>204</td>
<td>Ch210 - 582</td>
</tr>
<tr>
<td>206</td>
<td>Ch211 - 583</td>
</tr>
<tr>
<td>208</td>
<td>Ch114 - 234</td>
</tr>
<tr>
<td>214</td>
<td>Ch253 - 684</td>
</tr>
<tr>
<td>216</td>
<td>Ch150 - 381</td>
</tr>
<tr>
<td>218</td>
<td>Ch108 - 220</td>
</tr>
<tr>
<td>220</td>
<td>Ch233 - 637</td>
</tr>
<tr>
<td>223</td>
<td>Ch151 - 383</td>
</tr>
<tr>
<td>224</td>
<td>Ch97 - 197</td>
</tr>
<tr>
<td>229</td>
<td>Ch113 - 232</td>
</tr>
<tr>
<td>230</td>
<td>Ch130 - 287</td>
</tr>
<tr>
<td>233</td>
<td>Ch147 - 339</td>
</tr>
<tr>
<td>237</td>
<td>Ch256 - 700</td>
</tr>
<tr>
<td>238</td>
<td>Ch109 - 222</td>
</tr>
<tr>
<td>239</td>
<td>Ch67 - 134</td>
</tr>
<tr>
<td>240</td>
<td>Ch68 - 135</td>
</tr>
<tr>
<td>241</td>
<td>Ch69 - 137</td>
</tr>
<tr>
<td>242</td>
<td>Ch98 - 201</td>
</tr>
<tr>
<td>243</td>
<td>Ch99 - 203</td>
</tr>
<tr>
<td>244</td>
<td>Ch100 - 205</td>
</tr>
<tr>
<td>245</td>
<td>Ch101 - 206</td>
</tr>
<tr>
<td>247</td>
<td>Ch148 - 372</td>
</tr>
<tr>
<td>248</td>
<td>Ch102 - 207</td>
</tr>
<tr>
<td>251</td>
<td>Ch149 - 376</td>
</tr>
<tr>
<td>House Bill</td>
<td>Chapter - Page</td>
</tr>
<tr>
<td>------------</td>
<td>---------------</td>
</tr>
<tr>
<td>253</td>
<td>Ch103 · 210</td>
</tr>
<tr>
<td>256</td>
<td>Ch145 · 334</td>
</tr>
<tr>
<td>260</td>
<td>Ch132 · 290</td>
</tr>
<tr>
<td>263</td>
<td>Ch131 · 288</td>
</tr>
<tr>
<td>264</td>
<td>Ch115 · 236</td>
</tr>
<tr>
<td>266</td>
<td>Ch134 · 295</td>
</tr>
<tr>
<td>267</td>
<td>Ch104 · 212</td>
</tr>
<tr>
<td>268</td>
<td>Ch135 · 297</td>
</tr>
<tr>
<td>269</td>
<td>Ch229 · 630</td>
</tr>
<tr>
<td>270</td>
<td>Ch136 · 300</td>
</tr>
<tr>
<td>271</td>
<td>Ch260 · 707</td>
</tr>
<tr>
<td>275</td>
<td>Ch137 · 302</td>
</tr>
<tr>
<td>280</td>
<td>Ch133 · 294</td>
</tr>
<tr>
<td>284</td>
<td>Ch225 · 621</td>
</tr>
<tr>
<td>285</td>
<td>Ch258 · 703</td>
</tr>
<tr>
<td>286</td>
<td>Ch138 · 309</td>
</tr>
<tr>
<td>288</td>
<td>Ch228 · 629</td>
</tr>
<tr>
<td>289</td>
<td>Ch227 · 627</td>
</tr>
<tr>
<td>290</td>
<td>Ch226 · 625</td>
</tr>
<tr>
<td>291</td>
<td>Ch224 · 618</td>
</tr>
<tr>
<td>292</td>
<td>Ch223 · 617</td>
</tr>
<tr>
<td>293</td>
<td>Ch222 · 615</td>
</tr>
<tr>
<td>295</td>
<td>Ch263 · 710</td>
</tr>
<tr>
<td>296</td>
<td>Ch139 · 312</td>
</tr>
<tr>
<td>297</td>
<td>Ch221 · 613</td>
</tr>
<tr>
<td>299</td>
<td>Ch144 · 333</td>
</tr>
<tr>
<td>300</td>
<td>Ch215 · 597</td>
</tr>
<tr>
<td>301</td>
<td>Ch264 · 712</td>
</tr>
<tr>
<td>305</td>
<td>Ch146 · 337</td>
</tr>
<tr>
<td>306</td>
<td>Ch265 · 715</td>
</tr>
<tr>
<td>308</td>
<td>Ch252 · 680</td>
</tr>
<tr>
<td>309</td>
<td>Ch236 · 644</td>
</tr>
<tr>
<td>310</td>
<td>Ch237 · 645</td>
</tr>
<tr>
<td>316</td>
<td>Ch259 · 706</td>
</tr>
<tr>
<td>317</td>
<td>Ch266 · 716</td>
</tr>
<tr>
<td>318</td>
<td>Ch269 · 722</td>
</tr>
<tr>
<td>320</td>
<td>Ch267 · 718</td>
</tr>
<tr>
<td>321</td>
<td>Ch140 · 319</td>
</tr>
<tr>
<td>322</td>
<td>Ch143 · 331</td>
</tr>
<tr>
<td>323</td>
<td>Ch268 · 720</td>
</tr>
</tbody>
</table>
SENATE CONCURRENT
RESOLUTIONS

That passed both the Senate and House and appear in the 1975 Session Laws.

<table>
<thead>
<tr>
<th>S.C.R.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>102</td>
<td>.724</td>
</tr>
<tr>
<td>106</td>
<td>.725</td>
</tr>
<tr>
<td>107</td>
<td>.726</td>
</tr>
<tr>
<td>111</td>
<td>.727</td>
</tr>
<tr>
<td>112</td>
<td>.731</td>
</tr>
<tr>
<td>116</td>
<td>.732</td>
</tr>
<tr>
<td>117</td>
<td>.733</td>
</tr>
<tr>
<td>118</td>
<td>.734</td>
</tr>
<tr>
<td>120</td>
<td>.735</td>
</tr>
<tr>
<td>122</td>
<td>.738</td>
</tr>
</tbody>
</table>
That passed both the Senate and House and appear in the 1975 Session Laws.

H.C.R. | Page
--- | ---
1 | .739
2 | .740
3 | .741
7 | .742
8 | .743
11 | .745
15 | .746
18 | .747
20 | .748
22 | .751
23 | .754
24 | .755
25 | .756
26 | .757
28 | .758
31 | .759
32 | .760
33 | .761
34 | .762
35 | .763
36 | .765
37 | .766
38 | .767
39 | .768
42 | .769
43 | .770
46 | .771
47 | .772
## SENATE JOINT MEMORIALS

That were adopted by both the Senate and House and appear in the 1975 Session Laws.

<table>
<thead>
<tr>
<th>S.J.M.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>103</td>
<td>.773</td>
</tr>
<tr>
<td>104</td>
<td>.775</td>
</tr>
<tr>
<td>108</td>
<td>.776</td>
</tr>
<tr>
<td>110</td>
<td>.777</td>
</tr>
<tr>
<td>111</td>
<td>.779</td>
</tr>
<tr>
<td>112</td>
<td>.781</td>
</tr>
</tbody>
</table>

## HOUSE JOINT MEMORIALS

That were adopted by both the Senate and House and appear in the 1975 Session Laws.

<table>
<thead>
<tr>
<th>H.J.M.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>.783</td>
</tr>
<tr>
<td>3</td>
<td>.785</td>
</tr>
<tr>
<td>4</td>
<td>.786</td>
</tr>
<tr>
<td>5</td>
<td>.788</td>
</tr>
<tr>
<td>6</td>
<td>.789</td>
</tr>
<tr>
<td>7</td>
<td>.791</td>
</tr>
<tr>
<td>9</td>
<td>.792</td>
</tr>
<tr>
<td>10</td>
<td>.793</td>
</tr>
</tbody>
</table>
APPENDIX
ELECTED STATE OFFICIALS

UNITED STATES SENATORS
Frank Church (D) ................................................................. 304 North 8th
Boise, Idaho 83702
James A. McClure (R) ........................................................... 304 North 8th
Boise, Idaho 83702

REPRESENTATIVE IN CONGRESS (FIRST DISTRICT)
Steven D. Symms (R) ............................................................ 304 North 8th
Boise, Idaho 83702

REPRESENTATIVE IN CONGRESS (SECOND DISTRICT)
George Hansen (R) ............................................................... 304 North 8th
Boise, Idaho 83702

GOVERNOR
Cecil D. Andrus (D) ............................................................. 1805 North 21st
Boise, Idaho 83702

LIEUTENANT GOVERNOR
John V. Evans (D) ............................................................... Route 1, Box 1
Malad, Idaho 83252

SECRETARY OF STATE
Pete T. Cenarrusa (R) ............................................................ 2400 Cherry Lane
Boise, Idaho 83705
<table>
<thead>
<tr>
<th>District – County</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 BOUNDARY AND BONNER</strong></td>
<td></td>
</tr>
<tr>
<td>Senate: Kermit V. Kiebert (D)</td>
<td>Box 187, Hope 83836</td>
</tr>
<tr>
<td>House: Marion Davidson (D)</td>
<td>Rt. 1, Bonners Ferry 83805</td>
</tr>
<tr>
<td>Don L. Maynard (D)</td>
<td>Box 117, Clark Fork 83811</td>
</tr>
<tr>
<td><strong>2 KOOTENAI</strong></td>
<td></td>
</tr>
<tr>
<td>Senate: Art Manley (D)</td>
<td>1109 11th, Coeur d’Alene 83814</td>
</tr>
<tr>
<td>House: Gary J. Ingram (R)</td>
<td>Box 813, Post Falls 83854</td>
</tr>
<tr>
<td>C. W. Neider (R)</td>
<td>W. 210 Neider Ave., Coeur d’Alene 83814</td>
</tr>
<tr>
<td><strong>3 KOOTENAI AND BENEWAH</strong></td>
<td></td>
</tr>
<tr>
<td>Senate: C. C. (Cy) Chase (D)</td>
<td>201 11th, St. Maries 83861</td>
</tr>
<tr>
<td>House: Emery E. Hedlund (D)</td>
<td>1746 Main Ave., St. Maries 83861</td>
</tr>
<tr>
<td>B. E. (Bud) Lewis (R)</td>
<td>Rt. 3, St. Maries 83861</td>
</tr>
<tr>
<td><strong>4 KOOTENAI AND SHOSHONE</strong></td>
<td></td>
</tr>
<tr>
<td>Senate: Arthur P. Murphy (D)</td>
<td>Box 554, Mullan 83846</td>
</tr>
<tr>
<td>House: Dorothy H. McCann (D)</td>
<td>Box 618, Wallace 83873</td>
</tr>
<tr>
<td>Thomas M. Snyder (D)</td>
<td>Rt. 1, Cataldo 83810</td>
</tr>
<tr>
<td><strong>5 LATAH</strong></td>
<td></td>
</tr>
<tr>
<td>Senate: Orval M. Snow (D)</td>
<td>Rt. 1, Moscow 83843</td>
</tr>
<tr>
<td>House: Norma Dobler (D)</td>
<td>1401 Alpowa, Moscow 83843</td>
</tr>
<tr>
<td>Robert E. Hosack (D)</td>
<td>820 West C, Moscow 83843</td>
</tr>
<tr>
<td><strong>6 NEZ PERCE</strong></td>
<td></td>
</tr>
<tr>
<td>Senate: Mike P. Mitchell (D)</td>
<td>316 Skyline Dr., Lewiston 83501</td>
</tr>
<tr>
<td>House: Ronald V. Harlow (D)</td>
<td>604 Burrell Dr., Lewiston 83501</td>
</tr>
<tr>
<td>Joe N. Wagner (D)</td>
<td>2828 Sunset Dr., Lewiston 83501</td>
</tr>
<tr>
<td><strong>7 CLEARWATER, LATAH AND NEZ PERCE</strong></td>
<td></td>
</tr>
<tr>
<td>Senate: Claud R. Judd (D)</td>
<td>Rt. 3, Orofino 83544</td>
</tr>
<tr>
<td>House: Carl P. Braun (D)</td>
<td>Rt. 1, Box 752, Orofino 83544</td>
</tr>
<tr>
<td>Lester V. Clemm (D)</td>
<td>Rt. 1, Box 103, Troy 83871</td>
</tr>
<tr>
<td><strong>8 LEWIS, NEZ PERCE AND IDAHO</strong></td>
<td></td>
</tr>
<tr>
<td>Senate: E. H. (Jack) Tacke (D)</td>
<td>Cottonwood 83522</td>
</tr>
<tr>
<td>House: Dale R. Branson (D)</td>
<td>RR, Box 22, Nezperce 83543</td>
</tr>
<tr>
<td>Harold W. Reid (D)</td>
<td>Rt. 2, Box 34, Craigmont 83523</td>
</tr>
<tr>
<td>District – County</td>
<td>Address</td>
</tr>
<tr>
<td>---------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>ADAMS, BOISE, GEM, VALLEY, IDAHO, ADA AND CANYON</td>
<td>9 ADAMS, BOISE, GEM, VALLEY, IDAHO, ADA AND CANYON</td>
</tr>
<tr>
<td>Senate:</td>
<td>David Little (R)</td>
</tr>
<tr>
<td>House:</td>
<td>Herbert G. Fitz (R)</td>
</tr>
<tr>
<td></td>
<td>Morgan Munger (R)</td>
</tr>
<tr>
<td></td>
<td>Box 68, Emmett 83617</td>
</tr>
<tr>
<td>PAYETTE AND WASHINGTON</td>
<td>10 PAYETTE AND WASHINGTON</td>
</tr>
<tr>
<td>Senate:</td>
<td>Larry E. Craig (R)</td>
</tr>
<tr>
<td>House:</td>
<td>George G. Danielson (R)</td>
</tr>
<tr>
<td></td>
<td>Walter E. Little (R)</td>
</tr>
<tr>
<td></td>
<td>Box 317, New Meadows 83654</td>
</tr>
<tr>
<td></td>
<td>Ola 83657</td>
</tr>
<tr>
<td>CANYON</td>
<td>11 CANYON</td>
</tr>
<tr>
<td>Senate:</td>
<td>W. Dean Abrahams (R)</td>
</tr>
<tr>
<td>House:</td>
<td>Carroll W. Dean (R)</td>
</tr>
<tr>
<td></td>
<td>Dorothy L. Reynolds (D)</td>
</tr>
<tr>
<td></td>
<td>116 S. 7th Ave., Caldwell 83605</td>
</tr>
<tr>
<td></td>
<td>83605</td>
</tr>
<tr>
<td>CANYON</td>
<td>12 CANYON</td>
</tr>
<tr>
<td>Senate:</td>
<td>Leon H. Swenson (R)</td>
</tr>
<tr>
<td>House:</td>
<td>Ralph J. Gines (R)</td>
</tr>
<tr>
<td></td>
<td>C. L. (Butch) Otter (R)</td>
</tr>
<tr>
<td></td>
<td>Rt. 2, Box 2121, Nampa 83651</td>
</tr>
<tr>
<td></td>
<td>83651</td>
</tr>
<tr>
<td>CANYON</td>
<td>13 CANYON</td>
</tr>
<tr>
<td>Senate:</td>
<td>Philip E. Batt (R)</td>
</tr>
<tr>
<td>House:</td>
<td>Maurice L. Clements (R)</td>
</tr>
<tr>
<td></td>
<td>Percival A. Wesche (R)</td>
</tr>
<tr>
<td></td>
<td>Box 428, Wilder 83676</td>
</tr>
<tr>
<td></td>
<td>83676</td>
</tr>
<tr>
<td>ADA</td>
<td>14 ADA</td>
</tr>
<tr>
<td>Senate:</td>
<td>Vernon K. Brassey (R)</td>
</tr>
<tr>
<td>House:</td>
<td>Dan D. Emery (D)</td>
</tr>
<tr>
<td></td>
<td>Larry Jackson (R)</td>
</tr>
<tr>
<td></td>
<td>3200 Treasure Dr., Boise 83703</td>
</tr>
<tr>
<td></td>
<td>83703</td>
</tr>
<tr>
<td>ADA</td>
<td>15 ADA</td>
</tr>
<tr>
<td>Senate:</td>
<td>Edith Miller Klein (R)</td>
</tr>
<tr>
<td>House:</td>
<td>Peggy Bunting (R)</td>
</tr>
<tr>
<td></td>
<td>Edward W. (Ed) Rice (R)</td>
</tr>
<tr>
<td></td>
<td>P.O. Box 475, Boise 83701</td>
</tr>
<tr>
<td></td>
<td>944 Lewis, Boise 83702</td>
</tr>
<tr>
<td></td>
<td>300 N. 6th, Boise 83702</td>
</tr>
<tr>
<td>ADA</td>
<td>16 ADA</td>
</tr>
<tr>
<td>Senate:</td>
<td>Lyle R. Cobbs (R)</td>
</tr>
<tr>
<td>House:</td>
<td>Beth Fitzwater (R)</td>
</tr>
<tr>
<td></td>
<td>Bill Onweiler (R)</td>
</tr>
<tr>
<td></td>
<td>7211 Court Ave., Boise 83704</td>
</tr>
<tr>
<td></td>
<td>6407 Robertson Dr., Boise 83705</td>
</tr>
<tr>
<td></td>
<td>3710 Cabarton Ln., Boise 83704</td>
</tr>
<tr>
<td>ADA</td>
<td>17 ADA</td>
</tr>
<tr>
<td>Senate:</td>
<td>H. Dean Summers (R)</td>
</tr>
<tr>
<td>House:</td>
<td>Kathleen W. Gurnsey (R)</td>
</tr>
<tr>
<td></td>
<td>Ron J. Twilegar (D)</td>
</tr>
<tr>
<td></td>
<td>P.O. Box 579, Boise 83701</td>
</tr>
<tr>
<td></td>
<td>1111 W. Highland View Dr., Boise 83702</td>
</tr>
<tr>
<td></td>
<td>210 N. Capitol Blvd., Boise 83702</td>
</tr>
</tbody>
</table>